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## Divinity, Ethnicity, Identity: “Religion” as a Political Category in Christian Antiquity

In the mid-fifth century, ruling a rump Roman Empire from Constantinople, the emperor Theodosius II decided to collect and to catalogue into one body the earlier and very varied records of Roman legal rulings. The fruits of his initiative, the Codex Theodosianus, embodies Late Roman culture’s concerns with ordering specialist knowledge, politics, and power.<sup>1</sup> This is especially true for Book 16 of the Codex, “On Religion.” Like many of the legal archives upon which it draws, Book 16 is concerned with regulating relations between heaven and earth in order to ensure the wellbeing of the empire. Heaven’s denomination might have changed after 312 C.E., but the goal of religion remained the same: to secure divine patronage for the common weal. Thus, when Theodosius II, convening the Third Ecumenical Council in 429, expressed the hope that “the condition of the church might honor God *and contribute to the safety of the Empire*,”<sup>2</sup> he echoed the kind of practical piety expressed almost half a millennium earlier by Cicero, who likewise opined that proper cult “is not only of concern to religion, but also to the well-being of the state.”<sup>3</sup> In other words,

the basic conception [of this late imperial religious legislation] was Roman rather than Christian. Constantine wished to maintain the *pax deorum* as his predecessors had done; but he looked to a new divinity and for new procedures to maintain it.<sup>4</sup>

The conceptualization of and the motivation for Book 16 of the Codex, as for its preceding fifteen books, may indeed be “Roman.” But the precisions of its new legal taxonomies are exactly and characteristically “Christian.”<sup>5</sup> Book 16 does

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1 Cf. C. Pharr, *The Theodosian Code and Novels, and the Sirmondian Constitutions* (Princeton: Princeton University Press, 1952).

2 *Acta consiliorum oecumenicorum*, ed. E. Schwartz and J. Straub (Berlin: De Gruyter, 1914), I:1,1,114

3 Cicero, *De legibus*, ed. N. Rudd (Bristol: Bristol Classical Press, 1987), I:1.12.30.

4 J. H. W. G. Liebeschuetz, *Continuity and Change in Roman Religion* (New York: Oxford University Press, 1979), 292.

5 On the “Christianization” of epistemology in the Theodosian period (c. 380–450 C.E.), see now M. Letteney, “Christianizing Knowledge: A New Order of Books in the Theodosian Age” (PhD diss., Princeton University, 2020). On the way that Book 16’s repurposing earlier rulings against divination and magical practices takes aim at current pagan liturgical traditions, see I. Sandwell, “Outlawing ‘Magic’ or Outlawing ‘Religion’? Libanius and the Theodosian Code

more than establish correct protocols for the imperial (thus, “orthodox” and *katholika*) church—regulating priestly personnel, liturgical practices, financial arrangements, and so on. It also defines “deviance.”<sup>6</sup> Who are these deviants? In what ways are they deviant?

According to the Codex, such persons are:

1. Those who contend about religion
2. Heretics
3. Apostates
4. Jews, Caelicolists, and Samaritans
5. Pagans

Religious deviance is dangerous. It undermines the safety and prosperity of the Empire. And, in accordance with the categories of the Codex Theodosianus, “religious deviance” flirts with being “illegal.” We must emend, then, our sense of similarity between our two Roman authorities. The pagan Cicero and the Christian Theodosius II might seem to express a similar *pietas* or *eusebeia*; but the new, later legal taxonomies of deviance both create and witness to the Late Empire’s redefining of diplomatic relations between heaven and earth: it invents the idea of “illegal” religion. To see how this is so, we should glance backwards toward the Greco-Roman world in those centuries between Alexander the Great (d. 323 B.C.E.) and Constantine (d. 337 C.E.).

An embarrassing fact of my discipline—the study of ancient “religion”—is that “religion” as we in the twenty-first century envisage it did not actually exist in antiquity. What modern people think of as “religion,” ancient people articulated and experienced as family inheritance, “ancestral custom”: *paradoseis tōn paterōn, ta patria, mos maiorum, hoi patrioi nomoi*.<sup>7</sup> “In the Roman world, religion and ethnic loyalties were inseparable.”<sup>8</sup> To state this idea otherwise: One’s *ethnos* defined one’s *ethē* and, thus, one’s gods and one’s inherited practices to please those gods. To put it a third way: cult was an ethnic designation, and ethnicity was a cult designation. To put it a fourth way: in pre-Christian an-

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as Evidence for Legislation against ‘Pagan’ Practices,” in *The Spread of Christianity in the First Four Centuries: Essays in Explanation*, ed. W. V. Harris (Leiden: Brill, 2005), 87–123.

<sup>6</sup> I draw here in part on J. Rüpke, *Religious Deviance in the Roman World: Superstition or Individuality?*, trans. D. M. B. Richardson (Cambridge: Cambridge University Press, 2016).

<sup>7</sup> On these distinctions and their importance for the study of gods and humans in antiquity, see esp. B. Nongbri, *Before Religion: A History of a Modern Concept* (New Haven: Yale University Press, 2013).

