E. A. JUDGE

Jerusalem and Athens

Wissenschaftliche Untersuchungen
zum Neuen Testament
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Cultural Transformation in Late Antiquity

Essays Selected and Edited by
Alanna Nobbs

Mohr Siebeck

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In memory of Patricia Joy Judge
(1930–2005)
who cared about both

Quid ergo Athenis et Hierosolymis, quid Academiae et Ecclesiae?
'What then has Athens to do with Jerusalem, or the Academy with the Church?'

Tertullian, *De praescriptione haereticorum* 7 (34).9

Preface

This third volume of Edwin Judge's selected essays owes much to the support of Judge himself and to the excellent examples set by the two earlier editors of such collections, † David M. Scholer and James R. Harrison.

Thanks are also due to those attached to the Ancient History Documentary Research Centre within the Ancient Cultures Research Centre at Macquarie University who have assisted in the production of the typescript. Jon Dalrymple compiled the indexes, Pat Geidans, Anne Irish and Beth Lewis all assisted with word-processing while Rachel Yuen-Collingridge handled the Greek passages.

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The project could not have happened without the judgement and encouragement of Professor Jörg Frey, WUNT series editor, and Henning Ziebritzki, Editorial Director (Theology and Jewish Studies), Mohr Siebeck and the skilled work of their staff.

I would like to express my gratitude for the opportunity to teach and research in the area of Early Christianity and Late Antiquity at Macquarie University over the last forty years, and to thank my colleagues past and present for an ideal intellectual climate in which to do so. Finally thanks to my husband and family who have patiently borne Jerusalem and Athens for so many years.

As a longstanding friend of Patricia Judge I am honoured to join Edwin in dedicating this collection to her memory.

Alanna Nobbs
May 2010

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Abbreviations

ABR	*Australian Biblical Review*
ACW	*Ancient Christian Writers*
AJP	*American Journal of Philology*
Anal.Boll.	*Analecta Bollandiana*
ANRW	*Aufstieg und Niedergang der römischen Welt*
AULLA	*Australasian Universities Language and Literature Association*
BAR	*British Archaeological Reports*
BASP	*Bulletin of the American Society of Papyrologists*
BE	*Bulletin épigraphique*
BG	*Biblia gentium*
BIAO	*Bulletin de l'Institut français d'archéologie orientale*
CIJ	*Corpus inscriptionum Judaicarum*
CIRB	*Corpus inscriptionum regni Bosporani*
CP	*Classical Philology*
CPJ	*Corpus papyrorum Judaicarum*
CPL	*Corpus papyrorum Latinarum*
CQ	*Classical Quarterly*
CR	*Classical Review*
CSCO	*Corpus scriptorum christianorum orientalium*
CSEL	*Corpus scriptorum ecclesiasticorum Latinorum*
DACL	*Dictionnaire d'archéologie chrétienne et de liturgie*
EA	*Epigraphica Anatolica*
FIRA	*Fontes iuris Romani anteiustiniani*
GCS	*Griechische christliche Schriftsteller*
GRBS	*Greek, Roman and Byzantine Studies*
HSCP	*Harvard Studies in Classical Philology*
HTR	*Harvard Theological Review*
JbAC	*Jahrbuch für Antike und Christentum*
JBL	*Journal of Biblical Literature*
JCE	*Journal of Christian Education*
JECS	*Journal of Early Christian Studies*
JHS	*Journal of Hellenic Studies*
JRH	*Journal of Religious History*
JRS	*Journal of Roman Studies*
JSNT	*Journal for the Study of the New Testament*
JTS	*Journal of Theological Studies*
KS	*Kleine Schriften*

MH	*Museum Helveticum*
MSS	Manuscripts
New Docs	*New Documents Illustrating Early Christianity*
OCD	*Oxford Classical Dictionary*
OLD	*Oxford Latin Dictionary*
PG	*Patrologia graeca* (ed. Migne)
PGM	*Papyri graecae magicae*
PL	*Patrologia latina* (ed. Migne)
RAC	*Reallexikon für Antike und Christentum*
RBi	*Revue biblique*
REG	*Revue des études grecques*
RE	*Realencyclopädie der classischen Altertumswissenschaft* (eds Pauly-Wissowa)
REJ	*Revue des études juives*
RTR	*Reformed Theological Review*
Sb	*Sitzungsberichte*
SEG	*Supplementum epigraphicum graecum*
SIFC	*Studi italiani di filologia classica*
TDNT	*Theological Dictionary of the New Testament* (ed. Kittel)
TynB	*Tyndale Bulletin*
VH	Van Haelst
WdF	*Wege der Forschung*
ZNTW	*Zeitschrift für die neutestamentliche Wissenschaft*
ZPE	*Zeitschrift für Papyrologie und Epigraphik*
ZRG	*Zeitschrift für Religions- und Geistesgeschichte*
ZTK	*Zeitschrift für Theologie und Kirche*

Introduction

The use of the term 'Late Antiquity' to cover roughly the late third to the seventh century came into vogue in English in the early 1970s, though there were French, German and other counterparts around the same time which will have had their own history. There have recently been challenges mounted to the term and its associated concepts by some Western Medievalists. Much current research centres on issues of ethnicity/identity and cultural change versus continuity. Such new(ish) focal points may well enhance our perceptions of the interactions of the classical with the Christianised late Roman world, both east and west. They will expand and complement but not replace the insights offered here. These arise from close documentary studies into the interaction of Jerusalem with Athens and its ongoing significance for the present.

