

The Invention of Christian Tradition: “Apocrypha,” Imperial Policy, and Anti-Jewish Propaganda

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AT SOME POINT IN THE FIRST CENTURY, the principal synagogue of Lydda in Judea was converted into a church through the deceptive actions of a prominent member; this, at any rate, forms the main plot of the *Story of Joseph*, an apocryphal narrative from Late Antiquity.¹ When Joseph, the disciple who provides for Jesus’ burial in the Gospels, returns to Lydda, near his native village of Arimathea, he agrees to renovate the synagogue and to supply its liturgical instruments. Instead, he has the modified building consecrated as a church by the apostle Peter, who arrives from Jerusalem. The Jewish community, outraged, appeals to the Roman governor in Caesarea to settle the ensuing dispute over ownership; after having the building closed for forty days, the governor comes to Lydda and enters it. Inside, an image of the Virgin Mary *theotokos* has emerged miraculously, prompting the governor to award the building to the Christians. The icon of Mary denotes the building as an exclusively Christian space, preventing the Jewish community from entering.

The *Story of Joseph* is clearly tendentious, an anachronistic

¹ The text is extant only in Georgian; ed. and French transl. M. van Esbroeck, “L’histoire de Lydda dans deux textes géorgiens,” *Bedi Kartlisa* 35 (1978) 109–131, at 119–127. From possible allusions to ecclesiastical politics, the editor tentatively dates the text to the fifth or sixth century. Although the *Story of Joseph* was probably composed in Greek, it has survived only in Georgian, as a result of that culture’s close contact with Jerusalem and its surroundings from Late Antiquity through the Middle Ages.

projection into the apostolic era of the Christian community's eventual ascendancy in Lydda, a former Jewish stronghold; its events are portrayed as inevitable, and divinely ordained. Yet important traces of the Late Antique context in which the *Story of Joseph* was produced can still be discerned. Literary and archaeological evidence suggests that Lydda, the most important rabbinic community in Judea, was rapidly Christianized after the fourth century, though not in the first.² The church of Mary supposedly financed by Joseph of Arimathea was no doubt significant in Late Antiquity, and may even be portrayed in the representation of Lydda in the Madaba mosaic, in which only one of the two basilicas has been identified with certainty.³

More striking, perhaps, are the similarities between the *Story of Joseph* and the attack on a synagogue in Cagliari, Sardinia, in spring 599, which is recorded in the correspondence of pope Gregory of Rome with Januarius, the bishop of Cagliari:⁴

Jews from your city have come here and complained to us that Peter, led over from their superstition to the cult of the Christian faith, on the day after his baptism, that is, on the Sunday of the very Easter festival, gathered certain undisciplined men around him, and, in a grievous scandal and without your consent, occupied their synagogue which is in Cagliari; and he installed there an icon of the mother of our Lord and God, and a cross to be worshipped, and a white vestment that he had worn when rising

² For an extensive survey of the evidence, except for the *Story of Joseph*, see J. Schwartz, *Lod (Lydda), Israel: From its Origins through the Byzantine Period, 5600 B.C.E.–640 C.E.* (Oxford 1991).

³ This identification is my own. For a detailed image of Lydda on the mosaic see H. Donner, *Die Mosaikkarte von Madaba* (Wiesbaden 1977) fig. 27. For the most comprehensive analysis see M. Avi-Yonah, *The Madaba Mosaic Map* (Jerusalem 1954) 62. He identifies one of the basilicas as the Church of St. George, which is attested in various pilgrimage accounts from the sixth century and later, but offers no literary parallels for the other basilica, being unaware of the *Story of Joseph*.

⁴ *Ep.* 9.196. Latin text D. Norberg (ed.), *S. Gregorii Magni Registrum epistolarum* (CCSL 140 [1982]); my translation is a modified version of that of J. Martyn, *The Letters of Gregory the Great I–III* (Toronto 2004).

up from the font. On this matter, letters from our sons Eupaterius, the glorious general, and the magnificent governor, Spesindeo, and other nobles of our city have agreed in their witness to these matters for us.

Like the *Story of Joseph*, this incident involves Peter, not the disciple but a converted Sardinian Jew who attempts to appropriate a synagogue with his new co-religionists; instead of the miraculous appearance of a Marian icon, they bring their own, portable image to consecrate the building as a church. Finally, the Jewish community in Cagliari also appeals to an imperial authority; Gregory, unlike his fictional counterpart in Caesarea, rules in their favor.

By comparing these two very different sources I do not mean to suggest that one account, or event, influenced the other, although this is certainly possible. But I do want to call attention to the potential relevance of the *Story of Joseph* for attitudes toward Judaism and its status under the Christian Roman Empire. The *Story of Joseph* is a little-known member of a diverse group of texts traditionally placed under the rubric of “New Testament apocrypha,” narrative expansions of the Gospels and Acts, which provide missing details for the life of Jesus or the apostles. The study of apocrypha and other legends has largely focused on identifying them with heretical doctrines and communities, following the examples of ancient Christian heresiologists. In this article, I argue that New Testament apocrypha should instead be grouped with other popular literature of the fourth and fifth century, including legends about Constantine, and the discovery of relics. I refer to the production of these texts as the “invention of Christian tradition,” a more useful designation than New Testament apocrypha, especially when considering their role in the politics and culture of the later Roman Empire. In particular, these texts were presented as lost but recovered “official documents” of an earlier age, and widely circulated, in a bid to influence imperial policy and public opinion. Most contain anti-Jewish propaganda, with two major rhetorical strategies: they demonstrate divine support for anti-Jewish actions through miraculous intervention; and they legitimize such actions by asserting that

they were already practiced in the paradigmatic eras of the apostles and of Constantine.⁵

In the first part of this article, I argue for a fundamental transformation of “apocryphal” literature during the Christian Roman Empire, as the genre loses its association with esoteric heretical groups and becomes an important instrument of public propaganda, often authorized by the church hierarchy or government, on the model of relics. In particular, texts such as the *Acts of Pilate* clearly refer to specific imperial legislation or policies regarding Judaism, often criticizing it for being too lenient; more generally, they advocate for the conversion or exclusion of Jews from political office and public space. In the second part, I show how invented Christian tradition was closely related to other publicly circulated anti-Jewish propaganda, in particular bishop Severus of Minorca’s *Letter on the Conversion of the Jews*. This pamphlet is an apology for synagogue attacks and Jewish conversion, heavily based on a rhetoric of the miraculous, and carefully suggesting that the violent actions fell within the legal boundaries of the Christian Roman Empire, which however upheld the necessity of “voluntary” conversion despite increasing restrictions on Jews. Despite their emphasis on the fantastic, these texts presented themselves, and

⁵ A number of recent studies have explored the roles of various ideologies, including of Christian orthodoxy and Roman authority, in the formation of Late Antique Judaism and Christianity as separate but legally unequal communities. See for instance S. Schwartz, *Imperialism and Jewish Society: 200 B.C.E. to 640 C.E.* (Princeton 2002); A. Jacobs, *Remains of the Jews: The Holy Land and Christian Empire in Late Antiquity* (Philadelphia 2004); and D. Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia 2004). Studies which focus on Palestine include G. Stemberger, *Juden und Christen im Heiligen Land: Palästina unter Konstantin und Theodosius* (Munich 1987), and H. Sivan, *Palestine in Late Antiquity* (Oxford 2008). For general overviews, see G. Stroumsa, “Religious Dynamics between Christians and Jews in Late Antiquity,” in A. Casiday and F. Norris (eds.), *The Cambridge History of Christianity* (Cambridge 2007) II 151–172; and A. Jacobs, “Jews and Christians,” in S. Harvey and D. Hunter (eds.), *The Oxford Handbook of Early Christian Studies* (New York 2008) 169–185.

were often accepted, as “official” documents; they are an important yet neglected source for the history of Christianization, both for their relationship to specific events and as evidence for cultural expectations and propaganda, specifically among more radical groups.