<sup>8</sup> B. Isaac, *The Invention of Racism in Classical Antiquity* (Princeton: Princeton University Press, 2004), 500.

tiquity, gods ran in the blood. Peoples and their pantheons shared a family connection.<sup>9</sup>

“Ethnicity”—“people-ness”—organized relations between heaven and earth. We see this identification of peoples, places, language, rites and gods in ancient definitions that cluster land, language, family relations, and ancestral custom. A prime biblical example of this “ethnic reasoning” occurs at Genesis 10, supplemented by Deut 32:8–9. Right after the flood and the survival of Noah and his family, Genesis 10 speaks of the renewal of humanity through Noah’s three sons. The “Table of Nations” in this chapter traces out the descent of seventy “people groups” (גוים, *goyim*, / ἔθνη, *ethnē*) “according to their lands, their languages, their families, and in their nations.” Please note: “gods” (אלהים, *elohim*) are conspicuously missing from this bundle of ethnic identifiers. At this point in the biblical narrative, other gods have yet to assume a major role (though cf. Gen 6:2–4). At Deut 32:8–9, however, when Moses reprises this episode, he speaks of God’s dividing humanity “according to the number of the gods” (NRSV; *benei elohim*).<sup>10</sup>

Herodotus (fifth c. B.C.E.) offers a similar concept-cluster when defining τὸ Ἑλληνικὸν (*to hellēnikon*), “Greekness.” He lists shared blood (ᾠμαίμῶν, *omaimon*), a “family” and descent connection. Like the writer of Genesis, he signals

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9 I speak here of “normal” ancient gods, the gods of people-groups. Philosophy as a cultural meta-discourse, by contrast, reformatted the idea of *theos*. “God” or “Divinity” served as one of the categories shaping a discourse aimed at rationally organizing the elements of the “real”: *theos*, *cosmos*, *anthrōpos*, *psychē*, *noûs* (“rational mind”), and so on. Philosophy as meta-discourse stood to the side of traditional piety. It was not inherited and communally enacted so much as voluntarily chosen, taught, and learned among elites. Some philosophies were non-theistic; others (like that of the much-maligned Epicurus) featured divine powers that were less emotionally invested in human behaviors than were those ethnic gods who filled traditional narratives, who lived in local social space, and who engaged, along with their humans, in inter-city politics, diplomacy, and war. For theistic philosophies, especially the Platonic genre, the single, highest god was literally in a class by itself: radically transcendent, non-gendered, non-city-specific—indeed, beyond *cosmos* itself—and, thus, non-ethnic as well. Eventually, in the second century C.E., the god of the Bible/LXX will lose his Jewish identity, as some gentile Christian theologies identify him with the high god of philosophical *paideia*.

10 The LXX gives “angels” as the divine appointees, ἀγγέλων θεοῦ (*angelōn theou*) interpreting the בני אלהים (*benei elohim*, “sons of God”) of 4QDeut<sup>f</sup>, whereas the MT has בני ישראל (*benei Israel*, “sons of Israel”). In Jub 15:31, these “ruling spirits” deceive the nations: they are descended from the watchers; cf. Jub 10:2–9. See P. Sanders, *The Provenance of Deuteronomy 32* (Leiden: Brill, 1996), 154–60; on the plurality of divinities in Jewish scriptural traditions, see further W. Horbury, “Jewish and Christian Monotheism in the Herodian Age,” in *Early Jewish and Christian Monotheism*, ed. L. T. Stuckenbruck and W. E. S. North (London: T&T Clark, 2004), 16–44 (esp. 20–21 for many primary references in Jewish sources to other gods).

shared language as an ethnic identifier (ὁμόγλωσσα, *homoglōssa*). The vertical silo of heaven/earth lines up around shared divinities, sanctuaries and sacrifices (θεῶν ἰδρύματα κοινά καὶ θυσία, *theōn idrymata koina kai thysia*); and, governing these, the heritage of shared customs (ἔθεα ὁμότροπα, *ethea homotropā*).<sup>11</sup> Family, language, locality and divinity (the shared sanctuaries), and inherited custom: these make a Greek “Greek.”<sup>12</sup>

My third example of ancient constructs of ethnicity comes from the apostle Paul in Rom 9:3–5. Paul in this passage lists the identifiers of *his* kinship group, Israel, his *syngeneis*. To members of this descent group belong divine “son-adoption,” υἰοθεσία (*hiothesia*).<sup>13</sup> This sonship expresses the family connection between heaven and earth: the god of Israel is also Israel’s “father.” To them is the δόξα (*doxa*) translated “glory” in the RSV and in the NRSV. This vague-sounding attribute refers both to heaven and to earth, that is, both to the glorious presence of Israel’s god and to the place of that presence, Jerusalem or, more specifically, the temple, his earthly dwelling (cf. Matt 23:21). To Israel belong the covenants (διαθήκαι, *diathēkai*), the giving of the Law (νομοθεσία, *nomothesia*), and the “worship.” This last item, λατρεία (*latreia*) “cult,” again indicates place—the altar of Jerusalem’s temple—as well as the inherited or ancestral practices and traditions for enacting that cult (what Paul elsewhere calls αἱ πατρικαὶ μου παραδόσεις, *hai patrikai mou paradoseis*, Gal 1:14).<sup>14</sup>

11 Cf. Herodotus, *Hist.* 8.144.2–3.

12 See esp. I. Malkin, ed., *Ancient Perceptions of Greek Ethnicity* (Washington, D.C.: Center for Hellenic Studies, Harvard University, 2001).

13 Paul’s word choice is very deliberate here—as we should expect of a Pharisee. Divine/human *syngeneia* for pagans assumed biological lineage: Mediterranean gods took human sexual partners, from which unions civic populations might spring. People-groups, especially their leaders, sprang from these unions. These peoples shared with their gods specific languages and locations, and received from them preferred protocols for showing respect (which moderns would designate “religion”). So realistically was this divine-human relationship imagined that it supported networks of inter-city diplomacy, on which see esp. C. P. Jones, *Kinship Diplomacy in the Ancient World* (Cambridge: Harvard University Press, 1999). Israel’s god took no human sexual partner. Israel’s “sonship” thus was affective and covenantal, not biological, hence Paul’s deployment of the Roman legal term for “son-making” or “son-adoption” here, to express this biblical commonplace of Israel as God’s “son.” Note, too, that, unlike the gentiles, Paul maintains that Israel’s sonship is *not* mediated through Christ, or Christ’s *pneuma* (cf., e.g., Gal 3:26, 4:5–7; Rom 8:14–17).