Our volume is divided into three broad sections: 'Classical Antiquity and Christianity', 'Documents of Late Antiquity' and 'From Ancient to Modern'. Within these sections the chapters are arranged in general chronologically but also with an eye to developing the major themes of the section coherently.

* * *

Section I, 'Classical Antiquity and Christianity', takes us to the heart of the juxtaposition which is the core of this volume and the focal point of Edwin Judge's lifelong studies.

The first chapter marks the transition from the Augustan/New Testament world of the previous collection in this series which reflected Judge's primary teaching in Roman political history. We move now to the broader changes wrought in Western thinking once the 'Christian' world view was dominant. It was in late antiquity from the time of Constantine that the intellectual framework for the future development of the West was set, notably by Augustine.

The very term 'religion', as Judge foreshadows in the first chapter, needs to be critiqued in its ancient context. We now use the word loosely, but to the classical world, as Judge argues in this and the second chapter, the traditional cults were procedural, while Christianity fell more into the category of a philosophical movement, i. e. a set of beliefs with lifestyle consequences. Judge argues strongly and forcefully from the contemporary documents and literary sources that the classical meaning of the word changed during the late third

and early fourth centuries, so that the very word 'religio' was taken over and indeed "usurped" by the "new counter-culture" (Christianity). The word gradually lost its original sense of 'taboo', 'scruple', 'cult', 'ritual', or 'punctilio' mixed with 'awe'. A consensus is yet to be reached on this, not least because some would see the Graeco-Roman cults as less barren than the simple application of the Latin term 'religio' with its inherent sense of formal duty might suggest. Judge's careful precision with terminology will serve to sharpen our understanding of the functions of cults in Graeco-Roman life, and of the shifts occurring by the mid-fourth century. Indeed it was Porphyry and Julian, both of whom had once been associated with Christianity, who highlight the shift. They attempted to make the old order compete with Christianity by drawing together the old philosophical traditions (with their lifestyle implications) with traditional and newer cults. Thus, Judge argues, the modern sense of religion encompassing a quest for the ideal life and an overarching world-view should be used only from around mid-fourth century onwards.

With considerable detailed textual analysis (the 'Judge' method), the third chapter follows the 'group' theme of the second and shows how synagogues and churches ('ecclesiae') were treated differently from each other in Roman imperial thinking down to the time of Gallienus. The Jews were a 'nation', with a strong sense of their national heritage, while Christians were 'Roman', and were therefore expected to conform to the Roman state. From this scenario Judge traces the origins of the modern dilemmas of multiculturalism and toleration. It has been a critical issue for the twentieth and twenty-first centuries that Jews and Christians have had so different a fate in Europe and in the Mediterranean world. The modern dilemmas of openness, toleration and 'national' values are encapsulated in the Roman state's reaction to Judaism on the one hand and Christianity on the other. Other still relevant modern themes are explored in Chapter four, which looks at self-disclosure and the individual in relation to St Paul. Paul's quest for the 'inner man' (pursued even more deeply by Augustine) ran counter to the self-display found in classical drama and thought.

The last two chapters in Section I explicitly spring from the theme 'Antike und Christentum'. In Chapter five, a review of the field in 1973, Judge, then fresh from a year's study leave in Bonn, sets out his agenda of commenting on the ways in which the physical remains (see Section II) as well as the literary sources illuminate the transformation of classical civilisation into a Christianised culture. The *Reallexikon für Antike und Christentum* (*RAC*, cited frequently throughout) gives the distillation of the immense German research concentration on this area. These pieces need to be read as the novelty they (largely) represented in the world of English-speaking, especially Antipodean, scholarship to that point. So much integration of 'Antike' with 'Christentum' has taken place since then that it is easy to overlook the impact of the intro-

duction into the common arena of these themes arising from the scholarship of such classicists as Albrecht Dihle.

The sixth chapter, to be read closely with the fifth, originally published in *Aufstieg und Niedergang der römischen Welt* (*ANRW*) 1979 is reproduced in an abridged form. It reviews to that point the weighty scholarship generated by the ideas of F. J. Dölger in early Christianity and classical culture, and gives an indication of themes to be pursued more fully by Late Antique scholars over the next thirty years.

Finally another review in Chapter seven looks at the way Australian researchers from 1965 to 1990 took up the ideas behind 'Athens and Jerusalem'. Since then Australian scholars have even more richly contributed internationally to the study of early Christianity, late Antiquity and Byzantium.

* * *

In Section II, 'Documents of Late Antiquity', we find specific illustrations of Judge's way of using documentary evidence from papyri and inscriptions. These material remains of antiquity are used to showcase particular examples illustrating the changes in society.

