

Law and Legal Documents in the Sermons of Peter Chrysologus¹

Because Peter Chrysologus preached at the capital of Ravenna during the reign of Valentinian III, his large corpus of extant sermons provides an intriguing look at ideas and attitudes widely known at the center of the empire. This study will examine just one group of images common in these sermons: the language of law and documentation. The bishop demonstrates a surprisingly accurate knowledge of Roman law, and uses this knowledge to make his sermons understandable and relevant to his congregation. Chrysologus' imagery can be read as a commentary and critique on imperial legal culture at the time of promulgation of the Theodosian Code.

The sermons of the bishop Peter Chrysologus of Ravenna (ca.426–450) are a remarkable witness to the culture and attitudes current in fifth-century Ravenna, which then was the imperial capital of the west. Although details on his life are confused, Chrysologus seems to have been born around 380 in the Italian town of Imola where he was educated and ordained as a deacon.² It has also been posited that Chrysologus may have served in a local magistracy because of his use of legal language, but no source mentions such service, which would be hard to fit into the chronology of his life.³ After serving in the lower clergy, and perhaps also as a monk, he was consecrated, sometime between 425 and 431, as bishop (later metropolitan) of Ravenna and served there until his death in 450.⁴ In his time as bishop, Chrysologus became an extremely popular preacher and formed good relationships with

¹ I am very grateful to Thomas F. X. Noble and Ralph Mathisen for suggestions and corrections on this article.

² *Serm.* 165.1–2, CCSL 24–24B; Agnellus of Ravenna, *Agnelli Ravennatis Liber pontificalis ecclesiae Ravennatis* (Turnhout, 2006), 47, 51; Alexandre Olivar, *Los Sermones de San Pedro Crisólogo: Estudio Crítico* (Montserrat, 1962), 227–31; Ruggero Benericetti, *Il Cristo nei sermoni di S. Pier Crisologo* (Cesena, 1995), 54–56; Augusto Benelli, “Note sulla vita e l’episcopato di Pietro Crisologo,” in P. Serra Zanetti, ed., *In Verbis Verum Amare* (Florence, 1980), 65–67.

³ Benericetti, *Il Cristo*, 56–57.

⁴ *Serm.* 107.2–4, 175; Benericetti, *Il Cristo*, 56–58, 61, 64; Olivar, *Los Sermones*, 97–100; Bogusław Kochaniewicz, *La Vergine Maria nei sermoni di San Pietro Crisologo* (Rome, 1998), 33–34; Benelli, “Note sulla,” 74–76.

the popes in Rome, with the emperor Valentinian III, and especially with the dowager empress and regent Galla Placidia (who both sometimes attended his services).⁵ Although Chrysologus did involve himself slightly in the eastern theological debate about Eutyches, he remains best known as a devoted pastor and the preacher of 183 highly rhetorical extant sermons.⁶

A fascinating example of just such pastoral gifts appears in Chrysologus' use of language drawn from Roman law and legal documents. In a way unequalled in any other late antique Latin preacher, as this article will demonstrate, Chrysologus frequently described and interpreted the theological realities of the gospel in the language of Roman law, using images that would parallel the ordinary life experiences of his congregation. Through Chrysologus' vivid language, sin becomes an indenture with the devil, righteousness a debt to God, death an imperial governor, the office of bishop an actionable pledge, and the Apostles' Creed a charter of salvation. Chrysologus' use of legal imagery, moreover, cannot avoid implicitly criticizing Roman legal culture. For the bishop, law and legal documents are necessary only because of the corruption of sin, and it is the devil who is constantly presented as the owner of legal documents. Christ's sacrifice and God's forgiveness come at the expense of this law of death, nullifying the contract. The just character of God and the oral confession of the creed, as confirmed by faith, guarantee salvation. The Christian has no need of legal documents from God. Chrysologus' lower-class congregation no doubt had plenty of experiences with creditors, slavemasters, lawyers, and corrupt officials, all of whom could take advantage of the Roman legal system to control the poor. In this context, a vision of a God who opposed this culture likely seemed appealing.

Chrysologus' deep interest in issues of law and legal documents, including his uses of legal terminology and parallels with other patristic authors (especially Augustine), was noted at the turn of the century.⁷ And his use of apocalyptic rhetoric has been seen as a prime example of the concern that a late antique bishop could show toward the social and judicial problems of his congregation.⁸ Although Chrysologus' importance as a witness to social situations has been acknowledged, no one has yet attempted to set Chrysologus'

⁵ *Serm.* 85b.3, 130.1–3; Agnellus of Ravenna, *Agnelli Ravennatis Liber pontificalis ecclesiae Ravennatis* (Turnhout, 2006), 26, 52; *Constance de Lyon: Vie de saint Germain d'Auxerre*, ed. René Borius (Paris, 1965), 35; William B. Palardy, *St. Peter Chrysologus: Selected Sermons*, vol.2 (Washington, DC, 2004), 7–8.

⁶ Benericetti, *Il Cristo*, 46–48; Palardy, *St. Peter Chrysologus*, vol.2, 12, 19, 31.

⁷ N. Tamassia, "I sermoni di Pietro Crisologo. Note per la storia delle condizioni giuridiche e sociali nel secolo quinto," in Fratelli Bocca, ed., *Studi Senesi: Scritti giuridici e di scienze economiche pubblicati in onore di Luigi Moriani nel XXV anno del suo insegnamento* (Turin, 1906), 47–50.

⁸ Kevin Uhalde, *Expectations of Justice in the Age of Augustine* (Philadelphia, 2007), 125–26.

rhretorical use of legal images in the context of the political and social conditions as a way to extrapolate attitudes toward the legal changes of the fifth century. This study, therefore, will seek to show the place legal imagery, especially of legal documentation, has in the sermons of Peter Chrysologus. It will demonstrate, first, how this imagery fits within Chrysologus' conception of the role of the preacher to speak to the congregation in the language that is immediately meaningful to them from their own everyday experiences. Secondly, this article will examine how Chrysologus uses various key symbols drawn from the world of law and legal documents (such as contracts, promissory notes, and testimonial letters) to delineate the nature of a series of crucial relationships such as bishop and congregation, God and sinners, Jew and gentile, and even ruler and ruled.

This study will proceed through a series of case studies that examine how Chrysologus employs the image of law and legal documentation when speaking of topics ranging from slavery and debt to Judaism and the harrowing of hell. Chrysologus' creedal homilies will serve as the most comprehensive case study for the link among theological concepts, legal language, and everyday realities that Chrysologus' sermons employ. These case studies also will demonstrate how often Chrysologus' view of the law is implicitly critical, associating it with the devil, with worldly transience, and with corrupt government. The sermons of Peter Chrysologus provide a partial but impressive glimpse into the mindsets and social world of the population of Ravenna, at least as an energetic and dutiful bishop would have understood them, at a moment of intense change. Chrysologus' works are perhaps as close as the sources will ever take us to the common man's experience of the law in late antiquity.

Legal Changes in the Fifth Century

Chrysologus' exploitation of legal and contractual imagery is striking when seen against the background of contemporary ideas on law. Chrysologus lived in a time of remarkable legal change. In 426, Theodosius II (403–450) issued the "Law of Citations," making the majority opinion of five prominent classical Roman jurists legally authoritative.⁹ A few years later, Theodosius initiated the compilation of what eventually would become the Theodosian Code, assembled from 429 to 437.¹⁰ Although this legal activity was centered in

⁹ *CTh* 1.4.3; John Matthews, *Laying Down the Law: a Study of the Theodosian Code* (New Haven, 2000), 24–26; George Mousourakis, *A Legal History of Rome* (London, 2007), 162–63, 180–81.

¹⁰ Matthews, *Laying Down the Law*, 1–9; Tony Honoré, *Law in the Crisis of Empire, 379–455 AD: The Theodosian Dynasty and its Quaestors with a Palingenesia of Laws of the Dynasty* (Oxford, 1998), 124–27.

Constantinople, the western capital of Ravenna cannot have been unaffected. The new code first was issued in Constantinople at the 437 wedding of Valentinian III (425–455) to Theodosius' daughter, and then was presented to the Roman Senate in 438, and circulated throughout the empire.¹¹ The code sought, with mixed results, to impose some uniformity in rulings and procedure upon courts that had developed their own diverse legal precedents. Chrysologus, thus, was archbishop in the imperial capital during a period of legal transformations that produced significant changes accompanied, it seems, by some resentment.

Imperial legislation from the mid-fifth century also demonstrates a profound shift in the understanding of the role of documents in the law.¹² In the Principate, legal documents were only one part of a larger legal ceremony involving formulaic language and action, which could be described by Roman authors in quasi-magical terms.¹³ Documents held authority because they were records of this larger solemnity.¹⁴ But because of the prevalent use of documentation, beginning with the classical jurists and reaching completion only in the fifth century, documents became viewed as efficacious on their own.¹⁵ Although this new understanding of evidence became official in the written law, it is likely that the older ritualistic conception still held some sway among parts of the Roman populace. Ritual aspects such as oaths and increasingly the use of relics were common and both secular and religious law saw such oaths as a way to prevent spurious litigation.¹⁶ Similarly, some hostility to the new documentary expectations is apparent in the fact that the most common magical curse tablets at this time were those in which usually lower-class defendants cast a spell against their accuser, naming both the specifics of the trial and the written documents being used by their opponent against them.¹⁷

As impossible as it must have been for the emperor to enforce everywhere these new understandings of law and legal documentation, at least some level of successful implementation must have occurred. The imperial capital of Ravenna probably experienced these changes much more than a province would have, influencing the members of Chrysologus' own congregation for

¹¹ See the *Gesta Senatus Urbis Romae*, in editions of the Theodosian Code; Jill Harries, *Law and Empire in Late Antiquity* (Cambridge, 1999), 64–66.

¹² *CTh* 4.4.5; *NTh* 16.2, 16.6; *NVal.* 21.1.2.

¹³ Elizabeth A. Meyer, *Legitimacy and Law in the Roman World: Tabulae in Roman Belief and Practice* (Cambridge, 2004), 274–76, 294–96.