14 On the ethnicity of Israel’s god, see P. Fredriksen, “How Jewish is God? Divine ethnicity in Paul’s Theology,” *Journal of Biblical Literature* 137, no. 1 (2018): 193–212. Unlike most of his Greco-Roman colleagues, however, Israel’s god was both local (present especially in Jerusalem’s temple, Matt 23:21) and radically trans-local.

These distinctive privileges echo the shared blood, sanctuaries, sacrifices, and customs listed by Herodotus. Both sets of protocols, pagan and Jewish, bind the human ethnic groups to each other trans-temporally (across generations) and contemporarily (within current group), as well as to their god(s). Note too that, unlike Genesis 10 and Herodotus, Paul cannot use ὁμόγλωσσα (*homoglōssa*, “shared language”) as a linguistic marker for his people who, in his lifetime, were broadly divided between Semitic languages (Hebrew and/or Aramaic) and Greek. But Paul does lift up ethnic language—God’s no less than Israel’s—as a family/ethnicity identifier in a very important connection. Within Paul’s branch of this mid-century messianic movement, pagans can be “adopted” into the family of Israel’s god through infusion with divine *pneuma*, having Christ “in” them while being themselves “in” Christ.<sup>15</sup> God’s newly adopted expagan sons are thereby enabled to address him with his Jewish family name in the Jewish family tongue: baptized gentiles, teaches Paul, can now call God “Abba” (Gal 4:6; Rom 8:15).

These correspondences between heaven and earth, imagined as *syngeneia* (“kinship”), held true at the micro-level (the *oikos* or *domus*) of family gods and ancestors, and true at the macro-level of city gods. For this reason, Jews who lived abroad in Greco-Roman cities were sometimes put in an awkward situation. Citizenship could be configured as membership in an urban *genos*—this, recall, was a prime mechanism for effecting inter-city kinship diplomacy. Being a citizen required the public display of respect to the gods who presided over the city’s welfare. Ancient cities, in other words, were “family”-based religious institutions. The Jewish god, however, was famously particular about his people’s *not* giving cult to other deities.<sup>16</sup> Jewish town councilors, ephebes, and athletes all managed, somehow, to honor their city’s god(s) while avoiding (or being thought to avoid) sacrifice; but our inscriptions and papyri reveal none of the details.

Jews and, later, Christians knew that these other gods truly existed. Idols might be “nothing,” but the power represented by the idol was definitely “something” (often a *daimonion*: not “demon” but, rather, a “godling,” cf. Ps 95:5 LXX). One’s obligations to heaven were configured according to what was due, first, to one’s *own* god(s). *Eusebeia* or *pietas* (“piety”) did not measure what moderns think of as sincerity or strength or authenticity of “belief” (and interior, mental act). Rather, “piety” indexed attentiveness in the execution of inherited protocols of worship: So also *pistis* and *fides*. Often translated as “belief,” *pistis* indicated

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15 The theological meditations on Paul’s meanings here are endless. For an anthropology-inflected understanding as spirit-possession, see G. B. Bazzana, *Having the Spirit of Christ: Spirit Possession and Exorcism in the Early Christ Groups* (New Haven: Yale University Press, 2020).

16 Cf. Josephus, *C. Ap.* 2.65; Josephus, *A.J.* 12.125–26.

conviction, that is, confidence that the ancestral protocols in fact pleased the god; *fides* (often translated “faith”) attested to loyalty to ancestral traditions and scrupulousness in performing them. “Allegiance” might better translate the terms.<sup>17</sup>

In the crowded ancient geo-centric Mediterranean cosmos, all gods existed, their existence witnessed in part by the existence of their humans. Diaspora Jews managed somehow to show respect to their divine neighbors—and thus, to their human ones—while drawing the line, most of the time, at full participation in public cult. Their scruples occasionally irritated pagan ethnographers, who complained of Jewish *atheôtēs* (“atheism”) or *asebeia* (“impiety”) or *amixia* (avoidance of others). But classical ethnographers made such complaints about all “other” ethnic groups, generalizing egregiously while lumping together in a swamp of common insult Egyptians and Celts, Germans and Phoenicians, Persians and Jews.<sup>18</sup> In Mediterranean cities of the early Empire, however, people generally seemed to have known that the Jew’s god was cultically particular, and that this was one of the ancestral oddities of this particular group.<sup>19</sup> Eventually, the cultural importance of these other groups will fade: the anti-Jewish insults lived on and on, repurposed, for their own reasons, by later gentile churches.

That different peoples had their own gods and, thus, customs was a commonplace of ancient ethnography and a fact of ancient culture. “In [the Roman] empire,” notes the second-century Christian apologist Athenagoras, “different nations have different customs, and no one is hindered by law or by fear of punishment from following his ancestral customs, no matter how ridiculous these may be.”<sup>20</sup> Similarly, the pagan Celsus comments that Jews “observe a

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17 On these issues of interpretation and inference, see esp. T. Morgan, *Roman Faith and Christian Faith: Pistis and Fides in the Early Roman Empire and Early Churches* (Oxford: Oxford University Press, 2015).

18 For analysis of these various insults and complaints see Isaac, *Invention of Racism*, 440–91. Primary texts plus excellent commentary in M. Stern, *Greek and Latin Authors on Jews and Judaism*, 3 vols. (Jerusalem: Dorot Press, 1974–1994).