The first chapter in this Section (Chapter eight) is taken from the series *New Documents Illustrating Early Christianity*, a series fostered by Judge and published originally through Macquarie University and now by Eerdmans. All nine current volumes (the first five edited by G. H. R. Horsley and the subsequent ones by S. R. Llewelyn et al.) provide a rich array of texts relating to the theme of 'Jerusalem and Athens' during the first four centuries. Chapter eight, accompanied by an in-depth bibliography, reproduces and analyses the 'God-fearers' inscription from Aphrodisias, originally edited by Reynolds and Tannenbaum. Judge's careful summary of the conflicting modern views over the existence of a group of gentile God-fearers associated with ancient Judaism constitutes a major treatment of this still-contentious topic.

The next two chapters, also taken from the *New Documents* series, show how conclusions about Christianisation may be drawn from secular and apparently unrelated documentary material. Chapter nine discusses a papyrus text from AD 253–60 which provides the first documentary evidence attested from Egypt relating to a state school teacher. Judge's commentary, as well as taking up specific linguistic points relating to the New Testament, addresses some broader questions of literacy and the churches. In Chapter ten Judge explores, again with a detailed bibliography, the implications of the use of the terms "ecumenical" and "synod" for their adoption within Christianity.

Passing from close analysis of one specific document to an overview of the surviving papyrus evidence for the Christianisation of Egypt, Chapter eleven provides a detailed, tabulated and fully up-to-date (2010) distillation of all that can be deduced about the spread and organization of church life up to AD 324

from the surviving papyrus evidence. The significance of this is profound. Judge opens with a challenge: in AD 325, sixty bishops from Egypt travelled to the council of Nicaea. Therefore there must have been a well organized system of churches well prior to that. The argument that Christianity owed its triumph to its adoption by Constantine cannot be sustained. Galerius before him had already conceded defeat and ordered toleration, and as Judge shows, Christianity was by then well entrenched in Egypt. There can be no doubt that the surviving papyrus evidence, though relatively sparse, clearly points to this conclusion. Judge's treatment of this issue should be considered in all future discussions of this topic.

When Chapter twelve originally appeared in 1977 in *Jahrbuch für Antike und Christentum* it provoked a wave of scholarly attention since it chronicled what was at that time not only the earliest attestation of the use of the word *monachos* for monk, but also supplied his name, Isaac. What made it more striking was the fact that the word appeared in a dated secular document (6 ? June AD 324), being one of the papyri from the extensive archive of Isidore of Karanis. The archive itself is not at all concerned with Christianity, as it details the extensive business records of Isidore and contains numerous petitions over his affairs. What is striking is the completely matter of fact way the papyrus notes the intervention of the deacon Antoninus and monk Isaac in coming to Isidore's aid when attacked by a neighbour. The integration of such church figures into village life by 324 (cf. Chapter eleven) is surely attested by this document, the significance of which Judge immediately appreciated and brought to public notice.

Chapter thirteen is another tabulated analytical overview, this time of the state of the then (1981) papyrological evidence for fourth-century monasticism. Papyri also are the basis for Chapter fourteen which sets out the grassroots papyrus evidence for the permeation throughout Egyptian society of the notion of mercy: a legacy of Jerusalem, Judge observes, rather than Athens. It is well remarked here that mercy and justice may seem to be mutually exclusive concepts. Pity, a classical concept which was regarded as unworthy of the wise, was not generally admired in the Graeco-Roman world. It was the Judaeo-Christian notion of mercy which introduced a new element into the tension between Church and State – while, as Judge observes, Roman society was if anything becoming even more brutal (if that were possible given the murderous and well-documented practices of Nero's day).

Chapter fifteen deals with magic in relation to the kinds of everyday concerns which the Church preferred to address through intercessory prayer. The continued and pervasive appeal to magic (despite the attempts of the Church and in some cases of the state to suppress it) continued throughout the fourth century and beyond. Practitioners of magic naturally tried to harness the obviously powerful Christian God alongside other deities. Christians might, as

Judge's collected evidence suggests, use their sacred texts in a semi-magical way as an apotropaic counterblast to magic. Both Jewish and Christian texts were used prophylactically. By studying texts such as these we can get close to the 'grassroots' of the belief among ordinary people, something we simply cannot do by relying on literary texts. It is such close documentary studies which underpin the overview of the trends to be discussed in the final section.

* * *

With Section III 'From Ancient to Modern' we move to another of Judge's continuing concerns. To study antiquity in the way set out in this and in the other collected volumes of his work is not simply to lose ourselves in the fascination of the past, nor merely to reflect on the common humanity which binds us across the millennia. For Judge, as for many others, the roots of the attitudes which form the basis of modern Western culture lie in the period roughly from 500 BC to AD 500. The tensions between the classical and the Judaeo-Christian worlds still largely drive the mindset of their twenty-first century legatees.

Chapter sixteen uses four papyrus documents to illustrate the outworkings of the conversion of Rome and to spell out its social consequences. Christianity, as Judge has consistently argued (and as is spelled out in more detail in his previous volume edited for Mohr Siebeck by James Harrison), encompassed all social classes and broke deliberately with the well-developed Roman system of rank and status. Nevertheless as a movement it was driven essentially not by the disadvantaged, though it worked in their favour, but initially at any rate by the well-to-do leaders of the local Hellenistic Jewish establishment in the Eastern Mediterranean. Intellectual combined with social forces to promote and spread the Gospel through the period to Late Antiquity. Julian's reaction to the churches and his eager adoption of their methods is sufficient testimony to this. The "long and painful journey" (Judge's words) to reconcile the tensions resulting from the conversion of Rome is still being played out in the twenty-first century.