The Invention of Christian Tradition

Apocryphal texts as a group have been the subject of increasingly frequent study, and a number of interpretive problems have been identified. Most basic has been the recognition that apocrypha are more complex than simple expansions of the New Testament text, as is evident from Christoph Marksches’ use of the designation “Early Christian Apocrypha,” as opposed to “New Testament Apocrypha,” in the seventh edition of the standard collection of these texts.⁶ The scholarly use of the term “apocrypha” is also very problematic: it is a positive form of self-designation in various texts, but is given the pejorative sense of “false” in such early Christian writers as Irenaeus, Eusebius, Athanasius, and Augustine.⁷ Although Shoemaker has supported retaining the term, he points to these texts’ close relationship with the very popular genre of hagiography. I argue below for the close connection that “apocryphal” literature shares with another popular genre in Late Antiquity: relic invention. This connection is related to that literature’s increasing acceptance, not just for private study, but also for public circulation, as forms of propaganda intended for all levels of Roman society.

Some of the earliest Christian apocrypha, such as the *Gospel of Thomas*, explicitly situate themselves within a secret scribal

⁶ C. Marksches and J. Schröter (eds.), *Antike Christliche Apokryphen in deutscher Übersetzung II* (Tübingen, forthcoming 2011).

⁷ For an excellent overview of this issue see S. Shoemaker, “Early Christian Apocryphal Literature,” in Harvey and Hunter, *The Oxford Handbook* 521–548. For a recent overview of apocryphal literature in the first several centuries see, among others, H.-J. Klauck, *Apokryphe Evangelien: eine Einführung* (Stuttgart 2002).

tradition, transmitted to elite scribal Christians, usually within the framework of a small study circle guided by an authoritative teacher. This is clearly illustrated in the prologue of the *Apocryphon of James*, a second- or third-century text purporting to be by the apostle James:⁸

Because you asked me to send you an apocryphal book which was revealed to me and Peter through the Lord, I was not able to deny you; but I have written it in Hebrew letters, and sent it to you, and you alone. But since you are a minister of the salvation of the saints, endeavor earnestly and take care not to rehearse this text to many—this that the Savior did not wish to tell all of us, his twelve disciples. But blessed will they be who will be saved through the faith of this discourse.

The anonymous recipient of this apostolic tradition is directed to share its contents only with a small group of “saints,” a fictional setting intended to replicate a select community of disciples and their master, who reveals esoteric doctrine to them.⁹ The topos of composition in Hebrew further emphasizes the *Apocryphon of James*’ exclusivity.

Several influential early Christian writers, such as the second-century authors Justin Martyr and Irenaeus, associated such

⁸ For introduction, Coptic text, English translation, and notes, see Francis Williams, “The Apocryphon of James: I, 2:1.1–16:30,” in H. Attridge (ed.), *Nag Hammadi Codex I (The Jung Codex): Introductions, Texts, Translations, Indices* (Leiden 1985) 13–53. I use a slightly modified version of his translation.

⁹ David Brakke, “Parables and Plain Speech in the Fourth Gospel and the *Apocryphon of James*,” *J ECS* 7 (1999) 187–218, has argued that the *Apocryphon of James* “arises from the spirituality and social identity of one of early Christianity’s most significant forms, the study circle. The circulation of multiple written Gospels in the second century made possible a textually oriented mode of Christian socialization based on an educational model of salvation.” Insofar as he distinguishes it from “a primitive witness to the oral Jesus tradition” (one thinks here of the *Gospel of Thomas*), it can be seen as “second generation” apocryphal literature, in contrast to what I call invented tradition, the “third generation.” In contrast to the “second generation,” many of the “third generation” texts seem to have been produced under the assumption of a “New Testament canon.”

claims to secrecy with forgery and heresy.¹⁰ This position was largely maintained by later writers, such as Eusebius of Caesarea, Athanasius of Alexandria, and Augustine. Recent scholarship has rightly pointed out that this did not constitute outright rejection; in fact, these authors approved the use of at least some non-canonical texts for private edification. However, this was recommended only for those who were able to distinguish the true elements from the false: by implication, unlike canonical literature, even “useful” apocrypha were not entirely trustworthy. And at the same time, scholars have overlooked an important phenomenon, whereby select “apocryphal” writings were presented as authentic documents credibly discovered by bishops or other qualified individuals, and thus suitable for public circulation among all Christians. This is illustrated by the *Acts of Pilate*, which had a long history as an esoteric text,¹¹ before being published widely in the fifth century by a certain Ananias, who claims to have translated it from the Hebrew. Its new prologue is closely related to that of the *Apocryphon of James*, with a major difference:¹²

I, Ananias, an officer of the guard, being learned in the law, came to know our Lord Jesus Christ from the sacred scriptures, which I approached with faith, and was accounted worthy of holy baptism. And having searched for reports made at that period in the name of our Lord Jesus Christ, which the Jews committed to writing under Pontius Pilate, I found these acts in the Hebrew language and according to God’s good pleasure I translated them into Greek for the information of all those who call upon the name of our Lord Jesus Christ, in the eighteenth year of the reign of our Emperor Flavius Theodosius and in the

¹⁰ For heresiology see especially A. Le Boulluec, *La notion d’hérésie dans la littérature grecque, II^e-III^e siècles* (Paris 1985); with reference to Judaism see Boyarin, *Border Lines* 37–73.

¹¹ According to the heresiologist Epiphanius, writing in the later fourth century, the *Acts of Pilate* was used by a Jewish-Christian group he called the Quartodecimans: Epiph. *Pan.* 50.1.7–8.

¹² My translation is from the Greek text in K. von Tischendorf, *Evangelia Apocrypha* (Leipzig 1876) 210–258, at 210.

fifth year of the “Nobility” of Flavius Valentinianus, in the ninth indiction.

The contrast between the two prologues is so clear as to seem deliberate: unlike James, Ananias translates the Hebrew into Greek, thus making it available to all Christians, not just an exclusive group.¹³ In the *Apocryphon of James*, Hebrew marks the text as a composition for insiders; in the published version of the *Acts of Pilate*, it guarantees the historical authenticity of the document, as verified by the research of Ananias, who vaguely claims to have found the report, apparently in imperial archives in Jerusalem.

The description of the discovery and publication of the *Acts of Pilate* ends with a consular date that has proved difficult to reconcile with the historical record. Theodore Mommsen, in an important article on the text, dated it to around 440.¹⁴ Yet Mommsen himself, the modern editor of the *Theodosian Code*, and others after him, overlooked strong evidence in favor of his dating: the connection between the figure of Ananias and contemporary legislation. On 31 January 438, immediately after the publication of the *Code*, Theodosius II issued a law at Constantinople (*Nov. Theod.* 3) prohibiting Jews from holding any position in the imperial administration. Unlike similar laws in the past, this one was retroactive: Jews in the imperial service would have to convert to maintain their position.¹⁵ Two years

¹³ A similar topos, without the idea of a translated Hebrew document, is in the prologue of the *Infancy Gospel of Thomas*, in which “Thomas the Israelite” writes to the “gentiles” about Jesus’ childhood: R. F. Hock, *The Infancy Gospels of James and Thomas* (Santa Rosa 1995).