19 Apion complained that Jews wanted Alexandrian citizenship without honoring Alexandrian gods, Josephus, *C. Ap.* 2.65; *A.J.* 12.125–26, where the pagan Ionians speak of citizens as *syngeneis*, “kinsmen” who worship the same gods. For an overview of the legal history that Josephus preserves, see M. Pucci Ben Zeev, *Jewish Rights in the Roman World: The Greek and Roman Documents Quoted by Josephus Flavius* (Tübingen: Mohr Siebeck, 1998). Further on inscriptions about Jewish town councilors, P. Trebilco, “The Christian and Jewish Eumeneian Formula,” in *Negotiating Diaspora: Jewish Strategies in the Roman Empire*, ed. J. M. G. Barclay (London: T&T Clark, 2004), 66–88, at 79–80. See also *The Jews in Roman Imperial Legislation*, ed. and trans. A. Linder (Detroit: Wayne State University Press, 1987), where, pre-312, *superstitio* with respect to Judaism should be understood as “foreign cult.”

20 Athenagoras, *Legatio pro Christianis*, ed. M. Marcovich (Berlin: De Gruyter, 1990), leg. 1.

worship which may be very peculiar, but at least it is traditional. In this respect they behave like the rest of mankind, because each nation (*ethnos*) follows its particular customs.”<sup>21</sup>

If we accept these two descriptions of ancient divine/human relations—shared *syngeneia* (kinship) and *ethē* (ancestral custom)—then we can venture a third, extending to power politics. An anthropological definition of empire, “the greatest number of peoples under a single government,” can be restated theologically: “the greatest number of gods under a single government.” What we think of as “religion”—relations between heaven and earth—was inflected along ethnic lines (with individual cities construing their citizens as composing their own *genos* or *ethnos*, “people-group”).

Mediterranean empires, whether Hellenistic or Roman, were in consequence extremely commodious in terms of what we think of as “religion.” To label all of this breathing space as “religious tolerance” is to misdescribe it with a word drawn from our own, later, civil societies. *Ancient empire embodied pragmatic pluralism*. If every people had its own god(s), if all gods exist,<sup>22</sup> if cult makes gods happy, and—perhaps the most important point of all—if *any* god is more powerful than *any* human, then such a posture simply made good sense. Warfare, of course, always tested the military mettle of gods no less than of men: gods were defeated when their peoples were defeated by the gods of the other side. This commonsense construal of contesting divine powers caused some embarrassment for those second-century gentile Christians who claimed the Jewish scriptures in Greek as their own sacred texts: after 70 C.E., with Titus’s destruction of Jerusalem, outsiders inferred that the god of the Jews had been defeated by the gods of Rome.<sup>23</sup>

With the eventual formation of gentile Christianities in the second and third centuries, however, this practical pluralism failed. In various circumstances and in different places, some gentile Christians resisted a public display of honor to their native gentile deities. How such people came to the attention of govern-

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21 Origen, *Contra Celsum*, ed. H. Chadwick (Cambridge: Cambridge University Press, 1980), 5.25.

22 Unlike its modern usage, “monotheism” in antiquity presupposed the existence of many gods: those other divinities were simply lower than the single “highest” god. On the congested world of ancient divinity, even in its monotheist iterations, see P. Fredriksen, *Paul. The Pagans’ Apostle* (New Haven: Yale University Press, 2017), 12, 68–69, 187 nn. 9 and 12, 237 n. 14, 241 n. 29.

23 Minucius Felix repeats this jibe, *Octavius*, ed. B. Kytzler (Leipzig: Teubner, 2012), 10.4; cf. Tertullian, *Apologeticum*, ed. C. Becker (Munich: Kösel, 1952), 26, and 25.14–16 on other defeated, ethnic gods; Origen, *Cels.* 4.32; Augustine, *Answer to Faustus, a Manichaean (Contra Faustum Manichaeum)*, introduction, translation and notes by R. Teske (New York: New City Press, 2007), 15.1.

ment authorities is a confounding question.<sup>24</sup> Local catastrophes—fire, flood, famine, earthquake, or plague—were never theologically neutral events but registers of divine displeasure. Sacrifice to appease the gods and to restore and maintain good relations between heaven and earth was the remedy of choice. Perhaps some gentile Christians refused to join in these pious apotropaic activities. Ancient culture had no mechanisms in place to monitor participation; but those (ex-pagan) pagans, now Christians, could easily become the targets of local resentments and anxieties. Who were they to put the whole community at risk? Who dare insult the gods?<sup>25</sup>

The mid-third century represents a very specific inflection point in the interaction of “government,” “ethnicity,” and “religion.” Worn down through pandemic, dire environmental shifts and harrowing military defeats, the imperial government became proactively involved in attempting to reestablish good relations with the divine.<sup>26</sup> As noted by Caroline Humfress:

According to the emperor Decius (249 C.E.), maintaining correct relations between the human and the divine necessitated an empire-wide *supplicatio* of the gods, a legal requirement that effectively marked out Christians and Jews in different ways, and formed a further precedent for subsequent prosecutions concerning religious beliefs and practices.<sup>27</sup>

On account of their well-known ancient and ancestral *ethē*, Jews were excused from such initiatives. Gentile Christians, however, had no such legitimating ethnic, thus ancestral, allegiances: to the Roman eye, in the crisis of the mid-third century, gentile Christians were simply and obviously just deviant pagans and might be coerced accordingly. This effort at superintending respect for the gods resulted in an administrative nightmare: tax forms had to be adapted to reg-

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**24** The correspondence between Pliny (*ep.* 10.96) and Trajan on this issue is illuminating but not generalizable. On this vexed question, see esp. the essays assembled in G. E. M. de Ste. Croix, *Christian Persecution, Martyrdom, and Orthodoxy*, ed. M. Whitby and J. Streeter (Oxford: Oxford University Press, 2006).

**25** Especially C. Moss has revolutionized the historiography of martyrdom since W. H. C. Frend’s (unfortunately still classic) *Martyrdom and Persecution in the Early Church* (Oxford: Blackwell, 1965). Cf. C. R. Moss, *Ancient Christian Martyrdom: Diverse Practices, Theologies, and Traditions* (New Haven: Yale University Press, 2012); C. R. Moss, *The Myth of Persecution* (New York: Harper Collins 2013), on martyr stories as discursive identity construction rather than historical reportage

**26** On this convergence of misery, see K. Harper, *The Fate of Rome: Climate, Disease, and the End of an Empire* (Princeton: Princeton University Press, 2017).