The fourth-century contemporary observers of the conflict (Chapter seventeen) show both by their understanding and by their bewilderment how complex this interaction was. Chapter seventeen sets out in broader detail fourth-century reactions to Christianity. The education system (Chapter eighteen) was a front line of the fourth-century conflict. Worth noting in particular in Chapter twenty is the critical assessment of Ammianus Marcellinus, the last historian in the classical tradition to write a major history of events to his own day in Latin. The conversion not of individuals but through them of society was played out decisively for the next millennium and beyond, in the fourth century (Chapters nineteen and twenty). This process brought new concepts and new use of older vocabulary to express the transformation.

Among all the fourth-century contemporary observers of society Ammianus Marcellinus stands out. His attitudes to Christianity have been variously interpreted and keenly debated over the last twenty-five years, and readers should note the bibliographical update of the opening note in Chapter twenty, while recognising that these newer studies have not substantially altered Judge's arguments. Indeed, because they are based, as is Judge's practice, on a close analysis of terminology, one finds the intrusion of Latin terms into 'religious' vocabulary, as noted by Ammianus, the more striking. Ammianus uses his terms carefully, because of his desire to follow historiographical precedent and not to introduce innovation into a historical work written according to classical conventions. He endeavours to explain the Christian phenomenon which was transforming his world and with which he must have been fairly well acquainted. Using specific terms such as *lex* (law) and *cultus* (worship, devotion, culture) coupled with the adjective 'Christianus', Ammianus carefully distinguishes the Christians from the fourth-century adherents of traditional worship. Judge indicates that by his precision of language Ammianus is saying far more than 'Christiani' (the Christians). He is seeking, in Judge's words, "to express their character as a social movement". This careful analysis does not place Ammianus in a particular 'camp': lapsed Christian(?), pugnacious 'pagan'(?). It rather seeks to clarify by analysing Ammianus' language what it was about the Christians that was causing such an impact and such havoc in public life.

The discipline of history-writing itself, begun a millennium before by the forebears of Herodotus and sharpened and focused by Thucydides was profoundly affected by the conversion of Rome (Chapter twenty-one). Eusebius in his concern for dogmatic truth (perhaps partly influenced by the philosophers) records, as few historians before him had seen the need to do, the actual words of the documents he consulted and the names of those succeeding to the main episcopal sees. By doing so he laid the foundations for the modern footnote, so thoroughly provided in all Judge's chapters in this volume.

Our whole corpus can be summed up in the title of the last chapter (and final 'official' public lecture of Judge in his professorial post at Macquarie University): 'Ancient Beginnings of the Modern World'. It ranges through documents from Egypt, through the Delphic canon and ends (appropriately) with Augustine, thus encompassing documents in the Egyptian language, Greek and Latin. The peroration is this: it is vital to our future that we understand the world as they (the people of the past) and we have made it. Here lies the challenge to integrate the world of scholarship, classical and Christian, with the concerns of our society.

This challenge is being addressed in a comprehensive way at Macquarie University by Judge's successors. In 1969 when Edwin Judge took up the chair of History in the field of Ancient History at Macquarie University he already had a well thought-out plan (in gestation since 1955) to integrate the study of

Church and State in Late Antiquity with his interest in Roman History and in the historical background of the New Testament. A small amount of this had been put into practice while he was at the University of Sydney, but on his coming to Macquarie the first two appointments were those of Bruce Harris and Alanna Emmett (now Nobbs). The latter was privileged to be a pupil of Robert Browning and was completing a doctoral thesis on Ammianus Marcellinus. She was invited to initiate the undergraduate teaching of the period of Constantine to Justinian along with a thematic treatment of Church and State. This unit/course, which is still running, was to be one of the first such at undergraduate level in the English-speaking world and probably beyond. It encouraged a large number of research students and coincided with an explosion of work on the Later Roman Empire and its interaction with Christianity. In British scholarship this can be measured by the ever-increasing proportion of articles on Early Christianity and Late Antiquity in the premier *Journal of Roman Studies* from the late 1960s to the present.

From that decade Arnaldo Momigliano, followed by Peter Brown, inspired a magnificent array of younger scholars. From my own perspective, as influences on Ancient History at Macquarie, one may mention Averil and Alan Cameron, John Matthews and their pupils (including Macquarie's Brian Croke), along with Sir Ronald Syme's move from the Principate towards the Late Empire and the insights of Sir Fergus Millar and Alan Bowman.

My colleagues and I were fortunate to forge close links in the formative years of Ancient History at Macquarie with these and other scholars in London and Oxford, while Judge's own personal links were mainly with Germany, Cambridge and the United States. Additional staff over the years considerably added to the Department's strength in Early Christianity/Judaism together with Late Antiquity and Byzantium. The University recognized this in appointing as Judge's successor in the chair now named after him Samuel Lieu, who was at the centre of publishing the new Manichaean discoveries linking the New Testament tradition to Late Antiquity. At the Department's fortieth birthday celebration in August 2009 the research and outreach concentration in this area was magnificently encapsulated by Tessa Rajak.