¹⁴ T. Mommsen, “Die Pilatusakten,” *ZNW* 3 (1902) 198–205, at 198–199.

¹⁵ Several laws from Western courts had offered similar prohibitions, but not for all offices, or else allowed for those already in the service to remain: *Cod. Theod.* 16.8.16 (404 CE), 16.8.24 (418); *Const. Sirm.* 6 (425). It is not clear whether similar laws had been issued by the Eastern court before the publication of *Nov. Theod.* 3, but the latter is distinct for its particularly harsh tone and comprehensive scope.

later, the *Acts of Pilate* were said to be discovered by just such a converted Jew, whose imperial office presumably facilitated his access to the “official” documents. The text, which subsequently circulated widely, with a number of adaptations and translations, is one of the most popular calumnies of the Jews in history. It dramatizes Pilate’s claim to innocence in the crucifixion of Jesus, continually placing bloodthirsty requests for his death in the mouths of the Jewish council.¹⁶ The message of the *Acts of Pilate* is clear: the Roman government, even under non-Christian emperors, is exonerated from the death of Jesus; Jews are the sole culprits, especially Jewish leaders, and they must convert to remain in the Christian Roman imperial administration, following the example of Ananias.

The *Acts of Pilate* is thus presented as an official document, re-discovered after long neglect; the earliest example of apocryphal literature of this type is the correspondence of Jesus and Abgar, which Eusebius claims to have obtained from the public archives of Edessa, and to have translated from the Syriac.¹⁷ Other apocrypha went one step further, acquiring the status of an imperial edict. Earlier, an account of Jesus’ crucifixion, this one slanderous to Christians, had been forged by Maximin Daia during his persecution and posted publicly across the Roman Empire.¹⁸ Later, the same status of imperial edict was asserted for the *Apocalypse of Paul* by an elaborate prologue (1–2):

¹⁶ Constantine himself blamed the Jews for the death of Jesus in an Easter letter of 325 (Eus. *VC* 3.17 ff.).

¹⁷ Eus. *HE* 1.13. This claim was repeated in the *Doctrina Addai*, a later Syriac expansion of the legend. See S. Griffith, “The Doctrina Addai as a Paradigm of Christian Thought in Edessa in the Fifth Century,” *Hugoye: Journal of Syriac Studies* [<http://syrcom.cua.edu/syrcom/Hugoye>] 6.2 (2003) par. 1–3, 45–46. For a general overview of the discovery of texts in antiquity see W. Speyer, *Bücherfunde in der Glaubenswertung der Antike* (Göttingen 1970).

¹⁸ Eus. *HE* 9.5. For a description of the publication of imperial edicts, with their many and varied contents, see J. Matthews, *Laying Down the Law* (New Haven 2000) 187–199.

At what time was it [the *Apocalypse of Paul*] revealed? During the consulate of Theodosius Augustus the Younger and Cynegius [388], a certain esteemed man was living in Tarsus, in the house which formerly belonged to Saint Paul. An angel appeared in the night, and revealed it to him, commanding him to destroy the foundations of the house, and to make public what he discovered; but he thought that this was an illusion. And when the angel came a third time, he whipped him, and forced him to destroy the foundations. And, digging, he found a marble box inscribed on the sides; in it was the *Apocalypse of Paul*, and the sandals in which he would walk when he taught the word of God.¹⁹

The discovery of the text is presented in the manner of a relic invention, an important aspect of the developing cult of the saints.²⁰ This is obvious from the deliberate juxtaposition of the *Apocalypse of Paul* with “the sandals in which he would walk.” And there is another, more subtle aspect of relic inventions invoked in the preface: the angel who reveals the location of the item appears three times, a topos which serves to guarantee the authenticity of the vision.²¹

¹⁹ My translation; Latin text C. Carozzi, *Eschatologie et au-delà: Recherches sur l'Apocalypse de Paul* (Aix-en-Provence 1994) 179–265, at 186. When this article was in proof stage, I came across a recent book chapter which highlights similar themes, especially the miraculous discovery of apocryphal texts: P. Piovanelli, “The Miraculous Discovery of the Hidden Manuscript, or the Paratextual Function of the Prologue to the Apocalypse of Paul,” in J. Bremmer and I. Czachesz (eds.), *The Visio Pauli and the Gnostic Apocalypse of Paul* (Leuven 2007) 23–49. In particular, Piovanelli argues that the *Apocalypse of Paul* emphasizes immediate post-mortem trials rather than the Last Judgment (a point of controversy in the post-Constantinian era) through a direct appeal to the apostle Paul as opposed to theological argumentation. For a full discussion of the versions of the prologue to the *Apocalypse of Paul*, with English translation, see Piovanelli 31–36.

²⁰ For an important overview of the genre and its conventions see P. Maraval, *Lieux saints et pèlerinages d'Orient: histoire et géographie des origines à la conquête arabe* (Paris 1984) 41–47.

²¹ Maraval, *Lieux saints* 45. For other parallels with relic inventions see Speyer, *Bücherfunde* 63–64 n.60.

But the ultimate standard of verification is met by the actions of the “esteemed man” after his discovery of the box (2):

But this man was afraid to open the box, and brought it to the judge. And the judge accepted it as it was, sealed with lead, and sent it to emperor Theodosius, fearing that it was something else. And when the emperor received it, he opened it, and found the apocalypse of Saint Paul. And he sent a copy to Jerusalem, and kept the original with himself.

Thus the *Apocalypse of Paul* is sent with all the trappings of imperial communication, specifically as a *relatio* from a provincial governor, and sealed with lead to ensure its integrity until its reception by the emperor. In fact, the actual invention of the *Apocalypse of Paul* is left to emperor Theodosius himself, who finds the textual relic within, and then proceeds to publish it in the manner of an imperial edict: a copy is made and sent to Jerusalem, presumably to have it posted publicly in the symbolic capitol of imperial Christendom.

In the next decades, similar textual relics are reported in and around Jerusalem itself. In 415 the remains of the prophet Zechariah were unearthed, appropriately enough at Kefar Zechariah, a village in Palestine; an apocryphal book in Hebrew was found nearby, which helped identify the remains of a young boy buried next to him.²² Also from 415 is the earliest surviving extended literary description of a relic invention, the *Revelatio Sancti Stephani*. This important text is an account of the discovery of the bones of Stephen, the first martyr, by Lucian, a priest of a country church in Kefar Gamala, north of Jerusalem, who explains the circumstances to Avitus of Braga, a Latin-speaking cleric in Palestine for the Council of Lydda.²³ Lucian recounts how, on the night of Friday, 3 December 415, rabbi Gamaliel, the teacher of the apostle Paul (Acts 22), appeared to him in a dream, telling the story of his conversion

²² Soz. *HE* 9.17.