**27** C. Humfress, “Ordering Divine Knowledge in Late Roman Legal Discourse,” in *Emperors and the Divine – Rome and its Influence*, ed. M. Kahlos (Helsinki: Helsinki Collegium for Advanced Studies, 2016), 169.

ister citizen sacrifices.<sup>28</sup> And these mandated pieties left in their wake a trail of “lapsed” Christians, both clerical and lay, who had complied with the government’s demand. The result was a crisis of community discipline for churches, which had to devise ways to reintegrate the lapsed, while controlling the unofficial charisma of those who, though imprisoned as willing martyrs, had managed to survive.

These imperial initiatives came and went in fits and starts. Diocletian, in 302, led one last effort to suppress Christian communities.<sup>29</sup> The initiative ended, a decade later, in a very consequential if unintended denouement: the victorious western strongman, Constantine, decided to invest his personal allegiance and powerful patronage in one particular sect of the Christian church. Its bishops, happily availing themselves of their new access to power, guided Constantine’s coercive efforts against ecclesiastical rivals.

Thus began the final stage of the Roman imperial persecution of Christians. More Christians were persecuted, and persecuted more thoroughly, *after* the conversion of Constantine than before.<sup>30</sup> Our later Theodosian taxonomies shed light on why: Sectarians were now “heretics,” and their deviance from “the true Church” (howsoever that was imperially defined) represented a security threat to the empire. Pagans, too, were coercively importuned: temples closed, destroyed, or re-purposed; public *latreia* curtailed or forbidden; public monies diverted from municipal celebrations.

And the toxic vocabulary of two centuries of gentile Christian rhetoric and theology *adversus Iudaeos*—defining and deriding intra-Christian competitors by likening them to “the Jews”—metastasized into the legal language of the

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<sup>28</sup> Cf. J. Rives, “The Decree of Decius and the Religion of the Empire,” *Journal of Roman Studies* 89 (1999): 135–54.

<sup>29</sup> On the political/cultural/religious *Umwelt* accounting for Diocletian’s decision, see esp. E. D. Digeser, *A Threat to Public Piety: Christians, Platonists, and the Great Persecution* (Ithaca: Cornell University Press, 2012).

<sup>30</sup> “Religious coercion on a large scale was mainly practiced by Christians on other Christians,” P. Brown, “Christianization and Religious Conflict,” in *Cambridge Ancient History XIII: The Late Empire, A.D. 337–425*, ed. A. Cameron and P. Garnsey (Cambridge: Cambridge University Press, 1998), 642. So too G. E. M. de Ste. Croix, “Heresy, Schism and Persecution in the Later Roman Empire,” in *Christian Persecution, Martyrdom and Orthodoxy*, ed. M. Whitby and J. Streeter (Oxford: Oxford University Press, 2006), 201–29. B. Shaw, *Sacred Violence: African Christians and Sectarian Hatred in the Age of Augustine* (Cambridge: Cambridge University Press, 2013), conveys in impeccable, oppressive detail the ways that Augustine orchestrated the imperial suppression of dissident North African Catholics, through mobilizing the laws against “heresy.”

state.<sup>31</sup> The painful irony is that it was originally (Hellenistic) *Jewish* texts—Paul’s letters, the gospels, and behind them, a bottomless font of anti-Jewish invective, the Septuagint’s texts themselves—that sourced and fed Christian traditions *adversus Iudaeos*. Once the ethnicity of readership shifted from Greek-speaking Jews to Greek-speaking ex-pagan gentiles, intra-Jewish polemic became anti-Jewish polemic. Originally, historically Jewish foundational figures such as Jesus, or Peter, or Paul were seen by second century gentile Christians in their own image: not as “Jews” but as “Christians” (that last term itself of late first/early second-century coinage).<sup>32</sup> And within this binary system, if “gentile” and “Christian” were “good,” then Jews and Judaism were bad—which is why calling another Christian gentile a “Jew” packed the rhetorical punch that it did.<sup>33</sup> By the year 312 C.E., rhetoric *contra Iudaeos* had become a drive-wheel of “orthodox” Christian identity. Constantine’s patronage only expanded the opportunities for its deployment (see just below). By the early fifth century, what Brent Shaw has called “a fixed geometry of hatred”<sup>34</sup>—heretics, pagans, and Jews—came to legally define the contours of religious deviance.

In the view of the mid-fifth century editors of Theodosius’s Codex, “heretics,” though Christian, were false insiders. “Pagans” were wayward outsiders. As such, members of either group, from the fourth century on, might find themselves the objects of unwanted popular attention, legal harassment, and urban violence. The deployment and, in the case of “pagan,” the very creation of the term itself as a new religious idiom, attest to the fact that no category for “illegal religion”—or, for that matter, for “legal religion”—ever preceded Constantine’s early fourth-century shift of theological allegiance. *Religio licita*, the phrase derived from Tertullian’s pungent rhetoric, is a modern academic confection intended to explain pagan Rome’s anti-Christian persecutions. The state went after the church (which was, supposedly, *illicita*) but left the synagogue alone (because Judaism was *certe licita*<sup>35</sup>). So goes the argument; but it is frustrated

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31 On the origins, development, and deployment of anti-Jewish rhetoric against intra-Christian rivals, see P. Fredriksen and O. Irshai, “Christianity and Judaism in Late Antiquity: Polemics and Policies, from the Second to the Seventh Centuries,” in *The Late Roman-Rabbinic Period*, vol. 4 of *The Cambridge History of Judaism*, ed. S. T. Katz (Cambridge: Cambridge University Press, 2006), 977–1035.