In 2010 out of thirty-one staff well over one-third are engaged in teaching, researching and supervising in the area of 'Antike und Christentum' (broadly defined). This has not led to a lessening of the holistic approach to Ancient History at Macquarie. The program extends currently from Predynastic Egypt via Greece, Rome and Byzantium to Ancient China, and is underpinned by language study in Egyptian Hieroglyphs, Akkadian, Greek, Latin, Hebrew, Syriac and, vital for our theme, Coptic. The program is underpinned by documentary study in papyrology, numismatics, epigraphy, and archaeology. The modern implications are addressed through the associated Centre for the History of Christian Thought and Experience.

No more fitting conclusion to the import of this volume can be found than in the words of the great Jewish historiographer Arnaldo Momigliano: "No fully self-aware historian of the ancient world … can get away with the refusal to recognize that ancient history makes sense only when it is seen to evolve in such a way as to end naturally in the rise of Christianity."*

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May 2010

* Cited from *Giornale Critico della Filososofia* (1935) in Peter Brown's obituary for Momigliano in *Proceedings of the British Academy* vol. LXXIV (1988) p.408.

I. Classical Antiquity and Christianity

Chapter 1

The Beginning of Religious History*

In his Foreword to the opening number of *The Journal of Religious History*, Bruce Mansfield did not attempt to define 'religion'. This was only to be expected, since even those who profess that subject notoriously disagree on what it is.[1] In any case, the editors of the *Journal* were not proposing to study religion, but rather its connection with history. Yet "religious history" was not exactly defined either. Instead we wanted to leave the *Journal* open to contributions from any point of view, period or place. What might best be brought under the chosen title was indirectly suggested by the Editor in a review article on the work of Lucien Febvre.[2]

Bruce Mansfield himself went on to a decade of teaching at Macquarie University, where his foundation course, 'The West in Early Modern Times' (1967–1976), displayed the comprehensive approach to the study of human experience in history which the *Journal* had advocated. With its huge enrolments (reaching over 700 in 1976) and vividly sustained texture, the course must rank with A. H. McDonald's 'Ancient History' at the University of Sydney twenty years before as one of the most luminous enterprises of our time in historical education in New South Wales. But there is a contrast between the two courses which brings me to my point. One cannot imagine a course on ancient history (in the classical sense) in which the great historical issues were caught up with questions of religious allegiance in the way they must be for early modern times.

It is hardly an accident that the *Journal* has settled down to cater for the modern West more than for Antiquity or the Orient. The phenomenon of 'religion', and therefore of "religious history", as we must understand it from the modern point of view, is not something universal in human experience. Rather it is one of the distinctive marks of the history of the West, and only then of the whole modern world in its westernising mode. When we ordinarily speak of 'religion' now – for example when asked to identify ourselves on a

* *JRH* 15.4 (1989) 394–412, with sub-headings added.

[1] Raffaele Pettazoni, 'History and Phenomenology in the Science of Religion', in *Essays on the History of Religions*, Studies in the History of Religions: Supplements to *Numen* 1 (Leiden 1967) 215–219, translated from the French of the first number of *Numen* (1954).

[2] B. E. Mansfield, 'Lucien Febvre and the Study of Religious History', *JRH* 1.1 (1960) 102–111; also 11.1 (1980) 6.

census form – we refer to an institutionalised set of beliefs and practices, supporting a general framework of life, which may mark us off in a social sense from those involved in other sets. Religious identity, whether inherited or acquired, residual or even rejected, implies an alternative commitment to that of others living in the same community.

Such a commitment may be more or less reconciled with the public order, but its autonomous character shows that our 'religion' will in principle set its own terms for the relationship. Political multiculturalism attempts to cater positively for this independence on the condition of mutual toleration. But the contemporary debate in Australian politics suggests that the concert can only be sustained if conducted in the spirit of a strictly secular nationalism. At the other extreme, no-one seriously imagines we could go back to an established religion; the churches themselves are relieved to have stepped beyond the long shadow of Constantine. Are we then back with the bracing confrontations of the third century? Hardly, since our whole cultural tradition has been fundamentally transformed through the interaction of church and state. The modern world can no longer choose between Athens and Jerusalem. It depends too much on both of them. Their very contradictions maintain the ferment of the West.