²³ For the following synopsis I use the text in S. Vanderlinden, “*Revelatio Sancti Stephani*,” *REByz* 4 (1946) 178–217.

to Christianity and his subsequent recovery of the body of Stephen after he was stoned to death by Jews; this, essentially, is an apocryphal narrative within the account of the relic invention. Lucian at first doubts the veracity of his dream, but after Gamaliel appears to him two more times he decides to tell John of Jerusalem. The bishop promptly organizes an excavation of Gamaliel's family grave, and identifies Stephen and Gamaliel by their Hebrew epitaphs, confirming the dream.²⁴

The discovery of Stephen's relics was a welcome diversion for bishop John, whose inability to solve the Pelagian controversy had necessitated the Council of Lydda, as it emphasized the distinction and biblical heritage of his diocese. But the timing was not only felicitous from the standpoint of ecclesiastic management: two months earlier, in October 415, the Jewish patriarch Gamaliel VI had been stripped of his honorary claim to the status of Praetorian Prefect and prohibited from building synagogues and adjudicating legal disputes (*Cod. Theod.* 16.8.22). Scott Bradbury has argued persuasively that the prominence in the *Revelatio* of the biblical rabbi Gamaliel is an allusion to the recently demoted Jewish patriarch of the same name, and an implicit comparison at the expense of the latter.²⁵ Like the figure of Ananias in the *Acts of Pilate*, the figure of Gamaliel refers indirectly to contemporary imperial legislation, using a figure of the apostolic past to advocate for Jewish conversion; of course, this portrait of Gamaliel can only be achieved through biblical expansion.

²⁴ The next extant description of a relic invention, from 453, records the discovery of John the Baptist's head in a monastery of Emesa, Syria, and has many similarities to the *Revelatio Sancti Stephani*. It is a first-person account by the monk Marcellus, who describes a series of three visions in which John the Baptist appeared to him at night, revealing the location of his head in a cave; Marcellus tells the bishop, who leads a successful expedition to uncover it. A second account is attached to Marcellus', giving an apocryphal narrative of how John's head was transferred from Palestine to Syria. For the two texts see *PL* 67.419–430.

²⁵ S. Bradbury, *Severus of Minorca: Letter on the Conversion of the Jews* (Oxford 1996) 17.

Several decades earlier, Epiphanius, bishop of Salamis, had offered an idealized description of imperial policy regarding the Jewish patriarchate in his discussion of Joseph of Tiberias, an apostle, or tax collector, for the patriarch who enjoys the support of Constantine after his conversion to Christianity.²⁶ The account is an excursus to his description of the heretical “Jewish-Christian” group called the Ebionites, and specifically the *Gospel of the Hebrews*, an apocryphal Hebrew Gospel used by the community. The account is based on Epiphanius’ interview with Joseph about his conversion from Judaism, an interview supposedly conducted fifteen years earlier while Epiphanius was staying at Joseph’s house in Scythopolis. Joseph describes his service to the patriarch, whom he secretly watches receiving baptism while on his deathbed. He soon discovers Christian scriptures in the patriarch’s treasury, very much in the manner of a relic invention; after several visions of Jesus, Joseph finally becomes a Christian.²⁷ The emperor Constantine now becomes his patron, and commissions him to build churches in the heavily Jewish cities of Galilee, which he accomplishes in Tiberias and Diocaesarea. Regardless of the scholarly debate over the historicity of this account, the propagandistic element here is most striking, and by now familiar: Joseph’s conversion, like that of Ananias and Gamaliel, assures him of maintaining his privileged status by choosing connections in the Christian empire over prominence in the Jewish community.

By the fifth century, idealized depictions of the reign of Constantine had become another popular subject of Christian

²⁶ The story of Joseph of Tiberias is found in Epiph. *Pan.* 30.3.5–30.12.10. Joseph’s title “apostle” of course recalls the Christian apostolate.

²⁷ Epiphanius of Salamis’ account of Joseph’s conversion, although part of the massive *Panarion*, in many ways the epitome of ancient Christian heresiology, turns the discourse on its head: Christianity becomes an esoteric scribal tradition, a Jewish heresy transmitted in secret by the elite rabbis through Hebrew versions of canonical Gospels. For rabbinic concerns about crypto-Christians see D. Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Judaism* (Stanford 1999) 22–41.

tradition, alongside the apostolic era; just as the latter had paradigmatic significance for Christianity, the former set the foundations for the Christian Roman Empire. The most widespread legend concerned the discovery of the cross by Constantine's mother Helena, which, like the *Acts of Pilate*, exists in multiple versions and translations. One of them, the *Story of Judas Kyriakos*, purports to be an official account of the recovery of this paradigmatic relic from Jewish stewardship.²⁸ When the empress visits Jerusalem, she assembles Jewish experts in the law, questioning them about the location of the cross. One of them, Judas, reveals that this information has been handed down in his family for generations, and that his father had warned him that he must reveal it to Christians to avoid torture. Helena indeed threatens Judas, invoking not only earthly pain, but also his prospects for salvation. In effect, the *Story of Judas Kyriakos* presents the empress prosecuting the Jews as a *iudex*, demanding evidence concerning Jesus' death (almost implying that the Jews are guilty of an inherited *maiestas*), and threatening torture.²⁹ Although Judas at first refers to ancient documents with the relevant information, he eventually retracts this statement. The location of the cross is instead made known to him through revelation, after he prays to God; the empress then leads a team to uncover it.³⁰ Thereafter Judas, like

²⁸ For Syriac text, English translation, and introduction see H. J. W. Drijvers and J. W. Drijvers, *The Finding of the True Cross: The Judas Kyriakos Legend in Syriac* (Louvain 1997). For anti-Judaism in the *Doctrina Addai*, a Syriac apocryphon from roughly the same period, see Griffith, *Hugoye* 6.2 (2003) pars. 32–38.

²⁹ The *Acts of Pilate*, which was published at approximately the same time, tries to establish Jewish guilt.

³⁰ It seems that the surviving version of the *Story of Judas Kyriakos*, which stresses the importance of divine revelation over written documents, is in response to contemporary criticism of an earlier version, which links the location of the cross to information provided by ancient Jewish records. See the remarks of the church historian Sozomen (*HE* 2.1.4), published in 450. This earlier version may also have been produced by the group which published the *Acts of Pilate* at approximately the same time, ca. 440.

Ananias, converts to Christianity, and eventually becomes the bishop of Jerusalem.

Despite its legendary character, the *Story of Judas Kyriakos*, like the *Acts of Pilate*, has a precise historical and rhetorical context which has been overlooked by scholars: what appears to have been a large messianic gathering of Jews in 438 at Temple Mount in Jerusalem.³¹ Although Jews had a custom of pilgrimage to Jerusalem each year on the 9th of Ab to mourn the destruction of the Temple, they were officially prevented from entering the city. However, according to the *Life of Barsauma*, an extremist Syrian monastic leader, the empress Eudocia while resident in Palestine allowed 103,000 Jews entrance to the city in October of 438 for the festival of Tabernacles. The *Life* produces a circular letter intended for all Jews, probably tendentious, asserting that Jerusalem had been given to them by the Roman authorities, and exhorting a return to the city to establish their kingdom there. Some Jews who have traveled to Jerusalem are stoned to death by disciples of Barsauma; the monks are accused of murder before the empress, but after the case is referred to the governor of Caesarea they are eventually acquitted by a miraculous intervention.