¹⁴ Meyer, *Legitimacy*, 226–27.

¹⁵ *Ibid.*, 248–49, 297–98.

¹⁶ Uhalde, *Expectations*, 8–9, 103–04.

¹⁷ *Ibid.*, 25–27.

good or ill. Chrysologus' implicit critique of imperial legal culture, then, fit well within his context and would likely prove understandable to the populace of Ravenna.

Chrysologus' Legal Knowledge

Of course, the mere existence of major legal changes during Chrysologus' episcopacy hardly proves that the bishop himself had significant knowledge of these changes. Certain elements, however, in Chrysologus' life and corpus indicate that the bishop was well aware of these events. First, Chrysologus lived in the imperial capital at the time of the editing of the Theodosian Code, and one of his sermons specifically references a law on property-litigation procedure from the code that had been issued in 424.¹⁸ This is the only time in his extant corpus where Chrysologus ever specifically cites a law and it is unclear if he knows of it from its original creation or its restatement in the Theodosian Code. Still, at least in this one instance, Chrysologus knew of relatively new legislation and felt comfortable mentioning it to his congregation as if they were aware of it also. It is possible, then, that Chrysologus' congregation included a certain number of lawyers and government officials who worked in the capital.

Part of the difficulty with determining the level of Chrysologus' legal knowledge is that law education itself was changing in the fifth century. By the fourth century, lawyers were an official part of the bureaucratic militia, so that the Roman government regulated issues such as fees, location of practice, and career path.¹⁹ Traditionally, any male Roman citizen could serve as an advocate in court, and it was normal for upper-class orators schooled in rhetoric to argue cases despite having no formal legal training.²⁰ Evidence from papyri suggests that legal advocacy mainly involved gathering and citing relevant statutes, without much need for complex juristic arguments.²¹ Only jurists needed formal training in the law. In Late Antiquity, however, the popularity of law schools at cities such as Rome, Beirut, or Constantinople led to a slow replacement of rhetorically trained orators with law-school-trained advocates. In 466, Leo I issued a law requiring that all advocates in the east have written proof of proficiency from the government-recognized law professor who trained them.²² This new qualification for the bar, however, applied

¹⁸ *Serm.* 145.10; Tamassia, "I sermoni," 46–47; Palardy, *St. Peter Chrysologus*, vol.2, 21–22

¹⁹ J. A. Crook, *Legal Advocacy in the Roman World* (Ithaca, NY, 1995), 45–46.

²⁰ Mousourakis, *Legal History*, 221; George Alexander Kennedy, *The Art of Rhetoric in the Roman World, 300 B.C.-A.D. 300* (Princeton, NJ, 1972), 88–90.

²¹ Crook, *Legal Advocacy*, 195–96.

²² *CJ* 2.7.11; Mousourakis, *Legal History*, 163–65.

only to the east, where most of the law schools were. The west remained an area of rhetorically trained orators, and many powerful western judicial officials, such as Ambrose of Milan, seem to have had no formal legal training.²³

Scholars remain divided on to what extent rhetorical training itself contained an implicit legal component. Declamation, the composition and delivery of speeches on hypothetical legislation or fictive legal cases, was a major element of the rhetorical education that an upper-class Roman would have received.²⁴ Forensic declamation provided the student with a fictional statement of facts and the text of the relevant laws, and taught how to interpret the wording and intention of the law to argue both sides of a case.²⁵ Thus, it is possible that, by a thorough rhetorical education plus regular attendance at court, a Roman advocate would have gained all the legal familiarity he would have needed. On the other hand, although declamation used real legal argumentation and legal terminology, the cases and laws themselves were usually fiction and often outright contradictions of Roman law.²⁶ Both orators who knew the law well and orators who were largely ignorant of it appear in classical sources.²⁷ Chrysologus' frequent use of rhetorical devices in his sermons makes certain that he had rhetorical training and would, therefore, have been familiar with forensic declamation, but, unless we posit the undocumented and abnormal possibility that he had actually attended a law school, this may not have brought a deep knowledge of Roman law.²⁸

Chrysologus did have significant experience in the actual practice of Roman law. Since the reign of Constantine, Christian bishops had a legal right to serve as arbitrators in the process of *episcopalis audientia*, an inexpensive form of bishop-led judicial mediation.²⁹ Despite its supposedly religious

²³ Crook, *Legal Advocacy*, 175–176, 190.

²⁴ Robert A. Kaster, "Controlling Reason: Declamation in Rhetorical Education," in Yun Lee Too, ed., *Education in Greek and Roman Antiquity* (Leiden, 2001), 319, 321–23; Teresa Morgan, *Literate Education in the Hellenistic and Roman Worlds* (Cambridge, 1998), 197–98; Donald Lemen Clark, *Rhetoric in Greco-Roman Education* (New York, 1957), 206–08, 228–50.

²⁵ Stanley Frederick Bonner, *Education in Ancient Rome: From the Elder Cato to the Younger Pliny* (Berkeley, 1977), 309–27.

²⁶ Crook, *Legal Advocacy*, 166–67; the declamations of Seneca, for example, use actual laws in 20 out of 74 examples; Clark, *Rhetoric*, 232–33, 259–60.

²⁷ Kennedy, *Art*, 81–83, 212–13;

²⁸ Myrtle Wilkins, *Word-order in Selected Sermons of the Fifth and Sixth Centuries* (Washington, DC, 1940), 156–57; Kochaniewicz, *La Vergine*, 48–54; on Chrysologus' use of rhetoric, see below.

²⁹ *CTh* 1.27.1–2, 16.11.1; *CJ* 1.4.7; Harries, *Law and Empire*, 191–211; Philip Rousseau, *Basil of Caesarea* (Berkeley, 1994), 171–172; Peter Brown, *Poverty and Leadership in the Later Roman Empire* (Hanover, NH, 2001), 67–70; Claudia Rapp, *Holy Bishops in Late Antiquity: the Nature of Christian Leadership in an Age of Transition* (Berkeley, 2005), 242–49; Noel Lenski, "Evidence for the *Audientia Episcopalis* in the New Letters of Augustine," in R. Mathisen, ed., *Law, Society, and Authority in Late Antiquity* (Oxford, 2001), 83–97.

aspects, by the fifth century the *episcopalis audientia* had largely assimilated its procedure with purely secular legal arbitration.³⁰ Dutiful bishops ruled on cases according to the dictates of Roman law, heard forensic arguments from Roman advocates, consulted with legal experts before making their decisions, and even owned specially designed handbooks to aid them in their judicial duties.³¹ In practice, bishops served almost as mid-level administrators so that depictions of the ideal bishop in hagiography often emphasize the judicial discernment and justice of a saint.³² Like Roman governors (who similarly did not need any formal legal training at a law school to hold their posts), bishops must have gained a certain familiarity with the law simply through on-the-job training at the *episcopalis audientia*.

The likelihood that Chrysologus had practiced *episcopalis audientia* is very high. Not only was such a task normal by the mid-fifth century, but Chrysologus picks up on such ideas in his letter to the Alexandrian priest Eutyches, sent in 448, a year before Leo I would declare Eutyches a heretic.³³ Chrysologus begins this epistle by lamenting that there is still any debate about the indescribable law of God, warns Eutyches about imitating Origen or Nestorius, and alludes to the same law from the Theodosian Code that he mentioned in the sermon discussed above.³⁴ Chrysologus refuses to pass judgment (*iudicare*) on the court (*audientia*) of bishops who condemned Eutyches, because he has heard only Eutyches' side of the case; Chrysologus claims no just mediator makes a judgment without hearing both parties in a case.³⁵ When Chrysologus is speaking of a theological dispute, it is striking how much he describes his role in the language of a Roman judge. He is reviewing the decision of the *episcopalis audientia* that condemned Eutyches, citing the relevant precedents and laws, and sitting in judgment listening to both sides. In this letter, Chrysologus seems to view himself as an experienced judge whose letter to Eutyches is just one more exercise of his judicial authority. Chrysologus' knowledge of legal language and procedure may simply be drawing on the events of his episcopal duties.

Interestingly, in at least three separate sermons, Chrysologus appears to allude to the language of a few of the more famous legal maxims of the classical Roman jurists. In one sermon for Christmas, for example, Chrysologus makes the point that *bonitas* and *aequitas* are inseparable in God's judgment,

³⁰ Brown, *Poverty*, 100–101; Honoré, *Law*, 4–5.

³¹ Uhalde, *Expectations*, 51–53; Caroline Humfress, *Orthodoxy and the Courts in Late Antiquity* (Oxford, 2007), 194–95.

³² Uhalde, *Expectations*, 64–65.

³³ Benericetti, *Il Cristo*, 46–48; Palardy, *St. Peter Chrysologus*, vol.2, 12, 19, 31.

³⁴ *Letter to Eutyches* 1.

³⁵ *Letter to Eutyches* 2.

even if not in human eyes, and how Joseph as a *iustus* (just man) would never separate these virtues.³⁶ It is hard not to interpret this section as a direct play on Celsus' famous legal maxim "*ius est ars boni et aequi*" (jurisprudence is the art of the good and equitable), forms of which appears in both Paulus and Ulpian, two of the jurists declared authoritative by the Law of Citations in 426.³⁷ Both this maxim and Chrysologus see a union between the good and the equitable as part of the definition of justice.

Similarly, in another sermon, Chrysologus may play on Paulus' definition of *furtum* as a "*contrectatio rei fraudulosa lucri faciendi gratia*" (an illegal handling of a thing with the intention of making profit), when he says that the woman with a flow of blood who grabbed Christ's robe committed a "pious robbery" as "she was seeking the profit of thieving."³⁸ And when Chrysologus tells his congregation to pray that Christ will come to rule as king over the *imperium* and *potestas* in which hell and the devil now hold them, the bishop is probably influenced by the *Lex Regia*, through which Ulpian says the Roman people conferred their *imperium* and *potestas* on the emperor.³⁹ In Chrysologus' description, the devil operates in the same way as the plebs, transferring his two previous forms of power to a new ruler. The language and contexts of these three examples, thus, combined with the evidence of Chrysologus' letter to Eutyches, strongly support the belief that Chrysologus knew and cited some basic principles of Roman law.