I. The "Civil Religion" of Rousseau

The modern American notion of a 'civil religion' has been advanced as the solution to this dilemma.[3] Obliging each President in particular to acknowledge divine help, it accepts a sanction beyond the state itself, thus avoiding the quasi-divinisation of the latter implied in a merely secular nationalism. Enlarging its conception of the divine to embrace every belief or attitude capable of theistic expression, it avoids the establishment of any specific religion.[4]

[3] Robert N. Bellah, 'Civil Religion in America', *Daedalus: Proceedings of the American Academy of Arts and Sciences* 96.1 (1967) 1–21, proposed that Rousseau's dream had imperceptibly fulfilled itself in the United States; see also his *The Broken Covenant: American Civil Religion in Time of Trial* (New York 1975). The phenomenon had been explored under other headings in earlier works, such as Will Herberg, *Protestant – Catholic – Jew: An Essay in American Religious Sociology* (New York 1955; rev. ed. 1960) and Sidney E. Mead, *The Nation with the Soul of a Church* (New York 1955); note also Sidney E. Mead, *The Old Religion in the Brave New World: Reflections on the Relation Between Christendom and the Republic* (Berkeley 1977); Bellah, Herberg and Mead contributed to *American Civil Religion* (eds Russel E. Richey and Donald G. Jones, New York 1974) not seen by me; note also Robert N.Bellah and Phillip E. Hammond, *Varieties of Civil Religion* (San Francisco 1980), where comparisons are made with other countries. For Australia see R. G. Ely, 'The Forgotten Nationalism: Australian Civic Protestantism in the Second World War', *Journal of Australian Studies* 20 (May 1987) 59–67.

[4] Cf. Bellah and Hammond, *Varieties of Civil Religion*, 44.

Thus it overcomes the conflict of authority which Rousseau held had "made all good polity impossible in Christian states".[5] Rousseau envied the social unity of the ancient cultures, and of early Islam, where "there can be no pontiff save the prince, and no priests save the magistrates".[6] The trouble arose because "Jesus came to set up on earth a spiritual kingdom". This "new idea of a kingdom of the other world could never have occurred" in the classical culture. Rousseau still admired "the religion of man or Christianity – not the Christianity of today, but that of the Gospel" in which "all men, being children of one God, recognise one another as brothers". But because this religion had "no particular relation to the body politic", a society based on it, far from being perfect, would be robbed of its bond of union. There would be no commitment to the good government and defence of the state. What was needed was a "purely civil profession of faith".

Unlike the *philosophes*, whose more radical Deism he rejected, and in spite of the doubts he had about the churches of Rome and of Geneva, both of which he had in turn joined and left, Rousseau insisted upon the importance of an authoritative doctrine of God. In this he remained, as he desired to remain, identified with the distinctively Christian tradition of his birth. But he retreated from it in rejecting the methods of learned debate by which Christian beliefs had characteristically been defined: "The dogmas of civil religion ought to be few, simple, and exactly worded, without explanation or commentary".[7] This was necessary if they were to have the effect required of them, which was to make each citizen love his social duty. They only mattered to the state in respect of this. In other respects the citizens might believe what they pleased, provided they did not make exclusive demands of each other. All religions

[5] Jean-Jacques Rousseau, *The Social Contract and Discources* (trans. G. D. H. Cole, London 1975) 270, from *The Social Contract*, 4.8 'Civil Religion'. "I am mistaken in speaking of a Christian republic; the terms are mutually exclusive", 275. For discussion, see Robert Derathé, 'La religion civile selon Rousseau', *Annales de la Société Jean-Jacques Rousseau* 35 (1959–1962) 161–180; Pierre Burgelin, *Jean-Jacques Rousseau et la religion de Genève* (Geneva 1962); Henri Gouhier, 'La religion du vicaire savoyard dans la Cité du Contrat social', in *Études sur le Contrat social de Jean-Jacques Rousseau* (Paris 1964) 263–275; Ronald Grimsley, *Rousseau and the Religious Quest* (Oxford 1968) and *Rousseau: Religious Writings* (Oxford 1970; French text, English introductions and notes); J. McManners, 'The Religion of Rousseau', *JRH* 5.4 (1969); Christian Jacquet, *La Pensée religieuse de Jean-Jacques Rousseau* (Louvain/Leiden 1975). I have not seen Karl Dietrich Erdmann, *Das Verhältnis von Staat und Religion nach der Sozialphilosophie Rousseaus: Der Begriff der 'religion civile'* (Berlin 1935).

[6] *The Social Contract*, 273. For Islam see 271. But with the Shiites of Persia "the division between the two powers began again". "Such are the religions of the Lamas and of the Japanese, and such is Roman Christianity, which may be called the religion of the priest" (272). For Jesus and what follows see 270.

[7] *The Social Contract*, 276. The dogmas were stated as follows: "the existence of a mighty, intelligent, and beneficent Divinity, possessed of foresight and providence, the life to come, the happiness of the just, the punishment of the wicked, the sanctity of the social contract and the laws". To these positive dogmas was added a single negative one, "intolerance, which is a part of the cults we have rejected".

should be tolerated that tolerate others. Whoever dared to say "Outside the church is no salvation" should be driven from the state, along with those who would not believe the dogmas of the civil religion. As for anyone who did publicly recognise the dogmas, but behaved as though he did not believe them, there was a more drastic penalty: death.