There are several indications that the *Story of Judas Kyriakos* is a response to the Jewish gathering described so tendentiously in the *Life of Barsauma*. First, the portrayal in the *Story of Judas Kyri-*

³¹ *Life of Barsauma* Miracles 61–66. The text is not edited fully, but copious excerpts of the Syriac text, with French translation, are in F. Nau, “Résumé de monographies syriaques,” *ROrChr* 18 (1913) 270–276, 379–389; 19 (1914) 113–134, 278–289. For a detailed analysis of this incident see F. Nau, “Deux épisodes de l’histoire juive sous Theodose II (423 and 438) d’après la vie de Barsauma le Syrien,” *REJ* 83 (1927) 184–206, at 197–199. Although Nau believes that the letter is a forgery, he reviews the evidence for messianic speculation in Judaism in this period, including an unsuccessful revolt in Crete in 430 under a certain Moses, and expectations surrounding the year 440. See also Robert Wilken, “The Restoration of Israel in Biblical Prophecy: Christian and Jewish Responses,” in J. Neusner and E. Frerichs (eds.), *To See Ourselves as Others See Us: Christians, Jews, “Others” in Late Antiquity* (Chico 1985) 443–472.

akos of the empress Helena and her aggressive tactics with the Jews is meant to serve as a model for, or a corrective of, the more lenient policy of empress Eudocia, who seems to have permitted the Jews to celebrate the festival in Jerusalem. As Leslie Brubaker has demonstrated, *imitatio Helenae* was a veritable precept for the women of the imperial family, especially for Eudocia's rival Pulcheria.³² Second, the *Story of Judas Kyriakos* clearly emphasizes that the Messianic hopes of the Jews are misguided, as they have already been fulfilled by Jesus; the text proclaims that "the nation of the Jews will not reign again but from henceforth the victory will belong to the worshipers of Christ and He will reign forever and ever. For He is king, and son of the Living God."³³ Finally, Helena banishes the Jews from Jerusalem forever, a clear message to the imperial government to uphold this policy: the cultural capital of the Christian Empire was to set the standard for Jewish exclusion.

After 438 there is no extant pre-Justinianic legislation concerning the Jews, but the invention of Christian tradition proceeded apace, and remained closely connected to the imperial court. Texts from this period are clearly related to earlier literature such as the *Revelatio Sancti Stephani* and the *Acts of Pilate*, but take place in areas outside of Palestine. For instance, several apocryphal texts from Cyprus, a frequent stop on pilgrimages to the Holy Land, concern the discovery of the relics of Barnabas, a member of Paul's mission, just outside of Salamis, the capital. The most important of these documents, the *Laudatio Barnabae*, written some time in the sixth century by the monk Alexander of Cyprus, is an account of the invention of Barnabas' remains in 488 by Anthemius, the bishop of Salamis.³⁴ The text contains a long apocryphal excursus on Bar-

³² L. Brubaker, "Memories of Helena: Patterns of Imperial Female Matronage in the Fourth and Fifth Centuries," in L. James (ed.), *Women, Men, and Eunuchs: Gender in Byzantium* (London 1997) 52–75.

³³ Drijvers and Drijvers, *The Finding* 61.

³⁴ For the Greek text see P. van Deun and J. Noret (eds.), *Hagiographica Cypria* (CCSG 26 [1993]) 83–122.

nabas' life, including his education as a child with Saul (Paul) under rabbi Gamaliel. He suffers martyrdom not from the imperial government, but from the Jews, who burn him alive outside of the city. Barnabas' companion Mark then recovers the body and buries it in a cave, until its discovery four centuries later, when the apostle appears three times in a dream to Anthemius, revealing the location of his relics.

The bishop immediately leads a procession out to the spot, where the sarcophagus is uncovered, complete with Barnabas' body and a copy of the Gospel of Matthew written by the Evangelist himself.³⁵ This discovery is certainly fortuitous for Anthemius, who is in the midst of a dispute with Peter of Antioch over Cyprus' ecclesiastic status as an independent apostolic foundation.³⁶ Anthemius immediately travels to Constantinople, where he informs the emperor Zeno of the invention, presenting it as evidence for his case, which the emperor decides in his favor. The bishop presents the emperor Zeno with the autograph copy of the Gospel of Matthew,³⁷ and is re-

³⁵ This example demonstrates that "original" Gospels were also presented as textual relics. A similar apostolic autograph manuscript, this one of the Gospel of John, was preserved at Ephesus, the traditional site of the apostle's death: *Chron.Pasch.* (PG 92, 533B).

³⁶ The long history of the dispute between Antioch and Cyprus is detailed in G. Downey, "The Claim of Antioch to Ecclesiastical Jurisdiction over Cyprus," *PAPS* 102 (1958) 224–228. Downey seems skeptical that the dispute could be settled through a relic invention, rather than the several precedents of canon law, but duly records (228 n.32) the various chronicles which mention the event and report the outcome.

³⁷ The emperor placed the leaves of the Gospel in a cedar binding, furnished with gold, and stored the codex in the palace; it was to be read every year on the fifth day of the Pascha in the imperial prayer house. The presence of the Gospel of Matthew in the imperial palace was confirmed more than fifty years later by Severus of Antioch, when the monophysite bishop used it as evidence in a theological dispute centered upon a verse which happened to be absent in the Evangelist's own original, handwritten copy; his description reads much like a relic invention itself. See Severus of Antioch *Ep.* 108; Syriac text and English transl. E. W. Brooks, *A Collection of Letters of Severus of Antioch* (PO 14 [1920]) 436–437.

warded with grants to construct a large basilica over Barnabas' tomb.

The *Laudatio Barnabae* is clear evidence for the successful mobilization of invented Christian tradition, including textual relics, in a public dispute decided by the emperor. Its use at the imperial court suggests the success of earlier efforts to present "discovered" apocryphal literature as original documents, suitable for use in the judicial and bureaucratic procedures of the Christian Roman Empire; indeed, the prologue of the *Apocalypse of Paul*, which asserts that the text was published as an imperial edict, may be accurate.³⁸ As part of this trend, the invention of Christian tradition acquired a highly developed apparatus of verification, shared closely with relics: these include multiple visions, interviews by bishops or imperial officials, and confirmation through excavation. Miraculous events were also considered in this process,³⁹ and had their own standard methods of confirmation, such as first-person testimonials, duly recorded by members of the ecclesiastic hierarchy.⁴⁰

³⁸ The imperial family was a major importer of relics, textual or otherwise, already in the fourth century; Constantine seems to have started this trend, through his search for relics for the Church of the Holy Apostles in Constantinople. For the uncertainties in this tradition, see G. Downey, "The Builder of the Original Church of the Apostles at Constantinople," *DOP* 6 (1951) 51–80.

³⁹ The documentation of miracles and their communication to the emperor is found in a letter of Cyril of Jerusalem to the emperor Constantius, describing the appearance of a cross of light over Jerusalem on 7 May 351, which he presented as a favorable sign for the battle with Maxentius. For the Greek text see E. Bihain, "L'épître de Cyrille de Jérusalem à Constance sur la vision de la croix (BHG(3) 413)," *Byzantion* 43 (1973) 264–296; the event is also mentioned in Socr. *HE* 2.28 and Soz. *HE* 4.5. Of course, it is related to Eusebius' famous narrative of Constantine's vision, in which he claims to report on the testimony of the emperor himself: Eus. *VC* 1.28–29.