Chrysologus' Sermon Collection

Chrysologus' own significant employment of legal language stands out when the preacher's 183 extant sermons are compared with the comparably dated collections of Leo the Great, Maximus of Turin, Caesarius of Arles, and the so-called "Eusebius Gallicanus" (respectively 96, 120, 243, and 86 homilies).⁴⁰ These five sermon collections represent the only extended *corpora* of Latin

³⁶ *Serm.* 145.1.

³⁷ Adolf Berger, *Encyclopedic Dictionary of Roman Law* (Philadelphia, 1953), s.v. "*ius*"; *Digest* 1.1.1.11 (*De iustitia et iure*); *ius* most often refers to the law, the just, or the obligatory, but by transference can occasionally mean a court of justice or the legal authority of a judge.

³⁸ "*Furantis lucrum quaereret . . . pium latrocinium, quod ministra fide, fide adtrahente committitur*": *Serm.* 33.4; *Digest* 47.2.1 (*De furtis*); although handling (*contractatio*) was the normal requirement for theft, removing (*adtractare*) also appears in juristic writing. O. F. Robinson, *The Criminal Law of Ancient Rome* (Baltimore, MD, 1995), 23–25; Alan Watson, *The Law of Obligations in the Later Roman Republic* (Aalen, 1984), 220–22.

³⁹ "*Hic petis, ut tibi et in te adveniat regnaturus, in quo diabolus arcem, mors imperium, diu infernus gessit et tenuit potestatem*": *Serm.* 68.5; "*populus ei et in eum omne suum imperium et potestatem conferat*": *Digest* 1.4.1 (*De constitutionibus principum*).

⁴⁰ The standard *Corpus Christianorum* editions provide these figures.

sermons over approximately a century (roughly 425–525).⁴¹ Chrysologus, despite producing only around a quarter of these sermons, uses legal language by far the most frequently. Chrysologus' sermons, for example, have 22 out of the 46 instances of *documentum* in the homilies of these authors, 10 out of the 24 appearances of *chirographum*, 21 out of the 51 uses of *usura*, 8 out of the 18 instances of *fenus*, and 32 out of the 96 uses of *fas*. Although mere frequency does not prove importance, these numbers do suggest that Chrysologus engaged such topics with a special interest.

The bishop's interest in law also appears in his choice of biblical texts. During the fifth century, set cycles of *lectiones* had yet to be developed. Instead, the normal practice in Ravenna seems to have been for the bishop to himself choose the liturgical readings.⁴² Theoretically, then, the surviving sermons should display texts of the Bible about which Chrysologus deliberately opted to preach. Any easy equivalence, however, is impossible, because the 183 surviving sermons of Chrysologus hardly represent a random sample.⁴³ Only those sermons that a stenographer in the audience wrote down and stored in the church archives could be preserved; only a sermon that was available in the archive to Felix, the archbishop of Ravenna in the early eighth century, could be published in the *Collectio Felicianiana*, the source of the vast majority of Chrysologus' homilies.⁴⁴ By the time Felix published his selection, moreover, any number of sermons may have disappeared because of violence and natural disaster (these years were, after all, rather less than peaceful for Ravenna).

The topical range of the sermons that now survive actually serves to alleviate most of the fears of selection bias. Chrysologus' sermons show an amazing diversity. Of the sermons that survive, the vast majority (152) are exegetical, of which 134 are on a gospel text, 6 on a psalm, and 12 on a Pauline epistle.⁴⁵ Palardy suggests, reasonably but without indisputable evidence, that Chrysologus ordinarily choose three *lectiones* for the liturgy: a psalm, an epistle (perhaps just a Pauline epistle), and a gospel text.⁴⁶ At least a few sermons on all three types of *lectiones* still exist. Chrysologus' corpus includes orations

⁴¹ Johannes Quasten, *Patrology*, vol.4. *The Golden Age of Latin Patristic Literature from the Council of Nicaea to the Council of Chalcedon* (Utrecht, 1966), 22–24.

⁴² Hughes Oliphant Old, *The Reading and Preaching of the Scriptures in the Worship of the Christian Church*, vol.2. *The Patristic Age* (Grand Rapids, MI, 1998–2004), 417–18.

⁴³ Benericetti, *Il Cristo*, 67–69; Palardy, *St. Peter Chrysologus*, vol.2, 28–30.

⁴⁴ Olivar, *Los Sermones*, 51–52, 252.

⁴⁵ Olivar, *Los Sermones*, 278–80; Palardy, *St. Peter Chrysologus*, vol.2, 31.

⁴⁶ *Serm.* 115.1; Old, *Reading*, 421–24; Palardy, *St. Peter Chrysologus*, vol.2, 31–32; some have suggested that Chrysologus may have given several sermons (one each for the gospel, epistle and psalm) in a single service; however, if Chrysologus was giving an equal number of sermons on each type of reading, it is strange that so few survive on the psalm or epistle.

on sections from Psalms, 1 Corinthians, Romans, and all four gospels. Most likely, on any given Sunday, Chrysologus preached on whichever passage he felt would be most profitable.

After his exegetical sermons, catechesis represents the second largest group of extant writings, with 8 creedal homilies and 6 on the Lord's Prayer surviving. There are 8 sermons consisting of moral instruction, 5 on matters of church polity (for example, the consecration of a bishop), and 7 on saints' feasts. Although Chrysologus preached most of these sermons at the Sunday liturgy, a significant number were also for saint's days or for church festivals.⁴⁷ Indeed, homilies survive for nearly all the important festivals of the year: Annunciation, Christmas, Holy Innocents, Epiphany, Lent, Good Friday, Easter, and Pentecost.⁴⁸ This temporal diversity also appears in the seven sermons on saints' days (assuming Ravenna celebrated these saints on the usual day).⁴⁹ Lastly, the *Collectio Felicianiana* contains clear signs of a thematic, rather than chronological, ordering for the sermons that Felix gathers; for example, Felix has placed all the creedal homilies together, although they were preached in different years, presumably to make reference easier for readers.⁵⁰ Thus, Chrysologus' sermons survive not only from different times of the year, but also across various years in his episcopacy.

The temporal and thematic diversity of the 183 surviving sermons ensures that these sermons are not the product of a lone stenographer who wrote down a few months of preaching at one particular moment of Chrysologus' career. Instead, they represent a deliberate and long-term attempt to record Chrysologus' preaching on a broad array of issues. Still more assurance that the sermons are representative comes by comparing the authentic sermons of the *Collectio Felicianiana* to the fifteen extant homilies from other manuscript traditions. Presumably, if the *Collectio Felicianiana* had some distinct bias toward one element of Chrysologus' career, it would not be paralleled in sermons that were preserved in other ways. Yet these 15 sermons contain 11 sermons on gospel texts, 1 on Romans, 1 on the creed, and 2 on issues of church polity.⁵¹ This topical spread seems quite similar to the spread in the *Collectio Felicianiana* as described above, despite their manuscript independence. It is reasonable,

⁴⁷ Olivar, *Los Sermones*, 278–280.

⁴⁸ Franco Sottocornola, *L'anno liturgico nei sermoni di Pietro Crisologo: ricerca storico-critica sulla liturgia di Ravenna antica* (Cesena, 1973), 156–158.

⁴⁹ Euphemia of Chalcedon, 16 September, *Serm.* 9; Apollinaris of Ravenna, 23 July, *Serm.* 128; Cyprian of Carthage, 26 September, *Serm.* 129; Andrew, 30 November *Serm.* 133; Felicitas of Rome, 10 July, *Serm.* 134; Lawrence of Rome, 10 August, *Serm.* 135; and Stephen, 26 December, *Serm.* 154; David Hugh Farmer, *Oxford Dictionary of Saints*, 4th ed. (Oxford, 1997).

⁵⁰ Olivar, *Los Sermones*, 250–51, 253.

⁵¹ *Ibid.*, 319–85.

then, to believe that the extant sermons adequately represent the preaching norms of Chrysologus himself.

Thus, just as the surviving sermons suggest, Chrysologus often preached on topics with legal elements, when church festivals did not limit his *lectiones* choices. Chrysologus devoted approximately 15 extant sermons specifically to parables on financial issues (such as the lost coin, the prodigal son), and around another 10 on general financial issues (such as Christ with the tax collectors). As will be seen below, these sermons on financial topics nearly always utilized legal and contractual language. His 8 extant sermons on the creed are also filled with legal terminology. Finally, even when neither of these topics is the focus, numerous other homilies touch upon contracts, written proof, and legal obligations in the course of discussing other issues.

The Office of a Preacher

In order to understand Peter Chrysologus' use of the imagery of law and legal documents, it is necessary to set this figure in light of the preacher's larger ideas about language and biblical revelation. Chrysologus' decision to fill his sermons with vivid imagery drawn from the ordinary life of his urban congregation is a key element of his larger aim to preach in an engaging but readily comprehensible manner. The preacher's understanding of exegesis and homiletics reveals a profound concern not only for imagery and rhetorical style, but also even for the exact vocabulary and sound of speech. In light of these views, it is very unlikely that Chrysologus' use of legal language is anything other than a highly deliberate choice.

Patristic preachers borrowed heavily from rhetorical techniques of voice, narrative, style, and gesture, so that both Christian and pagans saw similarities between preachers and pagan orators or even actors (a similarity which caused no small degree of anxiety for Christians).⁵² One study of patristic homiletics concluded that Chrysologus surpassed all the other surviving late antique Latin preachers in his attention to style.⁵³ His sermons are filled with tropes such as metaphor, apostrophe, and antithesis, and utilize all the forms of *cursum*.⁵⁴ His occasional allusions to classical authors show not only his knowledge of the basic authors of the late antique curriculum such as Vergil,

⁵² Blake Leyerle, *Theatrical Shows and Ascetic Lives: John Chrysostom's Attack on Spiritual Marriage* (Berkeley, 2001), 60–64.

⁵³ Wilkins, *Word-order*, 156–57.