32 Cf. J. Gager, *The Origins of Anti-Semitism: Attitudes toward Judaism in Pagan and Christian Antiquity* (New York: Oxford University Press, 1983) gives a clear orientation to the social dynamics contributory to this invective.

33 Cf. e.g. Tertullian, *Adversus Marcionem*, ed. E. Kroymann (Turnholt: Brepols, 1954), lib. 3 passim.

34 Shaw, *Sacred Violence*, 276.

35 Tertullian, *Apol.* 21.1

by historical evidence. *Religio licita* was never was a term of law, because “religion”—traditional cult; ancestral practices—was simply a normal aspect of any subject *gens* or *natio* or *genos* or *ethnē*.<sup>36</sup> Peoples and gods formed family groups. Heaven itself was individuated along ethnic lines.

The Jews, in this early fourth-century changeover from pagan to Christian empire, were a special case. Like everyone else, Jews could find themselves on the receiving end of mob violence. But pre-Christian Roman legal tradition in general prevailed, and Judaism—unlike paganism and heresy—even when marginalized, was nonetheless never actually outlawed. Jewish communities not only remained protected by legislation framed at the highest levels of government; they also continued to attract sympathetic attention and social support at a popular level.<sup>37</sup> Indeed, the hostility of ecclesiastical writers, their repeated efforts to delegitimize and disallow Christian involvement (both clerical and lay) in synagogue activities, and their insistence that Judaism itself represented the ultimate anti-type of the True Faith, obliquely witness to a positive orientation toward Jews and Judaism on the part of many in their own congregations whom they were attempting to convince.<sup>38</sup>

And yet, in exactly this period, anti-Jewish invective grew and bloomed. The reasons had nothing directly to do with real Jews and everything to do with imperial efforts to define, mandate, and control “orthodoxy.” Emperors sought consensus through sponsoring creeds and underwriting trans-imperial councils. Their efforts led only to further fracturing, with all sides (especially during the Christological convulsions of the fifth century) accusing their Christian rivals of being “just like the Jews,” “in league with the Jews,” or “worse than the Jews.” The greater the church’s internal diversity, the louder the anti-Jewish rhetoric, and the more ubiquitous the “rhetorical Jews” of intra-Christian polemic. Its tropes found full expression in the commentaries, treatises, church histories, and

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36 So too Isaac, *Racism*, 449; P. Fredriksen, “Mandatory Retirement: Ideas in the Study of Christian Origins whose Time Has Come to Go,” *Studies in Religion / Sciences Religieuses* 35 (2006): 231–39.

37 The donor inscription from Aphrodisias, if dated to the mid-fourth to late fifth century, would be further evidence of this, A. Chaniotis, “The Jews of Aphrodisias: New Evidence and Old Problems,” *Scripta Classica Israelica* 21 (2002): 209–42. For the comfortably chaotic intra-communal mixing in Chrysostom’s Antioch, see C. Shepardson, “Between Polemic and Propaganda: Evoking the Jews of Fourth-Century Antioch,” *JJMJS* 2 (2015): 151–82.

38 For both ecclesiastical and imperial efforts to enforce separation between Christians and Jews, see the two important compendia of legal materials by A. Linder, ed., *The Jews in the Legal Sources of the Early Middle Ages* (Detroit: Wayne State University Press, 1997) and A. Linder, ed., *The Jews in Roman Imperial Legislation* (Detroit: Wayne State University Press, 1987).

especially (and most dangerously) in the fourth- and fifth-century equivalent of social media, the sermons of voluble churchmen.

These literatures index, first of all, the vituperation lavished by bishops on their Christian rivals. But it also betrays the “push” of clerical disapproval against the synagogue’s “pull” of popular attraction. (Chrysostom’s high holiday sermons, delivered in Antioch in 387, provide a premier example.<sup>39</sup>) During roughly the same period, church councils repeatedly published canons that attempted to establish and enforce a separation of Christians, both clerical and lay, from Jews. These prohibitions reveal the situation on the ground: some gentile Christians kept the Jewish Sabbath as a day of rest, and worked on Sundays (Laodicea, c. 29); they received festival gifts from Jews and heretics (c. 37), accepted matzah and participated in Jewish “impieties” (c. 38). They shared in Jewish fasts and feasts (Apostolic Canons, c. 69); tended lamps in synagogues on feast days (c. 70); joined with Jews and heretics in prayer (c. 63), and gave their children to Jews in marriage (Chalcedon, c. 14).<sup>40</sup> And the lunar Jewish calendar—especially the date of Pesach relative to Easter—continued to influence Christian communal celebration, Constantine’s pointed efforts at Nicaea notwithstanding.<sup>41</sup>

Orthodoxy’s efforts against the synagogue were further complicated by its own canon. Unlike several of its various rivals, the church backed by Constantine had laid claim to the Septuagint: scriptures enjoining and praising fidelity to Jewish law were, as the Old Testament, part of the church’s own sacred texts, thus read aloud regularly whenever the community gathered for worship. Further, what went on in the synagogue (not least the public readings in the vernac-

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**39** These sermons catalogue the Jewish practices of John’s gentile Christian congregation, who attend synagogue on the Sabbath and the high holy days (1.5; 8.8), go to hear the “trumpets” (Rosh haShanah; 1:5), fast on Yom Kippur (1.2), and join in “pitching tents” (that is, erecting *sukkot*, 7.1). Wilken notes that John, Theodoret of Cyrus, and the Apostolic Constitutions likewise criticize gentile Christians for frequenting *mikvaot*, *John Chrysostom and the Jews: Rhetoric and Reality in the Late Fourth Century* (Berkeley: University of California Press, 1983), 75; J. N. D. Kelly, *Golden Mouth: The Story of John Chrysostom, Ascetic, Preacher, Bishop* (London: Cornell University Press, 1995), 63–66.