⁴⁰ An important contemporary parallel are the *libelli miraculorum*, first-person accounts of miracles brought about by martyrs' relics, attested for North Africa in the letters of Augustine: H. Delehay, "Les premiers 'libelli miraculorum,'" *AnalBoll* 29 (1910) 427–434.

Despite such precautions, the circulation of invented tradition ranged far beyond the imperial government and the ecclesiastical hierarchy: the *Acts of Pilate*, for instance, is addressed to “all Christians.” And many of the stories take the form of “folk literature,” much like rabbinic tales in the Talmud, and especially rabbinic midrash that expands upon scriptural narrative. They share features such as symbolic names, dialogues, and triple repetition.⁴¹ But whereas legends about figures from the Hebrew scriptures constituted “tales of the neighborhood,” often shared between religious communities,⁴² those based on the New Testament apocrypha emphasize conflict and separation between Jews and Christians. These writings are not mere scriptural expansions to satisfy curiosity;⁴³ nor does their legendary character justify the disregard given them by historians. As Daniel Boyarin has noted with respect to Talmudic tales, these stories “have enormous impact on social practice and on the molding of subjectivities. They are, in the strict sense, praxis.”⁴⁴ In short, they play an important role in the formation of collective identity, especially in relation

⁴¹ For a list of the features of rabbinic folktales see J. Rubenstein, *Rabbinic Stories* (New York 2002) 15–20. Unlike rabbinic midrash, they are presented univocally, as a single narrative, like Acts of the Apostles. For the tendency of Christian literature in Late Antiquity to suppress dialogue, see the pioneering work of R. Lim, *Public Disputation, Power, and Social Order in Late Antiquity* (Berkeley 1996).

⁴² G. Hasan-Rokem, *Tales of the Neighborhood: Jewish Narrative Dialogues in Late Antiquity* (Berkeley 2003).

⁴³ See also the argument that Hellenistic Jewish apocrypha were not just “filler,” but provided entertainment and a sense of pride, in E. Gruen, *Heritage and Hellenism: The Reinvention of Jewish Tradition* (Berkeley 1998) 188.

⁴⁴ D. Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Judaism* (Stanford 1999) 116. Boyarin is here following the anthropologist Michelle Rosado’s theory of “collective stories.” In this sense, these stories also adhere closely to Hobsbawm and Ranger’s definition of invented tradition as “a set of practices ... of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past”: E. Hobsbawm and T. Ranger (eds.), *The Invention of Tradition* (Cambridge 1983) 1.

to religious others; and the central goal of invented tradition was the incitement of religious hatred, or zeal, of Christians against Jews, through the use of narrative.⁴⁵ Texts such as the *Acts of Pilate* and the *Story of Joseph* naturalized animosity between Jews and Christians by portraying bitter conflicts already during the apostolic era; the graphic narratives of Jews persecuting the first Christians constituted an appeal to avenge this imagined past of persecution by promoting religious intolerance in the Christian Roman Empire,⁴⁶ and presenting a vision in which Jews were faced with conversion or segregation.⁴⁷

Invented Tradition and Propaganda: Severus of Minorca's Letter

The context and goals of anti-Jewish propaganda in “apocryphal” Christian traditions are closely related to pamphlet literature describing contemporary events, such as the *Letter on the Conversion of the Jews* by bishop Severus of Minorca, by far the most detailed account in Late Antiquity of forced Jewish conversion.⁴⁸ In this sense, they belong to the same genre, and it is quite informative to study them together. The *Letter* ostensibly describes events which took place on Minorca shortly after the arrival there of the Spanish priest Orosius, who had come from the Council of Lydda in 416 with the relics of Stephen. Previ-

⁴⁵ For the portrayal of violence in encyclical letters as a strategy for enhancing group identity by provoking hatred against religious opponents, see M. Gaddis, *There is no Crime for those who have Christ: Religious Violence in the Christian Roman Empire* (Berkeley 2005) 75–88.

⁴⁶ Jews and Christians retained close connections, polemical and otherwise, through Late Antiquity. See Boyarin, *Border Lines*, and, for fourth-through seventh-century Palestine, G. Stroumsa, “‘Vetus Israel’: Les Juifs dans la littérature hiérosolymitaine d’époque byzantine,” *RHR* 205 (1988) 115–131.

⁴⁷ This view was also adopted by Christian groups frequently persecuted by the empire, such as the anti-Chalcedonians. See Cornelia Horn, “Anti-Jewish Polemic and Conversion of Jews to Anti-Chalcedonian Asceticism in the Holy Land: The Case of Eugenia of Tyre,” *Aram* 18 (2006) 33–48.

⁴⁸ Text, translation, and commentary Bradbury, *Severus of Minorca*; quotations, by chapter number, are from his translation.

ously there had been peaceful relations on the island between the Christians, whose bishop Severus was based in Jamona, and the Jews, whose synagogue was in Magona, on the other side of Minorca. Theodorus, a leader of the synagogue and teacher of the law (*doctor legis*), is also the *defensor civitatis*. The martyr's remains, however, soon lead to conflict between these two communities.⁴⁹ The narrative of the *Letter* centers upon a Christian liturgical procession through the island, culminating in an attack on the synagogue, the conversion of the Jews, and the erection of a church on the site. Like invented Christian tradition such as the *Story of Joseph*, it combines a rigorous documentation of the miraculous with a contrived yet subtle defense of the legality of violence.

Severus of Minorca sets out to demonstrate that clearly illegal acts, in particular the violent appropriation of a synagogue and the conversion of its members under significant pressure, were in conformity with both the divine will and the Christian empire's legislation and policies towards the Jews. In this section I discuss the legal charges brought against Christians who use violence against Jews; and the defense against these charges in Severus' *Letter* and various examples of invented Christian tradition. These texts subtly exploit the ambiguities and inconsistencies of imperial law and rhetoric. In particular, I examine debates over whether Jews have converted through their own choice or by intimidation; the charge of *latrocinium*, which covers a wide range of violent actions, including organized robbery of synagogue valuables; and the return of, or compensation for, synagogues which have been seized or destroyed. My primary source for Jewish petitions in response to Christian attacks is the correspondence of pope

⁴⁹ According to the *Revelatio Sancti Stephani* 34, Stephen is the "first to wage the Lord's wars against the Jews" (transl. Bradbury, *Severus of Minorca* 18). An expanded version of Stephen's martyrdom seems to have been produced at around the same time by bishop John of Jerusalem: M. van Esbroeck, "Jean II de Jérusalem et les cultes de S. Etienne, de la sainte Sion, et de la Croix," *AnalBoll* 102 (1984) 99–134.

Gregory, whose decision in favor of the Jews of Cagliari was discussed in the introduction. Although these letters were composed in the later sixth century, they are based on imperial legislation of the fourth and fifth centuries; they represent our best evidence for governmental intervention in such disputes, and it is usually in favor of Jews. Gregory's rulings were probably based on earlier precedents that have been lost, because they respond to the very same claims made by Severus.