⁵⁴ *Serm.* 10, 65, 118, 123, 139, 148A; Gabriele Banterle, et al., ed., *Opere di San Pietro Crisologo: Sermoni*, Rome, 1996–1997; J. Del Ton, "De Sancti Petri Chrysologi Eloquentia," *Latinitas* 6 (1958), 183–87.

Seneca, Cicero, and Terence, but also his presumption that some of his listeners would have recognized these references.⁵⁵

Chrysologus also sought to keep his sermons understandable. His sermons were deliberately brief, perhaps only fifteen minutes out of an hour-long liturgy.⁵⁶ Multiple times, Chrysologus cut a sermon short and left information for a later homily.⁵⁷ His sermons are filled with transitional phrases, often starting by summarizing the message of the last homily, or ending by previewing the next, which guarantees that all but the least attentive listener could grasp his major points.⁵⁸ His topics, moreover, can be somewhat repetitive; certain stories and images such as the conversion of Paul or the miraculous muteness of Zachariah come up frequently, suggesting Chrysologus tried to mold his audience's imagination around a few central narratives rather than confuse them with excessive details.⁵⁹ The bishop could even show concern about his audience's comfort, for instance canceling church services because of a heat wave.⁶⁰

In Chrysologus' view, the office of the teacher entails explaining the *lectio* and its theological mysteries in simple speech in order to profit even those with the least understanding.⁶¹ Simple language proves valuable to both the simple and the learned, as when Christ preached in uncomplicated language, using allegorical parables drawn from the everyday life of the poor.⁶² Chrysologus' sermon style fits in well with the mutual support between the urban poor and the bishop, which has been seen as a hallmark of late antiquity.⁶³ During this period, the bishop became a new form of urban leader who joined the rhetorical education and patronage networks of a traditional Roman aristocrat with preaching, biblical exegesis, and charitable work, enabling him to serve as a spokesman for the formerly voiceless lower class.⁶⁴ Chrysologus' choice to

⁵⁵ See CCSL 24B.1156–70.

⁵⁶ *Serm.* 31.1, 122.2, 132.4; Del Ton, "De Sancti," 181–82; Old, *Reading*, 417–18.

⁵⁷ *Serm.* 2.6, 72A.5, 96.7, 121.8.

⁵⁸ *Serm.* 33.6, 42.1, 94.1.

⁵⁹ Averil Cameron, *Christianity and the Rhetoric of Empire: the Development of Christian Discourse* (Berkeley, 1991), 159–60, 186–87.

⁶⁰ *Serm.* 51.1, 122.1.

⁶¹ *Serm.* 20.1, 43.1, 52.1, 89.1, 120.1, 122.1, 166.1; see Erich Auerbach, *Literary Language and its Public in Late Latin Antiquity and in the Middle Ages* (New York, 1965), 27–66.

⁶² *Serm.* 20.1, 43.1, 96.1, 99.1.

⁶³ Brown, *Poverty and Leadership*, 40–44, 71–73; Rousseau, *Basil*, 138–42.

⁶⁴ Peter Brown, *Power and Persuasion in Late Antiquity: Towards a Christian Empire* (Madison, WI, 1992), 76–78, 147–50; Brown, *Poverty and Leadership*, 84–86, 111–112; Raymond Van Dam, *Leadership and Community in Late Antique Gaul* (Berkeley, 1985), 62–64, 72–73; Henry Chadwick, "The Role of the Christian Bishop in Ancient Society," *Protocol of the Colloquy of the Center for Hermeneutical Studies in Hellenistic and Modern Culture* 35 (1980), 5–7.

include images from, and perhaps even criticism of, Roman legal culture in his exercise of his preaching office is a skillful example of this tendency.

Chrysologus demonstrates a remarkably high view of the actual Latin of the *lectiones*. All human language is too feeble to explain divine mysteries, yet these profound truths are hidden behind the word and letter of human language so that all peoples and tongues might learn of them.⁶⁵ Chrysologus is quite clear, moreover, that he is referring to the sound and spelling of words, as well as to their cognitive meaning. Thus, he speaks of how allegorical meaning appears not only in the words, but also in “syllables,” in the specific “letters,” and in the “shape of those letters.”⁶⁶ Both the auditory and visual aspects of biblical language, not just the denotation, have theological import.

The bishop is not attempting simply to suggest that the Greek and Hebrew original texts have a special significance. Instead, Chrysologus seemingly means the sound, spelling, and vocabulary of the Latin text itself. The only time that Chrysologus specifically discusses the Greek language, he does so to argue that Greek words such as *Christotokos* are a threat to understanding the Bible and a corruption of the pure Latin language.⁶⁷ Similarly, in another sermon, right after a passage where Chrysologus asserts the mystical meaning of syllables, the bishop demonstrates his view through interpreting the name of the mother of God and comparing *maria* with the Latin *mare* (sea), an obviously false etymology that makes sense only if the Latin text of scripture itself is partly inspired.⁶⁸

Common ground exists between Chrysologus’ theological convictions on scripture and his practice of preaching. If, *contra* Jerome, the original languages are not the sole location of divine revelation, but instead Latin is equal in inspiration to Greek, then Chrysologus’ audience becomes fully able to understand the mysteries of the word through the translated *lectiones*. Chrysologus’ exegesis is strikingly populist, implicitly encouraging his congregation, which likely included both the educated and illiterate, to understand the Bible through the oral culture of readings, short sermons, and the Latin language. Diligent study, not educational skills, is the key.

Chrysologus’ tendency to employ contractual and legal imagery in his sermons can easily be understood as a part of this populist style. To a congregation living in Ravenna at the time of legal reform, the courts must have been

⁶⁵ *Serm.* 64.1, 70.1, 96.1, 120.1, 132.2, 150. 1, 5.

⁶⁶ “Quid tenemus, fratres? non apices, non litterae, non syllabae, non verbum, non nomina, non personae in evangelio diuinis vacua sunt figuris”: *Serm.* 146.4.

⁶⁷ *Serm.* 145.6.

⁶⁸ *Serm.* 146.7.

a familiar everyday setting. Depicting the gospel in legal terms, thus, was a way a contentious educator could allow his audience to understand the often strange ideas of the Bible (translated, after all, from three foreign languages, written over the course of a millennium, and describing societies as diverse as the empires of the late Bronze Age and the decentralized tribes of the early Iron Age). Chrysologus also used, to a lesser extent, the imagery drawn from the military, agriculture, sea trade, medicine, and astrology.⁶⁹

A Bishop's Debt

One frequent example of Chrysologus' use of legal analogies appears in his numerous discussions of debt. Debt and the legal documents related to it serve as a major image for Chrysologus' very act of preaching. At the beginning of multiple homilies, Chrysologus specifically compares his proclamation to a debtor's repaying of a loan. The episcopal office puts Chrysologus in debt to his congregation to provide an interpretation for the weekly *lectiones*.⁷⁰ He speaks often of the promise (*promissio*) that he made in an earlier sermon to finish interpreting a passage which, because of the short sermon length, was left only partly discussed by the earlier homily, and he promises to pay his audience back with interest.⁷¹ Chrysologus longs to be a shamefaced debtor who will pay promptly and thus keep his creditor's favor, fearing a public audit (*discussio*) from God.⁷² The bishop's position is even compared to a form of debt-slavery, relatively common among the lower classes in late antiquity, so that Chrysologus speaks of preaching as the dissolution of the bonds of his debt obligations (*cautio*, a written or oral warranty).⁷³ In a somewhat more positive metaphor, Chrysologus describes the bishop-congregation bond as a "contract of intimate relations," rather than a "contract of necessity," in which loan repayment is a joy not an annoyance, because the bishop is both a debtor seeking settlement and a creditor giving his congregation a loan in the form of a sermon.⁷⁴ Evidence suggests that money-loans among the upper class in Roman society were more important as an element

⁶⁹ Benericetti, *Il Cristo*, 36–37, 56; Palardy, *St. Peter Chrysologus*, vol.2, 13.

⁷⁰ "de praesenti lectione vobis fecit promissio me debere": *Serm.* 126.1; *Serm.* 36.1, 88.1, 89.8.

⁷¹ *Serm.* 88.1; cf. *Serm.* 77.1, 126.1; In Roman law, a *promissio* always creates a legal obligation on the part of the promissor, and the term is usually used in a contractual context. Berger, *Encyclopedic Dictionary*, s.v. "promissio."

⁷² *Serm.* 36.1; cf. *Serm.* 5.1, 9.4, 26.2.123.1, 126.1.

⁷³ *Serm.* 88.1, 126.1; Boudewijn Sirks, "The Farmer, the Landlord and the Law in the Fifth Century," in Mathisen, *Law, Society*, 258–59; Dennis P. Kehoe, *Investment, Profit, and Tenancy: the Jurists and the Roman Agrarian Economy* (Ann Arbor, 1997), 38, 123.

⁷⁴ "Necessitudinis, non necessitatis . . . contractus": *Serm.* 88.1.

of social obligation rather than as a means of making money.⁷⁵ For Chrysologus, this cycle of mutual obligation joins cleric and laity.

When Chrysologus speaks in terms of a financial obligation to the congregation, the bishop also envisions God as providing Chrysologus with the funds to pay his debt through spiritual enlightenment. Because God alone grants understanding of the mystical meaning of a passage, Chrysologus asserts that “although in so great a loan, I am a less-than-satisfactory debtor, through God I will be a solvent repayer to you.”⁷⁶ Chrysologus warns the loan collector not to grow upset because his Lord will repay the loan with interest.⁷⁷ Chrysologus depends on God his “benefactor” (*largitor*) to enable his sermons to repay this debt.⁷⁸ Chrysologus, thus, depicts God as a Roman *patronus* whose favors to his clients involve legal protection and monetary loans.⁷⁹ Roman authors rarely described patronage using the words *patronus* or *cliens*, which were considered impolite. Instead, the broader term *amicus* was more common, and patronage relationship was often portrayed in the language of creditors and debtors so that each was said to owe and pay (for example, *debere*, *reddere*) a favor (*officium*, *beneficium*, *meritum*) in exchange for good will (*gratia*).⁸⁰ The Lord guarantees that Chrysologus will not escape his obligation even as he provides the bishop with the ability to settle his debts.