**40** Cf. Linder, *Legal Sources*; still valuable, too, is J. Parkes, *The Conflict of the Church and the Synagogue: A Study in the Origins of Antisemitism* (Philadelphia: The Jewish Publication Society of America, 1961; orig. pub. 1934), 174–77.

**41** See esp. Wilken’s comments on this “dispute about religious and communal identity” in the year 387, when 14 Nisan fell on Easter Sunday, *Chrysostom*, 76–79. For Constantine’s fulminations against Quartodecimans, see Eusebius, *De vita Constantini / Über das Leben Konstantins*, ed. H. Schneider (Turnhout: Brepols, 2007), 3.18–19; see too notes in A. Cameron and S. G. Hall, *Eusebius: Life of Constantine* (Oxford: Oxford University Press, 1999), 269–72.

ular from the Pentateuch and the prophets, and recitation of psalms) could not be alien to Greek-speaking Christian visitors. As a matter of theological principle, this church identified its high god, through the pre-incarnate Christ, with the god of Israel. And in the four canonical gospels, read regularly in Christian community service, Jesus of Nazareth was portrayed as an observant Jew (Matt 5:17–19), worshiping in the synagogue, keeping the great Jewish pilgrimage festivals, reciting the *Sh'ma* (Mark 12:29), wearing *tzitziot* (the *kraspeda* of Mark 6:56), giving instruction on fasting and prayer, on offerings at the Temple (Matt 5:23–24) and the appropriate dimensions of *tefillin* (Matt 23:5). The supersessionist rhetoric of the *contra Iudaeos* tradition notwithstanding, then, many gentile Christians evidently perceived Jewish practice as continuous from the Old Testament through the New Testament to their contemporary Jewish neighbors. Indeed, some Christian Judaizers justified their voluntary observance of Jewish law by pointing precisely to the example of Christ, whose practices they wanted to imitate.<sup>42</sup>

Finally, though both traditional polytheism (in Paul's letters) and "deviant" Christianity (in, e.g., Matt 7:21–23, the Johannine epistles, and several deutero-Paulines) were roundly condemned in the New Testament itself, Judaism as such was not. The orthodox had to settle for condemning the Jewish practice of Judaism, complaining that Jews interpreted and observed in a "fleshly" way a Law meant to be understood and kept "spiritually," that is, according to (orthodox, gentile) Christian interpretation. And by holding not Romans (who were redeemed by their conversion to Christianity) but Jews (who continued to preserve their own ancestral practices) as particularly responsible for the death of Jesus Christ, ecclesiastical tradition focused, fueled, and justified continuing, annually aggravated anti-Jewish hostility. Nonetheless, Judaism was never and could never be in the same relation to the church that paganism and heresy were, if only for the reason that Judaism, as the *Hebraica veritas* of orthodoxy's own self-understanding, was incontrovertibly the source of (true) Christianity. As Augustine observed, though the Church was the bride of Christ, the synagogue was his mother.<sup>43</sup> The imperial church's rise to power did little to resolve the tra-

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<sup>42</sup> Christians justify their Judaizing by arguing that they should be imitators of Christ, Origen, *Commentary on Matthew / Commentarii in Evangelium Matthaei*, ed. T. P. Scheck (Washington, D.C.: Catholic University of America Press, 2008), 79; similarly Epiphanius of Salamis, *The Panarion of Epiphanius of Salamis*, Book I (Sects 1–46), trans. F. Williams (Leiden: Brill, 1987), *Haer.* 28.5.1; on keeping Pesach because Jesus did, John Chrysostom, *Eight Homilies Against the Jews / Adversus Iudaeos*, in *Patrologia Graeca* 48, ed. J.-P. Migne (Paris, 1862), 3.4 and 866; references with discussion in Wilken, *Chrysostom*, 92–94.

<sup>43</sup> Cf. Augustine, *Faust.* 12.8.

dition's abiding and intrinsic ambivalence—an ambivalence visible in the imperial laws themselves.

Law is prescriptive, not descriptive. With the exception of North Africa's Donatists, I cannot venture with any security how the anathemas of Book 16 translated into the social experience of Late Roman subjects. Heretics, pagans, and Jews continued to live within the Empire, but their legal situation (and, depending on the temperament of the closest orthodox bishop, their *local* situation) was permanently destabilized. The precisions of Book 16's taxonomies, in brief, witness to Mediterranean empire's transition from practical pluralism, to statutory definitions of religious and, thus, of social deviance, to an inconstant, unstable, occasionally abusive "tolerance." Relations between heaven and earth were no longer primarily an ethnic patrimony but rather, and consequentially, a political choice. And—again depending on the temperament of the local bishop—sometimes violent liturgical rhetoric led to actual "hard" violence: the seizure of synagogues, the intimidation of Jewish populations, the coercive forcing of Jews to choose between baptism or exile.<sup>44</sup>

One last turn of this particular screw: the re-ethnicization of land, peoplehood, governance, and divinity in the post-Roman West. After 456 C.E., Visigothic warriors established themselves as a military ruling class in southern France and in central and eastern Spain. The newcomers' religious distinctiveness underscored their notional ethnic otherness: these Goths were Arian Christians, whose customs, liturgical practices, doctrines, and language marked them off from the far more numerous catholic, "Roman" population over whom they now ruled.<sup>45</sup>

Editing a digest of Roman laws for his subjects in 506, the Gothic king Alaric distilled ten laws concerning Jews from the fifty-three contained in Theodosius II's compendium. Alaric's *Breviary* aimed to ensure that Jews could not find themselves in positions of power over Christians, whether as masters to slaves, as husbands to wives, or as magistrates to plaintiffs. No law interfered with traditional Jewish observances internal to the community.