This spectacular paradox is made all the more puzzling by the fact that Rousseau did not specify the offending behaviour. The justification he adds for the extreme penalty is also curious: "He has committed the worst of all crimes, that of lying before the law". The contents of the final section of Book 4, chapter 8, of *The Social Contract* were cut down from the draft which appears on the back of the Geneva manuscript.[8] In the published version the penultimate paragraph justified the ban on intolerance by arguing that theological intolerance cannot be separated from its civil counterpart; so that kings become only the ministers of the priests. In the draft there followed a paragraph on the impossibility of peace if intolerance was not banned, and in particular if everyone was intolerant. As the inquisition showed, such a country became a society of demons, united only in tormenting each other:

> You must think as I do in order to be saved. This is the frightful dogma that desolates the earth. One will never do anything for public peace without removing from the city this infernal dogma. Anyone who does not find it execrable can be neither a Christian nor a citizen nor a man. He is a monster whom one must sacrifice for the repose of the human race.

In a third additional paragraph, Rousseau spelled out the limits on the freedom to think differently. Only opinions not contrary to the profession of the civil faith should be allowed, and only cults that are compatible with the public one. Thus there would be no interest in the discussion of dogma. No apostle or missionary would have the right to charge with error a religion that served as the base for all the religions of the world and condemned none of them. Anyone who came to preach his horrible intolerance would be punished without argument. He would be punished – a variant specifies the ultimate penalty – for sedition and rebellion against the laws, except that he could go off, if he wished, and tell of his martyrdom in his own country.

The earlier draft thus makes clear that the behaviour that required the death penalty was intolerance, while the formal grounds for inflicting it would be akin to perjury or treason. Immediately before the prescription of the penalty, the draft makes this provision:

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[8] Robert Derathé, editorial notes in Jean-Jacques Rousseau, *Oeuvres complètes*, Volume 3, *Du Contrat social; Écrits politiques* (eds Bernard Gagnebin and Marcel Raymond, Paris 1964) 336–342, with notes and variants, 1427–1429. The three inset paragraphs below are translated by me from 340–342. In variant (c), 341, noted on 1429, Rousseau asserts that the intolerance does not lie in constraining or punishing unbelievers, but in consigning one's brother to the Devil in the other world.

Every citizen must be bound to declare this profession of faith before the magistrate and to recognise explicitly all its dogmas. If anyone should not recognise them, he is to be excluded from the city but be free to remove all his goods in peace.

When these clauses were cut out, the word "publicly" was added to the following one, which now provided the death penalty for those who "publicly" recognised the dogmas but behaved as though they did not. It is clear that the fatal fault is not so much the non-belief – for which the penalty was exile, imposed "not for impiety" but because the offender was "anti-social" – as the false testimony, which broke the spirit of the social contract. The intolerant behaviour has become "the worst of crimes" because it now involves "lying before the law", the citizen having explicitly recognised the dogmas before the magistrate. The crucial test is not personal belief but public conformity, and behaviour consistent with that.

This interpretation is reinforced by the fact that another civil ceremony, cut out from the final version with the rest of the third paragraph, was to have provided for the annual renewal of the bond:

This profession of faith once established, it is to be renewed every year with ceremony [*solennité*], and this ceremony should be accompanied by an august and simple act of worship [*culte*] of which the magistrates alone should be the ministers, and which rekindles in people's hearts the love of their country. That is all the Sovereign is allowed to prescribe with regard to religion.

Derathé considers that the remodelling of the draft (in much of its other phraseology nevertheless identical with the final version) represents a striking attenuation of the force of certain formulations directed against Roman Christianity. But a student of Augustan Rome will I hope be excused for noticing rather the loss of the parallels in ceremonial with an earlier regime of the eternal city.

While the American debate over civil religion attributes the concept (and even the term)[9] to Rousseau, he himself acknowledged Hobbes as his predecessor,[10] and Derathé believed the influence of Machiavelli was demonstrable.[11] It

[9] Bellah and Hammond, *Varieties of Civil Religion*, 42, claim "Rousseau coined the term for it".

[10] *The Social Contract*, 271: "Of all Christian writers, the philosopher Hobbes alone has seen the evil and how to remedy it". For "civil theology" in Hobbes, see Michael Oakeshott, 'Introduction' to Thomas Hobbes, *Leviathian, or the Matter, Forme and Power of a Commonwealth Ecclesiasticall and Civil* (Oxford 1946) lxi–lxiv, reproduced in *Hobbes on Civil Association* (Oxford 1975) 69–72. Oakeshott draws attention to the way seventeenth-century states were "reminiscent at least of the ancient world, where religion was a communal *cultus* of communal deities … it was left to Hobbes to return to a more ancient theological tradition (indeed, a pagan tradition) and to theorise it in a more radical fashion". Oakeshott recognises the source of the term "civil theology" in Augustine and Varro (see below).

[11] Derathé, 'La religion civile', 165, 169, and *Du Contrat social*, 1504. For Machiavelli's admiration of ancient Roman religion as an instrument of political order, in contrast with

is of some importance, however, to observe the degree to which all three political theorists were reaching back to the long-lost religious polity of ancient Rome. So far as I am aware, the contemporary American discussion has not taken account of this either. Perhaps an imaginative historian will one day trace the many echoes of republican Rome in modern American political life.