Admittedly, phrases such as *idoneus debitor* or *multiplicato fenore* already appear as images for the relationship between sinners and God in earlier patristic authors such as Ambrose and Augustine. Chrysologus, however, is quite novel in applying the language of debt to the bishop’s relationship with his congregation. It is interesting to note that about half the sermons that most clearly describe the bishop’s role in the terms of a debtor’s are themselves interpretations of parables that view the human’s relationship to God in terms of money and debt, suggesting that these passages encourage Chrysologus to think of his own role as bishop through such a lens.⁸¹

⁷⁵ Kehoe, *Investment*, 44–49.

⁷⁶ “In tanto credito per me sum minus idoneus debitor, per deum vobis idoneus solutor existam”: *Serm.* 5.1; *Serm.* 126.1.

⁷⁷ “Exactor de solutionis . . . dives dominus meus multiplicem fenoris ipsius auget et repensat usuram”: *Serm.* 77.1.

⁷⁸ *Serm.* 77.1.

⁷⁹ Harries, *Law and Empire*, 97–100.

⁸⁰ Richard P. Saller, *Personal Patronage under the Early Empire* (Cambridge, 1982), 15–21; Callicie Williamson, *The Laws of the Roman People: Public Law in the Expansion and Decline of the Roman Republic* (Ann Arbor, 2005), 295–300.

⁸¹ *Serm.* 5, 123, and 126.

Forgiveness and the Contract of Sin

Another topic that frequently encouraged Chrysologus to employ legal-contractual language is the theology of sin and forgiveness. Sin as contract is a metaphor with a long history in Christian thought. Already by Paul's time, Christian authors were viewing humans as legally enslaved to sin and death.⁸² For example, in Col 2:14, Paul speaks of Christ forgiving sin by "blotting out the legal bond with its stipulations."⁸³ Such ideas appear frequently in Peter Chrysologus; the bishop devotes five sermons, for example, to a discussion of the parable of the prodigal son in which the bishop emphasizes how the son's sinful pursuit of pleasure involved selling himself into slavery.⁸⁴ In his father's house, on the other hand, is "a sweet stipulation, a free servitude, a released custody."⁸⁵ For his father is not an unlawful possessor of the son's property but its legal guardian who is investing the inheritance for the son's own benefit.⁸⁶ In another sermon, Chrysologus shows the repentant son returning home to seek freeing slavery to his father, rather than remaining in a false freedom which is really slavery to pleasure. The son hopes to sign an annual hiring contract (*locatio*) with his father, slowly redeeming himself from debt-servitude.⁸⁷ Chrysologus suggests that, unless the father simply forgives sin's debt, the son may never be able to afford to buy his freedom, a common occurrence for debt-slaves in Late Antiquity.⁸⁸

In a sermon on forgiveness, Chrysologus draws a numerological connection between the gospel *lectio* and the year of Jubilee. Chrysologus does not merely describe the basic requirements for Jubilee in the Jewish law: liberty from debt-slavery (*nexus obligationis*) and the return of leased fields to their original owners.⁸⁹ According to the jurist Gaius, legal bonds (*obligationes*)

⁸² Cf. Jn 8:31–36; Rom 6:15–23, 8:1–4; 1 Cor 7:21–23; 2 Pt 2:17–20.

⁸³ Col 2:14, "delens quod adversum nos erat chirografum decretis quod erat contrarium nobis et ipsum tulit de medio adfigens illud cruci;" *Biblia Sacra Iuxta Vulgatam Versionem* (New York, 1975); the various *vetus latina* versions of this passage are similar, because the Vulgate text makes only minimal changes to the New Testament epistles.

⁸⁴ "Se miserae venderet servituti. mercator ad talem contractum": *Serm.* 1.4.

⁸⁵ "Dulcis conditio, libera servitus, absoluta custodia": *Serm.* 1.4; *custodia* can refer to a trustee's guardianship over an inheritance until it can be distributed according to a will's instruction, Berger, *Encyclopedic Dictionary*, s.v. "custodia."

⁸⁶ "Custodem, non incubatorem . . . substantiae": *Serm.* 1.2, 5.

⁸⁷ "Ut locatione annua servitus innovetur; ut labore iugi conditio conducta deteratur . . . nec umquam negare suam valeat servitutem": *Serm.* 2.4; Watson, *Obligations*, 100–03.

⁸⁸ Although debt-slavery was originally banned in Rome, by the fourth century it had become permitted, *CTh* 3.3.1, 5.10.1, *CJ* 4.43.2; W. W. Buckland, *The Roman Law of Slavery: the Condition of the Slave in Private Law from Augustus to Justinian* (New York, 1969), 420–22.

⁸⁹ "Requiem dat terrae, nexus omnes fraternae obligationis absoluit": *Serm.* 139.7.

were divided into two classes: those arising from a contract that needs to be fulfilled (*ex contractu*) and those arising from injury that needs to be remunerated (*ex delicto*); an exchange of a hostage (such as the child of a debtor) to guarantee an *obligatio* was not uncommon.⁹⁰ The *nexus*, originally a type of loan contract in the Twelve Tables, could also refer to a freeman who placed himself into bondage as a surety for loan repayment.⁹¹ Chrysologus' language, thus, is impressively precise as a term for contractual debt-slavery. The bishop also goes on to wax eloquent about the obliteration of the documentary proof of legal bonds and greedy contracts of lending and borrowing.⁹² Chrysologus plays on the double meaning of *monumentum*, both a record book and a tomb; indeed, the bishop depicts the destruction of these records as a resurrection of the debtor. This state of total forgiveness will come to fulfillment at the second coming. Thus, Chrysologus' vision of a paradise seems tinged with resentment against the binding legal power of documents.

Indeed, in one sermon on the resurrection, Chrysologus continues this link between tombs and records by calling Christ's tomb the written evidence of the sinner's business transaction with the devil, from which Christ breaks forth to signify the conquest of death.⁹³ Christ himself, then, is the destroyer of legal documents. Chrysologus' treatment of the prodigal son and the year of Jubilee provide two extended examples of the bishop's legal imagination. In both cases, the biblical text itself clearly has a legal or financial component. But Chrysologus extends and emphasizes the legal aspect of the story by conceiving of the text in terms of elements of Roman law with which his congregation would have been familiar: guardianship, hiring contracts, and written proof. God's forgiveness rescues the sinner from the power of the written contracts of sin, just as the poor members of Chrysologus' congregation no doubt longed to be released from the legal control of human creditors.

Roman Law and Jewish Law

Concepts from Roman law also appear in Chrysologus' interpretation of Judaism and the Old Testament law. As a Christian theologian, Chrysologus has the unenviable task of both explaining how the Israelites could represent

⁹⁰ Digest 44.7.1, I.3.13–14; H. F. Jolowicz, Barry Nicholas, *Historical Introduction to the Study of Roman Law* (Holmes Beach, FL, 1996), 160–61; György Diódsi, J. Szabó, tr., *Contract in Roman Law: From the Twelve Tables to the Glossators* (Budapest, 1981), 81–82, 91–93.

⁹¹ Diódsi, Szabó, *Contract*, 30–35.

⁹² "Cautionum documenta, immo monumenta, rumpantur, resurgat debitor, debitum sit sepultum, redeat ut ager pauperis, ut pereat divitis totus de cupiditate contractus . . . cessabit crediti contractus et debit": *Serm.* 139.7–8; cf. *Serm.* 126.8.

⁹³ "Videre sepulchrum, reatus sui titulum, facinoris sui triste documentum, suae cum diabolo praesumptionis, sui quaestus fere commercium, ut inde recuperaret fidem": *Serm.* 77.5.

a divinely chosen people constituted around a divinely-given Torah and justifying why the message of the New Testament so radically reinterprets the Hebrew scriptures and why the vast majority of Jews rejected this message. Chrysologus partially solves this dilemma by portraying Jewish society in as Romanized a manner as possible, borrowing the images of Roman law.

Although Chrysologus uses some anti-Jewish rhetoric, the bishop is actually far more conciliatory toward Jews than he is toward pagans and Arians.⁹⁴ The Jews are the archetypal people of law to Chrysologus, a “*populus legalis*” and a “*cultura legis*.”⁹⁵ Chrysologus praises the superiority of the Jewish law as opposed to the vice he finds in classical philosophy, although he also sees both philosophy and law as false replacements for the Christian gospel.⁹⁶ Indeed, law and philosophy are barely distinguished in Chrysologus’ mind. Thus, he can speak of the superiority of divine philosophy to human philosophy and Christian law to Jewish law; astrology can be called both the law of stars and a kind of philosophy.⁹⁷ Because Chrysologus views the divinely inspired Jewish law/philosophy as much better than the ethics of the pagans, the bishop more often attacks Jewish faithlessness to the law, rather than the law itself.⁹⁸

Chrysologus goes out of his way to separate the Judaism of Christ’s time from that of the Old Testament, often referring to the corrupting influence of Herod the Great on Judaism. The bishop depicts Herod as a usurping tyrant who destroyed “the ancient liberty” of his people by enslaving them to Rome.⁹⁹ Chrysologus claims that before Herod, a pious priesthood (*sacerdotes*) had ruled Israel, and the Torah was the law of the land.¹⁰⁰ Only the succession (*stigmata, successio*) of the priesthood from father to son enabled some aspects of the divine law to be preserved in this corrupt age.¹⁰¹ This emphasis on continuity as the key to continued orthodoxy makes the Jewish priests seem almost like a succession of bishops.

Interestingly, Chrysologus portrays Judaism under this priestly succession using language with strong Roman legal connotations (*ordo, mores, statutum, institutum*) and forms a fixed, almost constitutional vision of the nature

⁹⁴ Giuseppe Scimè, *Giudei e cristiani nei Sermoni di San Pietro Crisologo* (Rome, 2003), 29–33.

⁹⁵ *Serm.* 5.7, 164.3–4; Scimè, *Giudei*, 37–38, 58–60, 98–100.

⁹⁶ *Serm.* 5.4, 44.6, 101.4–5, 110.5; Chrysologus has a very negative view of classical philosophy, connecting it with demons, atheism, polytheism, and skepticism, e.g. *Serm.* 16.3, 44.6, 148.1.