In 587 C.E., however, the Gothic King Reccared converted to Roman Christianity. Arian prelates prudently followed in 589. A long period of cooperation between monarchs and bishops began, aimed at unifying the ethnically and re-

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<sup>44</sup> On this whole coercive turn in Christian-Jewish relations, see esp. the comprehensive analysis by R. S. Kraemer, *The Mediterranean Diaspora in Late Antiquity: What Christianity cost the Jews* (New York: Oxford University Press, 2020).

<sup>45</sup> The experience of Jews within the kingdoms of the post-Roman West varied enormously. For an overview of this destabilized social terrain, see the essays collected in Y. Hen, *Barbarians and Jews* (Turnholt: Brepols, 2018).

ligiously mixed kingdom. Toward this goal, Bishop Isidore of Seville (560–636), a major conduit of Augustinian theology to the later European Middle Ages, wrote *de fide catholica contra Iudaeos*. Isidore took Augustine’s theological justification for the coercion of heretics (originally aimed at Augustine’s contemporary North African Catholic rivals, the Donatist church) and knowingly redirected it against Iberian Jews—the sole religious minority that the Bishop of Hippo had specifically exempted from such muscular pastoral care.<sup>46</sup> Striving to unite *regnum* and *ecclesia*, Iberian kings and bishops reinterpreted the ancient synonymy of ethnicity and religion. Visigoths assumed that form of Christianity most identified with Hispano-Romans—namely, Nicene Catholicism—while Hispano-Romans assumed a new ethnic identity, Goth, while claiming historic roots in Spanish soil. The new (or renewed) Iberian kingdom would be supported by the three pillars of *gens*, *rex*, and *patria Gothorum*.

As a result, Jewish Romans lost their legal and their social footing. Early on, Jews could either be “naturalized” as catholic Goths through conversion (the inclusive option) or isolated and treated as pariah (the exclusive option). Eventually, however, notions of “blood” trumped every other category: even converted Jews, in later Visigothic canon law, were designated as *baptizati Iudaei* or simply as *Iudaei*, never as *Christiani*—and, thus, never as “Goths.” These particular Hispano-Romans, residents of the peninsula long before the Visigoths ever wandered so far south, became both by “blood” and by belief strangers in a strange land, an abiding “other,” an easy and defenseless target for local resentments, a settled population of resident aliens.

It is difficult, in the hindsight of history, not to draw a line from this seventh-century ontology of Jewishness to the twentieth century’s obsessive, denominationally ecumenical murder of European Jews. The former expressed the ethnic essentialism native to Mediterranean ethnographies; the latter combined centuries of religious prejudice bolstered by pseudo-scientific racism. And the violence that both forms of antisemitism sparked, sponsored, and excused was fed, as well, by simple human greed: from exploiting Iberian Jews’ economic

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<sup>46</sup> On Augustine’s theology *pro Iudaeos*, see P. Fredriksen, *Augustine and the Jews: A Christian Defense of Jews and Judaism* (New Haven: Yale University Press, 2010), 213–366; for his rhetoric *contra Iudaeos* (aimed, predictably, against Donatists), Shaw, “Ravens Feeding on Death,” in *Sacred Violence*; for the darkening Visigothic story, see P. Fredriksen, “Jewish Romans, Christian Romans, and the Post-Roman West: The Social Correlates of the *contra Iudaeos* Tradition,” in *Conflict and Religious Conversation in Latin Christendom: Studies in Honour of Ora Limor*, ed. I. J. Yuval and R. Ben-Shalom (Turnholt: Brepols, 2014), 23–53.

and physical vulnerability in the seventh century, to the twentieth century's pan-European feeding frenzy of theft, from high art to village huts.<sup>47</sup>

I was born in America, in 1951, in what I am coming to realize was a historically conditioned bubble. Post-Holocaust, outright antisemitism in America was simply not admissible in polite public society. Within one generation, I have already seen that change. The existence of the state of Israel (since 1948) has given excuse for the murder of Jews, Israeli or otherwise, throughout the globe. The internet has added massively, incalculably, to the metastasis of *fantaisiste* antisemitism. Pseudo-scientific biologies of racial supremacy and of racial degeneracy feed the resentful fantasies of untold numbers of internet users.

Even though the Shoah succeeded—Europe is a place of Jewish ghosts—and even though, in many ways, the Jews are no longer there, European antisemitism thrives. In the fall of 2019, marches in Europe and in England commemorating *Kristallnacht* ended with loud calls from protesting others to “Kill the Jews.” Places of worship and of higher education have been defaced with Nazi graffiti; some have been strafed with bullets. Donald Trump, in his role as president of the United States, has insisted on the moral equivalence of White Supremacist gangs and anti-racism counter protesters. (“There are good people on both sides.”) And just one day after the massacre in a Pittsburgh synagogue, this same US president obliquely bolstered an internet rumor that George Soros, the liberal Jewish financier, might very well be providing occluded support to immigrant “caravans” of Latin Americans threatening the “whiteness” of the United States’ southern border.

This list is virtually endless, but I need to conclude. And my conclusion is that antisemitism is the most plastic, resilient, and versatile of anti-social fantasies. It coheres with the political Right and equally well with the political Left. American Black Nationalists, in 2020 New Jersey, murdered Jews for their being too “white,” while the same year, a white supremacist shot up a California synagogue, murdering a Jewish woman, because Jews are not “white” enough. And anti-Zionism has continued to give respectable cover to good old-fashioned antisemitism.

Antisemitism, like any kind of racism, is at root irrational. Can it be overcome, then, by reason? As much as I would like to think so, I must confess that I fear not. But I nonetheless still hope so.

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<sup>47</sup> Jews returning from the camps *after* 1945 were slaughtered by neighbors unwilling to give them back their property.

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