"The freest and most powerful people on earth", for eighteenth-century writers, was ancient Rome.[12] A phrase from Vergil announces the theme of *The Social Contract* on its title page.[13] After the third book, on forms of government, the fourth provides the methods by which the "general will" may be safeguarded. Chapters on voting and elections are followed by a sequence of four on the Roman assemblies – the most extensive chapter in the whole work apart from that on the civil religion, – the tribunate, the dictatorship and the censorship.[14] They present an idealised view of Roman government, taking the various institutions at their theoretical value, and failing to allow for their politicisation in practice.[15] Cousin believes that Rousseau may have sensed this weakness, and then sought in the civil religion the uncorrupted incentive that was needed to sustain the social contract. But he does not appear to consider the possibility that here also Rousseau inclined towards the ancient Roman ordering of community life.

A telltale difference, however, between Rousseau's "civil religion" and the ancient "religion of the citizen", seems to obstruct this conclusion. Rousseau saw the maintenance of national gods peculiar to each people as a source of

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the political disunity imposed on Italy by the Roman church, see *Discourses on the First Decade of Titus Livius*, Book 1, Chapters 11–15, in Machiavelli, *The Chief Works and Others* (trans. Allan Gilbert, Durham, N. C. 1965), Volume 1, 223–234. R. J. Kilcullen has drawn my attention to the high valuation of Roman religion in Walter Moyle, *An Essay Upon the Constitution of the Roman Government* (*c.* 1699), in *Two English Republican Tracts* (ed. Caroline Robbins, Cambridge 1969). Moyle's French translator of 1801 believed that his work had inspired the *Considérations* of Montesquieu (1734).

[12] *The Social Contract*, 253. Rousseau drew his Roman examples from the *Discourses* of Machiavelli, and from Sigonius, *De antiquo iure civium Romanorum* (Venice 1560), to whom they are more appropriate than to Rousseau, according to C. E. Vaughan, *The Political Writings of Jean-Jacques Rousseau*, Volume 1 (Cambridge 1915) 109, n.1.

[13] *Aeneid*, 11, 321–22, *foederis aequas/Dicamus leges*, "let us make a treaty, with equal rights", the words of Latinus, prefiguring the treaties on equal terms that bound the Romans to the Latins, and other preferred allies.

[14] Derathé, *Du Contrat social*, 444, n.1, 1495, finds it all of little interest to the reader, being an essay offering only a distant connection with the principles of political rights. He says the only point in the digression was to pad out the fourth book in order to be able to add it to the chapter on civil religion which had been belatedly drafted. If so, it confirms the instinctive link I am suggesting in Rousseau's mind between the civil religion and the practice of ancient Rome.

[15] So J. Cousin, 'J.-J. Rousseau interprète des institutions romaines dans le *Contrat social*', in *Études sur le Contrat social* 13–34, claiming that Rousseau's Roman inspiration has been neglected, and his interpretation of Rome (to which a quarter of the whole work is devoted) never studied. He does not, however, allow for a Roman dimension to Rousseau's religion.

intolerance.[16] The absence of wars of religion in antiquity did not disprove this. It was simply that no distinction was made between the gods and the laws. There could be no missionaries other than conquerors.[17] Even the Hebrews set the God of Israel on an essentially national plane. The new idea of a kingdom of the other world was seen as seditious, with Christians only feigning to submit. It turned, under Constantine, into "the most violent of earthly despotisms".[18] Several peoples had tried to revert to the old system, but the sacred cult had always made itself independent of the sovereign. Even the kings of England and the czars of Russia had turned out to be not the masters of the church, but its ministers. Hobbes must have seen that "the priestly interest would always be stronger than that of the state".[19]

This modern "religion of the priest" was anathema to Rousseau: "All that destroys social unity is worthless".[20] Such a religion "gives men two codes of legislation, two rulers, and two countries, renders them subject to contradictory duties, and makes it impossible for them to be faithful both to religion and to citizenship". Rousseau had both correctly identified the distinctive mainspring of Western culture, and at the same time recoiled from it in incomprehension of its positive force. He was frustrated, correctly, because he could not bring the resultant political process within the classical types of constitution. "It leads to a sort of mixed and anti-social code [*droit*] which has no name." His dilemma has still not been resolved by historians. That is the key task of religious history.

Paradoxically, by applying his negative criterion of intolerance, Rousseau had managed to bring the ancient "religion of the citizen" to the same end result as with the "religion of the priest", antithetical though they were in historical terms. The latter converted theological into civil intolerance because "it is impossible to life at peace with those we regard as damned", and thus "the sovereign is no longer the sovereign even in the temporal sphere".[21] The former, by providing a different god for each people, produced polytheism entrenched in national divisions, "and this in turn gave rise to theological and civil intolerance, which … are by nature the same".[22] The "religion of man", however, or "the religion of the Gospel pure and simple", natural though it was, failed to provide the state with good citizens, and could only work if all citizens were good Christians; and even then they would be overrun by foreign

[16] *The Social Contract*, 268. He also objected, 273, to its "being founded on lies and error", so that it "deceives men … and drowns the true cult of the Divinity in empty ceremonial".
[17] *The Social Contract*, 269.
[18] *The Social Contract*, 270.
[19] *The Social Contract*, 271.
[20] *The Social Contract*, 272.
[21] *The Social Contract*, 276–277.
[22] *The Social Contract*, 268.