⁹⁷ *Serm.* 38.1–2, 110.5, 124.2, 156.9.

⁹⁸ *Serm.* 5.4, 31.4, 77.3, 140A.4, 151.4,

⁹⁹ “Pristinae libertatis oblitus, sub romana servitute consistens . . . familiarem plebem, vernaculos populos uelut aves domesticas devorabat”: *Serm.* 19.3.

¹⁰⁰ “Sacerdotalis sanctitas . . . praesidebat, ius erat lex divina . . . gerebatur totum divino ordine, non humano”: *Serm.* 86.3; “ubi fas? ubi lex? ubi ipsius iura naturae”: *Serm.* 127. 3.

¹⁰¹ *Serm.* 86. 4, 89.3–4, 91.2.

of Jewish society. The depiction of a state in which *ius* is the *lex divina* seems crucial in light of the Roman tendency to see *fas* as law imposed by the gods and *ius* as law determined by human reason.¹⁰² Chrysologus' description of the priesthood guarding this divine legal order also brings to mind Ulpian's description of jurists as the priests of the law (*sacerdotes*).¹⁰³ The Jews before Herod, thus, lived in a truly perfect state in which there was no type of law beyond divine law.

Chrysologus can be quite explicit about his expectations for kingly behavior. In one sermon, for example, Chrysologus speaks of kings, including Herod, as receiving their office as a stewardship from God in order to guarantee both justice and military protection without undue taxation.¹⁰⁴ Kings, generals, governors, and judges will all have to render an account before God for their rule on the last day. Indeed, the key words that Chrysologus uses to describe the role of kings such as *procurator*, *dispensator*, *censor*, and *defensor* are all legal terms for somewhat lowly government officials. A king, in Chrysologus, is hardly the near-Messianic figure seen in the writings of Eusebius and others; he seems more like God's administrator, sent to ensure the bureaucracy is running smoothly. Instead of completing his office, Herod was an assassin, a robbing bandit, a heretic, a foreigner who encouraged ethnic mixing, a judge who ignored rules of evidence.¹⁰⁵ Indeed, Christ was born at this exact moment in order to restore to the country its lost freedom, just as he will again, at his second coming, restore the liberty of the whole world.¹⁰⁶

Once corrupted by Herod, the Jewish priests and scribes themselves become evil, performing corrupt ceremonies for profit and teaching the formerly salvific law falsely.¹⁰⁷ Chrysologus speaks of the Jews at the time of Christ selling their salvation, buying sin and condemnation, and forming sinful contracts with Judas and the guards at Christ's tomb.¹⁰⁸ When read in the light of its Roman context, Chrysologus' depiction of the corruption of the Jewish people from their "ancient liberty" contains a second valence in addition to its anti-Judaism. The pristine Jewish state and proper kingship, which Herod rejects, is described in the language associated with the key maxims

¹⁰² James Muirhead, Henry Goudy, rev., *Historical Introduction to the Private Law of Rome*. 2nd ed. (London, 1899), 15–19; Isidore, *Etym.* 5.2.2; Berger, *Encyclopedic Dictionary*, s.v. "fas;" Mousourakis, *Legal History*, 20–21.

¹⁰³ Digest 1.1.1 (*De iustitia et iure*).

¹⁰⁴ *Serm.* 23.4, 26. 5, 42.2, 72B.4, 152.5, 163.2, 173.5.

¹⁰⁵ *Serm.* 86. 3, 127.3, 152. 4.

¹⁰⁶ *Serm.* 156. 5.

¹⁰⁷ *Serm.* 31.4, 32.5, 35.4, 95.1, 158.3, 171.1–3, 176.8.

¹⁰⁸ *Serm.* 29.2, 76.4, 80.8.

of Roman jurisprudence: *iustitia*, *aequitas*, *fas*, *ius*.¹⁰⁹ It is the Roman conception of law, more than the biblical one, that Herod seems to undermine. If the Jews before Herod appear similar to Republican Rome, supposedly a society with ancient freedom, an ancestral constitution, and a concern for the just and equitable, then the Jews after Herod sound like defendants in the Roman court.¹¹⁰ Chrysologus accuses them of standard charges (*crimen*, *delictum*) such as *furtum*, *fraus*, *latrocinium*, and the tampering of evidence (*instrumentum*).¹¹¹ In three other sermons, those discussing Matthew the tax collector, the unjust steward, and God's judgment against the unforgiving, respectively, Chrysologus similarly employs the language of criminal charges (such as *crimen*, *furtum*, and *fraus*) in deeply legal and financial contexts.¹¹² The ideal constitutional state has been replaced by a world of corrupt business negotiation and unjust contracts, voiding the salvation and freedom in Christ. Presumably, if tyrannical kingship can so pervert God's people the Jews, the same could happen to the Christian Roman Empire.

The Drama of the Law

Chrysologus' legal imagery reaches its fullest extent in a number of his sermons on gospel texts of resurrection (both of Christ and of Lazarus) which envision the harrowing of hell or revival of Lazarus in terms of a legal confrontation with Death and Hell personified as earthly governors enforcing the law of God. Personification, of course, had a long history in classical literature and religion, although ancient rhetorical manuals never seem to have defined the trope clearly.¹¹³ Authors such as Cicero and Quintillian, indeed, usually discussed personification only very briefly and defined the figure as a subset of other tropes such as metonymy and dialogue.¹¹⁴ Classical personification (*conformatio*) included rhetorical figures not now usually considered to be true personification, such as giving a voice to an inanimate object.

Only twice in his surviving sermons does Chrysologus ever develop his rhetoric into full-scale personification as it is usually defined today. The general allegory of death as an appointed official, and other examples of *conformatio* by the Roman definition, appear with more frequency. Chrysologus emphasizes that the power of death and Tartarus over mankind is due only

¹⁰⁹ *Serm.* 26. 5, 86.3, 152. 2–3, 177.4.

¹¹⁰ That is to say, Republican Rome in the ideals of classical authors such as Cicero and Seneca, not the society in actuality.

¹¹¹ *Serm.* 76.4, 80.8; cf. *Serm.* 29.1, 126.4, 177.4.

¹¹² *Serm.* 29.1, 126.4, 177.4,

¹¹³ Emma Stafford, *Worshipping Virtues: Personification and the Divine in Ancient Greece* (London, 2000), 5–8.

¹¹⁴ James J. Paxson, *The Poetics of Personification* (Cambridge, 1994), 15–17.

to God's decree (*ius cautum*) since the time of Adam.¹¹⁵ Christ's death and resurrection, however, usher in a new order in which the laws of nature do not apply.¹¹⁶ The power of the devil and his prison cease, and the legal stipulation of death become unimportant.¹¹⁷ Chrysologus describes death's dominion in standard Roman terms for an imperial official's authority (*potestas, imperium, dicio*). Death, indeed, appears almost like a rebellious governor, who after betraying its ruler Christ, is punished by a loss of all its power.¹¹⁸

God's ability to overturn the law of his appointed official Death influences the depiction of original sin. Chrysologus maintains the universal debt of all men to God, bewailing that no man has the necessary solvency to repay the debt of sin that is held in the old law.¹¹⁹ Perhaps alluding to Col 2:14, this debt is described in the language of a Roman promissory note: signed by Adam's guilt in pen and ink, earning huge interest, and stored in a chest for safe keeping. At the harrowing of hell, however, Christ batters open the locked gates of Tartarus with his cross/ram in order to wash away the signature and end the law of death that, at the beginning of time, Christ himself had decreed.¹²⁰ Chrysologus can envision man's debt as both with God and with hell because hell's power is only appointed. Similarly, in a sermon on 1 Corinthians 15, Chrysologus can provide a lengthy personification of Death, the queen of hell, and her relatives Despair, Unbelief, and Corruption.¹²¹ Death is a ruler who conquers kings, generals, and all peoples, who deceives the wisest pagans into believing her to be inescapable, who can never be moved by pity, force, or bribery. She sends out her relatives to give long eloquent speeches on the foolishness of hoping for an afterlife and the necessity of seizing the day through a life devoted to fleeting pleasure. Yet, God's word reveals the falsehood of such pagan thought, for Christ blots out and condemns the powerful ruler Death, and provides the free gift of resurrection.¹²²

¹¹⁵ "Ita moriente eo ditione tartarus perdidit quos tenebat, abiecit infernus ius potestatis antiquae, inveteratae legis cautum . . . mors amisit": *Serm.* 72A.1; "Perit lex tartari, remota sunt inferni iura, potestas mortis ablata est": *Serm.* 74.4.

¹¹⁶ "sicut nascente christo conceptus nescivit ordinem suum, partus non agnovit usum, non tenuit ius natura . . . novo sanctionis ordine": *Serm.* 72A.1; cf. *Serm.* 92.3, 148.1, 148A.2–3, 153.1.

¹¹⁷ *Serm.* 68.5, 84.8.

¹¹⁸ *Serm.* 74.4.

¹¹⁹ "Nam et chirographum paterni debiti, quod morti singulos addicebat, stylo culpa et reatus ipsius atramento tenebatur adscriptum, et ad subolis noxam multa temporum currebat usura, nec erat idoneus . . . solveret chirographum, quod in arca legali dei praecepto tenebatur inclusum": *Serm.* 123.6.

¹²⁰ "Totum chirographum debiti diluat et solvat antiquum, et patiendi hoc remittat ipse, quod ipse intulit imperando": *Serm.* 123.6.

¹²¹ *Serm.* 118.3–6.

¹²² "Veritas submovet, lex fugat, inpugnat fides, apostolus notat, christus delet, qui dum bonum vitae reddit, malum mortis prodit, damnat, excludit": *Serm.* 118.6, 10.