Charge 1: forced conversion

At various points in his *Letter*, Severus clearly makes reference to a traditional debate over appropriate methods for Jewish conversion. Since the time of Constantine, the Roman Empire had indirectly encouraged conversion to Christianity, first in a series of laws protecting the rights of converts,⁵⁰ and then by excluding Jews from public office. At the same time, a number of fifth-century laws declare the legality of Judaism, and protect its practitioners from violence.⁵¹ Thus, we find pope Gregory affirming to bishop Januarius of Cagliari the value of proselytizing Jews, but ordering that their seized synagogue should be returned: Jews, he explained, should be converted of their own volition, not by force. This sentiment also finds expression in canon law: anathema formulas composed for Jewish converts to Christianity include a clause explicitly stating that they are not acting under threat of force.⁵²

Already in the fifth century, Christian propaganda literature was responding to this criterion by emphasizing conversion through persuasion. The Jewish converts they portray are almost always described as learned in the law: in the *Revelatio Sancti Stephani*, rabbi Gamaliel and Nicodemus, members of the

⁵⁰ Examples include *Cod. Theod.* 16.8.1 and 16.8.28.

⁵¹ See *Cod. Theod.* 16.8.9 (393 CE), 16.8.12 (397), 16.8.20 (412), 16.8.21 (420), 16.8.25 and 16.8.26 (423).

⁵² The earliest example is in the *Pseudo-Clementine Recognitions* (PG 1, 1456). See F. Cumont, "Une formule grecque de renonciation au judaïsme," *WS* 24 (1902) 462–472.

Sanhedrin, become Christian; they also feature as converts in the *Acts of Pilate*, a text which is said to have been discovered by an imperial officer who is himself a former Jew, expert in law. These fictional characters imply that a Jew with true scriptural knowledge will be convinced by Christianity. But other narratives instead reflect a frustration with attempts at persuasion, portraying its failure. In the *Acts of Judas Kyriakos*, the empress Helena gathers all the most learned Jews, and, though she bests them in debate on the law, they stubbornly remain Jewish; her more effective policy, the text implies, is to banish them from Christian Jerusalem forever. Taken together, then, invented Christian tradition presents a choice between the conversion of Jews and their expulsion.

A similar concern surrounding the use of persuasion is clear in the *Letter* of bishop Severus of Minorca. In his account of the events leading up to the attack, he asserts that the Christians had come to the synagogue ready for talk, while the Jews prepared for a fight. To document this, the bishop attaches to his *Letter* a set of standard arguments from the *Adversus Judaeos* literature, as if to provide evidence that he has fulfilled the requirement for persuasion (8): “Now the tract appended to this letter demonstrates the kinds of weapons we prepared in advance as the battle loomed. It was certainly not for anyone’s edification that we wished this tract to be published ... but that it might be noticed that we showed considerable concern, in so far as our abilities allowed, for the struggle that had been engaged.” But when the Christians finally do debate with Theodorus, the leader of the Jewish community and a “teacher of the law,” it is futile, as he always seems to win (16): “There Theodorus debated boldly about the Law, and after he had mocked and twisted all of our objections, the Christian throng, seeing that he could not be vanquished by human arguments, prayed for assistance from heaven.” For Severus, as we shall see, persuasion is not necessary if one has the support of God.

The subsequent description of the conversion of Theodorus and several other Jews attributes it to an inevitable, divine power working for their benefit; Severus thus obfuscates forceful intimidation by employing a rhetoric of the miraculous. As

the *doctor legis* is debating, the Christians chant “Theodorus, believe in Christ,” which the Jews fortuitously understand as “Theodorus has believed in Christ” (16). Panicked, they disperse. Meanwhile Theodorus himself stands terrified, remembering that he has had a dream about a lion, which represents Christ; eventually his friend Reuben convinces him to convert. Severus gives somewhat longer accounts of the conversions of other synagogue members, presenting their first-person testimonies as documentary evidence, to prevent any doubt as to the legality of their decision, and to demonstrate the role of God in their conversion. For instance, he records the confessions of Meletius, Theodorus’ brother, and Innocentius, a wealthy acquaintance, who flee Magona after the destruction of the synagogue. When the two reach safety, Meletius tells Innocentius that he keeps hearing “Christ, in your name”; when Innocentius advises him to drive out the “hateful, intruding thought,” Meletius’ struggle worsens, and he even enters into convulsions (18). Eventually, they lose their way, and only get back to the city by invoking the name of Christ. Thus Severus portrays their conversion as helpless submission not to human intimidation and force, but to the benevolent power of God.

Perhaps the most ideologically significant conversion narrative is given by a certain Galilaeus, who bluntly states that he has become Christian because he fears for his safety (19): “I call you all to witness that I cannot be a Jew. For on my estate I have Christian partners by whose hatred I may be killed if I wish to persevere in Judaism. Therefore, I will heed the danger to my life and will set out right now for the church to escape the death being prepared for me.” Severus employs his characteristically slippery rhetoric to explain the statement as an inadvertent confession that, without conversion to Christianity, he faces the threat of eternal damnation: “Although Galilaeus thought he was devising these remarks for the present moment, inasmuch as he seemed to have explained the reasons for his conversion, and although he then gave no thought to the eventual end of the present age, he was unwittingly speaking the

truth.” One suspects, however, that Galilaeus’ testimony is precisely what pope Gregory means when he warns bishop Januarius that conversions to Judaism must be voluntary, not forced.

Despite Severus’ elaborate apology, he also cites “zeal” as a factor in the attack on the synagogue and conversion of the Jews, a defense which Gregory, in his settlement of the affair in Cagliari, deems inexcusable.⁵³ Severus also attributes the situation to hatred, though he links it to a more refined concern for the Jews’ salvation. Thus he writes (4): “at one moment, zeal for the faith would fire our hearts; at another moment, the hope of saving a multitude would spur us on”; and later notes (5): “the sinful appearance of our long-standing affection was turned into temporary hatred, though for love of eternal salvation.” Religious zeal as a justification for violence is an ideology with roots in the martyr tradition, used frequently in this period by monks and others who attempt to convert unreceptive or hostile audiences.⁵⁴ Although Severus professes his brotherly concern for the Jews’ salvation, and does not claim to be deliberately seeking martyrdom, his appeal to zeal puts him in the context of extra-legal extremist violence, despite his protests to the contrary.

In John of Ephesus’ account of the attack on a Mesopotamian synagogue by the monk Sergius of Amida, “zeal” has simply become a blatant hatred of the Jews as the murderers of Jesus, their role in the *Acts of Pilate*. Sergius advocates the severance of all ties between Christians and Jews, displaying an ominous animosity in his remark that “These crucifiers of the Son of God should not be allowed to live at all.”⁵⁵ Ultimately, Sergius attempts to expel the Jewish community permanently by burning their synagogue several times, despite the protests

⁵³ Gregory *Ep.* 9.196.

⁵⁴ See Gaddis, *There is no Crime* 151–207.

⁵⁵ *Lives of the Eastern Saints* 5; Syriac text and English transl. E. W. Brooks (ed.), *John of Ephesus: Lives of the Eastern Saints* (PO 17 [1923]) 91–93.

of the Christians and the Jews' attempts to rebuild it; finally, he builds a chapel to the *theotokos* on the site, an act of triumphalism recalling the conclusion of the *Story of Joseph*.

Charge 2: latrocinium

In Amida and elsewhere, attacks on synagogues frequently resulted not in conversions, but resistance, including appeal to imperial authorities; fifth-century laws protecting Jews from violence were presumably in response to such incidents.⁵⁶ At issue was *latrocinium*, a charge leveled against extremist Christians, denoting anything from general acts of violence to theft.⁵⁷ In his description of the attack on the synagogue, Severus is careful to avoid this charge, claiming that his peaceful offer of a debate is foiled by the Jews, who are the ones who initiate the violence (8): "There I said, 'I ask you, brothers, why, particularly in a city subject to Roman laws, you have gathered together heaps of stones and all sorts of arms as if you faced brigands (*latrones*); we brought books in order to instruct; you brought swords and clubs to commit murder.'" According to Severus, the violent exchanges between the two communities were initiated by certain Jewish women, who threw stones at the Christian crowd as they approached. At this point, he claims, the situation became out of control. The Christian crowd attacked the synagogue, despite his efforts to stop them, and dispersed after it is burned to the ground. Thus, Severus' *Letter* responds to potential charges of violence by blaming it on the Jews.

Theft was another aspect of *latrocinium* often relevant in disputes over attacks on synagogues. Just as the great wealth of many pagan temples was appropriated during their closure or conversion in the fourth and early fifth centuries, liturgical ornaments and manuscripts in synagogues also had an obvious appeal to Christians, who presumably could reuse them in their

⁵⁶ See n.50 above.

⁵⁷ For this and other accusations against extremist Christians see Gaddis, *There is No Crime* 208–250.

own rituals. Thus, after an attack on the synagogue in Palermo in 598, Gregory orders the return of all stolen materials, including books and furniture.⁵⁸ In his *Letter*, Severus responds to the potential accusation of theft by attributing a desire for material gain to only one person, a slave, who is prevented by a divine miracle (13): “For the slave of a certain Christian, as he himself was later forced to confess, had come to that place, drawn not by love of Christ, but by love of plunder. He alone was greedy to steal something from the synagogue, and he was struck by a stone for his offence.” As for the rest of the group, Severus explains that they rescued and returned the synagogue’s valuables, with the exception of the biblical manuscripts, of which he asserts that Christians are the rightful custodians. Similar apologetic concerns are found in later accounts of violence against Jews. In the *Life of Barsauma*’s description of the attack on a synagogue in Rabbat Moab, one of the disciples attempts to steal the synagogue’s gold, but is caught in the act by Barsauma, who chastises him, making him stop.⁵⁹ Similarly, John of Ephesus is careful to note that when Sergius destroyed the synagogue in Amida, all of the valuables, including books, trumpets, and other liturgical furniture, were also burnt, no doubt to counter accusations of theft.⁶⁰

Charge 3: illegal seizure of synagogues

A final issue relating to *latrocinium* was the return of illegally seized synagogues, or the payment of financial damages if they had been destroyed or consecrated as churches. Imperial legislation consistently affirmed these rights, as pope Gregory did later.⁶¹ In addition to his decision to return the synagogue at Cagliari, two letters addressed to correspondents in Palermo

⁵⁸ Gregory *Ep.* 9.36, to the *defensor* Fantinus. *Cod. Theod.* 16.8.25 had explicitly called for the return of votive offerings, presumably liturgical instruments, to synagogues which had been sacked.

⁵⁹ *Life of Barsauma* Miracle 21.

⁶⁰ John of Ephesus *Lives of the Eastern Saints* 5.

⁶¹ As did Theodosius I, initially, after the attack on the synagogue in Callinicum in 388 (see below).

reveal a dispute between the city's Jewish community and a group of Christians who had seized their synagogue and associated guest houses in 598. In the first letter Gregory writes to the bishop, Victor, reminding him that the synagogue takeover is contrary to imperial law.⁶² Yet Gregory does not order it to be returned immediately, apparently waiting for further information about the dispute; instead, he instructs the bishop to refrain from consecrating the appropriated buildings until the Jewish claim to them has been properly evaluated.

Trusting the bishop appears to have been a mistake: when Gregory wrote again (*Ep.* 9.38), this time to Fantinus, *defensor* of Palermo, the synagogue had already been consecrated as a church, presumably by Victor. Gregory notifies Fantinus that he has judged the takeover to be illegal, based on the evidence gathered by his notary Selerius. But because the appropriated synagogues were now churches, they could not be returned. Instead, Gregory orders that the bishop pay the Jewish community a sum of money to be determined by the patrician Venantius and the abbot Urbicus, the assignment of both a secular and a religious leader no doubt being deliberate. On the other hand, this incident demonstrates that Christian communities could exploit a glaring loophole in imperial legislation protecting synagogues, which could not be returned after they had become churches. Furthermore, Gregory does not state that the Jews would be allowed to build another synagogue; this implies that the seizure and consecration of synagogues was an effective strategy for permanently displacing Jewish communities, even if payment of damages was ordered.⁶³

⁶² *Ep.* 8.25. Gregory is here upholding a long tradition of imperial legislation protecting Jews and their synagogues from violent attack, including *Cod. Theod.* 16.8.21 and 16.8.24. For pope Gregory's adherence to the Roman law of slavery see Adam Serfass, "Slavery and Gregory the Great," *J ECS* 14 (2006) 77–103.

⁶³ Gregory's *Ep.* 1.34 to Peter, bishop of Terracina (March 591), is in response to the complaint of a Jew in Terracina that they are continually

Conclusion

When the *Story of Joseph* was composed, sometime in the late fifth or sixth century, Jews and their property, especially synagogues, had been under threat of attack for over two hundred years. Yet Judaism remained legal, and legally protected, by the same imperial administration that denounced it in edicts. Thus, when a synagogue on Callinicum on the Euphrates was burned in 388 by Christians, apparently with the support of the local bishop, Theodosius upheld the verdict of the *comes orientis* requiring them to pay for the rebuilding. At this point, however, Ambrose intervened: the bishop of Milan successfully urged the emperor not to follow the negative example of Julian the Apostate, who had encouraged the rebuilding of the Temple in Jerusalem (Ambr. *Ep.* 40). Later, in 423, when an imperial law was passed protecting Jews from attack, the holy man Symeon the Stylite became the patron of its local detractors, sending a letter of rebuke to Theodosius II, who is said to have removed his support as a result.⁶⁴ I suggest that invented Christian tradition fulfilled a function similar to that of the bishop Ambrose and the holy man Symeon, by seeking to bring to the fore the contradictions apparent in Christian Rome and defend the illegal actions of extremists. One could imagine, for instance, the *Story of Joseph* being presented to a governor of Palaestina Prima in Caesarea, in order to justify the takeover of a synagogue in Lydda or elsewhere; or even to pope Gregory, mediating the dispute in Cagliari, as an example of apostolic precedent, by a pilgrim who had obtained a copy in the Holy Land. Although the precise avenues of influence are usually obscure, the significance of invented

obstructed from meeting for liturgical celebrations, a situation which may suggest that their synagogue has been forcibly occupied.

⁶⁴ This episode is recorded in the *Syriac Life of Symeon Stylites* 122; English transl. Robert Doran, *The Lives of Symeon Stylites* (Kalamazoo 1992). However, given that the law in question, *Cod.Theod.* 16.8.25, from Feb. 423, was confirmed in two laws of the same year, 16.8.26 and 16.8.27, this account seems tendentious.

tradition as a source for extremist propaganda, aimed at both imperial policy and public opinion, is clear.⁶⁵

June, 2010

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⁶⁵ I would like to thank John Reeves, for his prepared response to a version of this paper delivered at the 2008 meeting of the Society of Biblical Literature; and the editor and the reviewer of *GRBS*, for their helpful comments.