Chrysologus' lengthiest personification, however, provides a dramatic narrative of Tartarus appearing before the court of God. Similar to some of the sermons just mentioned, in this description Chrysologus explains Christ's reviving of Lazarus as the overturning of the ancient laws of Hell.¹²³ Christ is confronted, however, by Tartarus himself, who holds up the document from God proving Hell's claim over the dead.¹²⁴ After Tartarus speaks his claim, the angels respond by asserting that Christ is the very God who issued the document and has come now to remove Hell's *imperium*.¹²⁵ Although Tartarus appeals to God, presenting himself as the Lord's servant and Christ as a mere man who is overturning the Old Testament law, God accepts Christ's blood as a repayment for the debt of sinners.¹²⁶ Chrysologus ends, thus, by noting that Christ now dwells as both judge and lawyer (*advocatus*) before the Father for mankind.¹²⁷

The courtroom presentation of this scene is obvious. Chrysologus describes the event using the procedure similar to that of a Roman trial, which his audience would have well known. Tartarus becomes a claimant and prosecuting attorney giving an oration and presenting documentary evidence justifying his political power. Tartarus claims to have an ancient *edictum principis* and a *decretum regis* proving his argument, and he does so using the standard words for two of the four types of authoritative *constitutiones* employed in Roman courts and issued by the emperor (*princeps*) himself.¹²⁸ Tartarus also alludes several times to a legal precedent (*sententia*) spoken by God the Judge himself. Chrysologus thus, depicts Hell as the defender of ancient Roman-style law, and Christ as the criminal innovator destroying the old law. The angels and Christ himself serve as advocates who respond to Tartarus' argument by defending Christ's legal right to change the laws he himself authored. Both the angels and Christ assert that—by imprisoning innocents such as the saints, prophets, and virgins—Tartarus has overstepped his rights. Chryso-

¹²³ "Gehennae solvere legem vetustam, deturbare antiquissimum ius poenarum": *Serm.* 65.6.

¹²⁴ "Occurrit ei tartari tota furens potestas, praeferens edictum superni principis, excelsi regis portans decretum, gestans latam tot saeculis deo loquente sententiam": *Serm.* 65.6.

¹²⁵ "Lator ipse sententiae, ipse tuum calcaturus caput, ipse tuum contriturus imperium, ipse te suo iudicio perditurus, qui reos iussus capere adtrahis innocentes": *Serm.* 65.6.

¹²⁶ "Si tristi servitio mancipatus, praecepta tua inviolabili lege seruo; pervigilo, ne quis sententiae tuae vetustum ius novus temerator immutet. Sed apparuit homo . . . sabbata tua violat, legem tuam solvit": *Serm.* 65.6–7.

¹²⁷ *Serm.* 65.8.

¹²⁸ All three of Chrysologus' other uses of *edictum* (*Serm.* 140A.1, 175.1), and one of his other three uses of *decretum* (*Serm.* 175.1) appear in the context of discussing the commands of Caesar; the other two instances of *decretum* refer to heavenly commandments (*Serm.* 28.1, 44.6); a similar royal context appears around most of his uses of *constitutio*, suggesting Chrysologus was well aware of the specifically legal and imperial connotations of these words.

logus' audience would have been fully aware of the rampant corruption that was systemic in many aspects of the Roman bureaucracy.¹²⁹ Offices and legal judgments were often sold outright, and many laws in the Theodosian Code show emperors attempting to correct abuses committed by their own administrators in their name.¹³⁰ Tartarus, like many bureaucrats, has abused his authority when he thought the emperor was not watching.

In multiple sermons, then, Chrysologus uses dramatically personified narratives to represent the resurrection of mankind in the terms of Roman legal practice familiar to his congregation. Repeatedly, the Roman ideals of written documents, hierarchical bureaucracy, and ancient unchanging law are associated with the corrupt power of evil. Hell and Death are appointed officials who must be restrained by Christ, the just king. From this information alone, it is impossible to guess the attitude of Chrysologus and his congregation toward the legal reforms of their day. Perhaps Chrysologus thought Theodosius II was doing right by changing the older legal practices and restraining bureaucratic corruption with his new code. Or perhaps Chrysologus would have simply seen the new code as a new law to oppress the weak, which stood in contrast to the merciful forgiveness of God. Either way, it is undeniable that Chrysologus' depictions of law were far from universally positive; whatever the emperor's best intentions on the ground, law was too often a tool for the wicked.

Contract with God

Chrysologus also employs the concepts of debt, law, and contract in a far more favorable way, to portray the relationship between the Christian and God. Thus, for example, in two sermons on the parable of the unjust steward, Chrysologus seems to struggle to explain why Christ upholds the wicked steward as an example to the Christian. These sermons are filled with legal language: for example, the bishop describes human life as a temporary stewardship, sees himself as in debt to his congregation, and envisions mammon as the unjust king of all.¹³¹ In several sermons by Chrysologus, humans are described as stewards (*dispensator*) who are in debt to their master (*prorogator*) God and fearing his public audit (*discussio*).¹³²

Most interestingly, however, Chrysologus points out in his homilies on the unjust steward that the debt the steward owed his master had already been

¹²⁹ *Serm.* 65.6–7; see Ramsay MacMullen, *Corruption and the Decline of Rome* (New Haven, CT, 1988), 195–97.

¹³⁰ MacMullen, *Corruption*, 147–48.

¹³¹ *Serm.* 125.11, 126.1, 5.

¹³² *Serm.* 26.2, 102.2, 126.1.

paid: Christ the judge stood as man's advocate, he was made guilty by the guilty, he assumed the debt of man when he assumed the human nature, and he resolved the debt when he absolved man.¹³³ The law itself is the debt contract that has been transferred from the Jews to the gentiles because the Jews broke the contract.¹³⁴ Instead of repaying the debt, they killed their creditor.¹³⁵ Chrysologus loads these sermons with references to legal documents; the debt is shown by a promissory note (*chirographum*) and confirmed by a written guarantee (*cautionis fides*). Chrysologus argues that the forging of the bills in the parable serves as a reminder of the year of Jubilee, a symbol of divine grace that makes all sinners solvent by blotting out their contracts (*contractum delere*).¹³⁶ Elsewhere, Chrysologus also uses the language of written contracts (*cautio*, *chirographum*, *stipulans*, *fenus*), this time to portray human love and mercy as the only repayment for this debt to God.¹³⁷ For Chrysologus, God is frequently portrayed as saving his people by destroying the just contracts because man has failed his contractual obligation. Undeserved salvation comes by the erasure of legal writing.

In light of this ambivalence, or even hostility, toward documents, it is interesting to note that Chrysologus never once uses the word covenant (*testamentum*) in any of his extant sermons. The concept and language of covenant is all over the Bible and many other Latin Christian authors. Just limiting consideration to other sermon collections, the word *testamentum* appears twenty-three times in Maximus of Turin, thirty-three times in Leo the Great, fourteen times in the Eusebius Gallicanus, and seventy-three times in Caesarius. Chrysologus, moreover, had ample opportunity to discuss the covenants: quite a number of his sermons contrast Judaism and Christianity, or law and grace, as mentioned above, and thus would be naturally suited for a comparison between the old and new covenants. Chrysologus also alludes on several occasions to probably the two most important uses of the term *testamentum* in the Vulgate: Christ's description of the communion cup as the blood of the new covenant, and Paul's

¹³³ "Priora debita suscepi ego, cum te suscepi; solui ego, cum te absolui . . . iudicium intravi iudex, rei mei reus factus sum, a poena liber suscepi poenas, a damnatis sententiam non refugi": *Serm.* 125.8.

¹³⁴ "Legalis ipsa cautio . . . quia debitum convertit in crimen, poenitentiae solvat usuram": *Serm.* 126.7.

¹³⁵ "Debebat . . . per chirographum legis . . . sed quia contra cautionis fidem debitor, ne debitum redderet, occidit inpius creditorem": *Serm.* 126.7.

¹³⁶ "Lex debitorum omnium, omnium contractuum delere et solvere ligamenta perscribit . . . per misericordiam christi idoneus sit iudaeus, qui per cautionem legis insolubilibus confossus debitis tenebatur": *Serm.* 126.7.

¹³⁷ "Caelestis creditor totum debitum caritate compensat, et ad incrementum totius fenoris amoris solius exigit et requirit usuram. Plectendus debitor, qui dilectione sola suam negligit redimere cautionem . . . ut vivendi normam perceperis per chirographum legis, stipulanti deo": *Serm.* 94.5.

discussion of the veiling of the old covenant in letter as opposed to spirit in 2 Corinthians 3. When Chrysologus brings up these passages, however, he is willing to speak of “the cup of salvation” (*calix salutaris*) or “the veil of the law” (*legis velamen*) but avoids *testamentum*.¹³⁸ The concept of covenant in Chrysologus, then, is highly conspicuous by its absence. For some reason, perhaps because of his less-than-positive view of written documents, Chrysologus deliberately avoids speaking of God as a covenanter.

A stranger use of legal language appears in a number of sermons where Chrysologus envisions God as in debt to man. The Christian gives a loan to God by providing charity to the poor.¹³⁹ This act should occur in secret without any need for a human legal witness, as God himself will be “both the repayer and witness.”¹⁴⁰ In Christ, our benefactor God has come in the form of a poor man.¹⁴¹ Elsewhere, Chrysologus seems to encourage a type of holy avarice, telling the greedy to make heavenly purses and have them earn huge interest in heaven as a result of consistent giving of alms to the poor.¹⁴² Indeed, in another sermon, he speaks of faith in the gospel as an imperial diploma granting an eternal *officium* in heaven.¹⁴³ Chrysologus tells Christians not to worry about the legal evidence of these loans. A tiny written document (*contractum, cautio, cartulae obligatio*) is meaningless when there is a God who gives surety in many volumes (presumably referring to the biblical text).¹⁴⁴ Nor do believers need to worry about God’s not paying, for God our benefactor wishes to repay men with interest: he is both the debtor and the bill collector.¹⁴⁵ Written proof is superfluous because it is the just character of God, not a document, that guarantees repayment.

Because lending to the poor puts God in man’s debt, Chrysologus asserts that, on Judgment Day, God will free from the accusations of sin only those men who have the poor as their lawyers.¹⁴⁶ Admittedly, all these associations between charity, legal evidence, and divine judgment presumably have as their ultimate source Matthew 25. Still, Chrysologus associates these ideas in a way that goes far beyond the biblical text. The general requirements of proof in Roman law become meaningless in heaven, so that God himself becomes the only necessary witness of human righteousness. In a time when eviden-

¹³⁸ *Serm.* 2.5, 30.4, 36.3, 62.3, 95.3, 110.7, 176.8.

¹³⁹ *Serm.* 9.4, 14.5, 25.3.

¹⁴⁰ “remunerator et testis”: *Serm.* 9.4.

¹⁴¹ *Serm.* 9.4.

¹⁴² *Serm.* 25.3.

¹⁴³ “De evangelii fide acceperit codicillos”: *Serm.* 144.9.

¹⁴⁴ “Deus tot et tantis voluminibus cauet, et debitor non tenetur”: *Serm.* 25.3.

¹⁴⁵ “Exsecutor et debitor . . . maiora reddere vult, cum vult debere largitor”: *Serm.* 25.3.

¹⁴⁶ “Videbit diem malum, qui diem iudicii sine advocacione paupertatis intraverit. Sine causa accusant peccata, quam pauper excusat”: *Serm.* 14.5, 8.

tiary requirements were under negotiation, Chrysologus' opinion seems all the more notable.

Creed as Contract

Chrysologus' most sustained consideration of the idea of written legal evidence, however, appears in his numerous surviving sermons on the Apostles' Creed. In the corpus of Chrysologus' works, a full eight homilies are devoted to the exposition of the creed, with another six explaining the related text of the Lord's Prayer, a number of sermons comparable to the number on such crucial festivals as the Annunciation or the Resurrection. In the fifth century, the Lenten catechumenate for competents seeking baptism included the ceremony of the *traditio symboli*. In this rite, typically during the Sunday liturgy two weeks before Easter, the bishop would reveal the Apostles' Creed, explain each of its twelve clauses, and help the catechumens to memorize it.¹⁴⁷ Indeed, the creed was not supposed to be written down nor told to anyone who had not already gone through the *traditio symboli*. Bishops would usually preach fuller expositions on the creed throughout Holy Week, and competents would need to recite the creed back to the bishop from memory on Holy Saturday before the Easter vigil, in a ritual called the *redditio symboli*.¹⁴⁸

Virtually all of Chrysologus' creedal homilies have a rather similar outline: an introduction discussing biblical examples of conversion, an exposition of the twelve clauses of the creed, and an appeal to the catechumens to internalize the meaning of the creed (often introduced with a command to sign themselves). Many of the same images and typologies are mentioned, even using identical phrasing. These similarities, plus a few brief comments that Chrysologus makes, suggest that the homilies represent examples of the bishop's annual exposition of the creed at the end of Lent.¹⁴⁹ Chrysologus may have preached them either at the time of the *traditio* itself or during a later sermon on some weekday during Easter week further expounding the creed with a view toward preparing the competents for the *redditio*.¹⁵⁰

¹⁴⁷ Rolando Ladino, "La iniciación cristiana en San Pedro Crisólogo de Ravenna," *Laurentianum* 9:4 (1969), 397–400, 411–14; Thomas M. Finn, *Early Christian Baptism and the Catechumenate: Italy, North Africa, and Egypt* (Collegeville, MN, 1992), 58–59; Idem, *From Death to Rebirth: Ritual and Conversion in Antiquity* (New York, 1997), 224–25; William Harmless, *Augustine and the Catechumenate* (Collegeville, MN, 1995), 274–77.

¹⁴⁸ Ladino, "La iniciación," 430–31, 437–38; Finn, *Early Christian Baptism*, 84–85, Finn, *From Death*, 198–99, 226; the exact timing for the *traditio* and *redditio* depended on local traditions of each episcopacy in Late Antiquity; so the schedule listed above is more likely than definite.

¹⁴⁹ Sottocornola, *L'anno*, 77–78.

¹⁵⁰ In one sermon, Chrysologus complains that he is preaching on the creed later in the Lenten season than he would like, but promises to expound the creed more in Easter week itself. *Serm.* 56.1–3.

In light of the highly ceremonial context of these sermons, it is impressive how frequently Chrysologus borrows from language associated with the formal procedures of Roman legal culture in order to describe the creed. Admittedly, an association between the creed and legal bonds is natural. Despite its Greek etymology, the use of the term *symbolum*, a “seal” or “token” serving as a reminder, to mean a creedal declaration appears to be a western invention dating to the beginning of the third century.¹⁵¹ Although the creed clearly did have a mnemonic function, *symbolum* also commonly denotes an “authorized document” in Roman law, a usage which was quite apparent to the church fathers. *Symbolum* even referred to formulae recited at pagan religious rites.¹⁵² Unsurprisingly, then, patristic authors were divided about which etymology is the right one; Rufinus, for example, believed the Greek term referred to the creed’s role as a token, whereas Augustine thought the word referred to a merchant’s partnership contract.¹⁵³

Chrysologus’ legal vision of the creed has relatively few parallels among the fathers. Most of the major Latin patristic commentators on the creed (Ambrose, Rufinus, Nicetas, Quodvultdeus) seem more interested in topics such as the errors of heretics or the Christian renunciation of the devil. These scholars’ references to a juridical background are rare. Rufinus, for example, cites Paul in Col 2:14 as a way of speaking about Christ’s tearing down the written bond (*chirographum*) of sin which had been enslaving man to the devil.¹⁵⁴ Ambrose, similarly, describes the renunciation of the world as a legal obligation (*cautio*) for those joining with Christ.¹⁵⁵ These examples are brief, however, and not central to either treatise. Even Augustine uses legal language in only a couple of his many works on the creed; he tells his audience to memorize the creed on the scroll of their heart rather than writing on any tablet, and, referring to a parable, compares Christians to pearl merchants forming a partnership (*societas*) by a pact of good faith (*pacto fidei*) as they search for fine pearls.¹⁵⁶ (Augustine’s language follows the language of the classical jurists by terming the agreement of a *societas* a *pactum* rather than some other word for a contract.)¹⁵⁷ Although such parallels are interesting, none of them comes close to the constant use of legal language that appears in nearly every one of Chrysologus’ sermons on the creed.

¹⁵¹ J. N.D. Kelly, *Early Christian Creeds* (New York, 1972), 58–60.

¹⁵² *Ibid.*, 56.

¹⁵³ *Ibid.*, 54–55.

¹⁵⁴ Rufinus of Aquileia, *Commentarius in symbolum apostolorum*, 15.

¹⁵⁵ Ambrose, *De sacramentis*, 1.2.8.

¹⁵⁶ Augustine, *Serm.* 212.1–2.

¹⁵⁷ Digest 10.3.4, 17.2.17, 17.2.59; Diósdí, Szabó, *Contract*, 129; Watson, *Obligations*, 126–28.

The startling similarities between Chrysologus' various sermons on the creed, both in ideas and in wording, indicate that the bishop had a very clear set of ideas concerning which he wished to instruct each year's group of catechumens. It is possible that Chrysologus had past sermons on hand to help him draft each new creedal homily. Thus, for example, in several sermons, Chrysologus compares a hasty catechumenate to a premature birth, and he references many of the same biblical quotations, such as "faith comes from hearing," and figures, such as the Ethiopian eunuch.¹⁵⁸ Chrysologus' repetition suggests that he felt it was important for fully initiated believers to understand the legal dimension of the creed. Despite the import and innovativeness that Chrysologus gives to his creedal homilies, these sermons do not seem to have had much influence on later authors. Although sermons by Chrysologus were often included in homiliaries during the Early Middle Ages, not a single one of the major homiliaries in which Chrysologus appears (such as Paul the Deacon or Agimund) contains a sermon from Chrysologus' orations on the creed or Lord's Prayer.¹⁵⁹ His sermons for the major liturgical seasons of Lent and Advent were far more popular. Indeed, even the two largest Chrysologus manuscripts independent of the Felician tradition (MS Milan, Ambrosiana, C. 77 and Vatican, B.A. V., Cod. Vat. Lat. 3836), which preserve around forty and ten sermons by Chrysologus respectively, include none of those on the paternoster or creed.¹⁶⁰ Perhaps their very creativity, or some general lack of interest in catechetical sermons, explains this neglect.

The body of Chrysologus' creedal homilies provides short explanations of the twelve clauses of the Apostle's Creed, covering much the same information and often in no more than one or two Latin sentences each. Chrysologus is far more innovative in the introductions and conclusions to these sermons. Many of Chrysologus' sermons contain catenae of three or four alternative names for the creed.¹⁶¹ Because these catenae always occur as the direct object within imperative sentences telling his audience to hear and memorize the creed, Chrysologus must have found such lists to be a rhetorically powerful way to emphasize the centrality of the creed. In all these examples, each

¹⁵⁸ For birth, *Serm.* 56.2, 58.1, 61.1; for faith *Serm.* 56.5, 59.1, 60.1, 18; for the eunuch, *Serm.* 56.2, 60.1, 61.1.

¹⁵⁹ Réginald Grégoire, *Homéliaires liturgiques médiévaux: analyse de manuscrits* (Spoleto, 1980), 13, 228, 249–51, 348; E. A. Lowe, *Codices latini antiquiores: A Palaeographical Guide to Latin Manuscripts Prior to the Ninth Century*, vol.1 (Oxford, 1934–1966), 13–17.

¹⁶⁰ *Inventory of Western Manuscripts in the Biblioteca Ambrosiana: From the Medieval Institute of the University of Notre Dame, the Frank M. Folsom Microfilm Collection*, Louis Jordan, Susan Wool, eds. (Notre Dame, 1984); Lowe, *CLA* 1.14–17.

¹⁶¹ *Serm.* 57.16, 58.2, 59.1, 19, 60.18, 61.15.

name is made up of a term referring to a legal bond followed by a Christian spiritual gift serving as an objective genitive.¹⁶² Gathering together these catenae, Chrysologus terms the creed a *pactum*, *placitum*, *vinculum*, *symbolum*, *cautio*, *lex*, *forma*, *ordo*, and *norma*, and these bonds are of *vita*, *salus*, *fides*, *gratia*, *confessio*, *spes*, and *credulitas*.¹⁶³ Although the exact meaning of some of these phrases (e.g. *confessionis ordo*) is less than clear, if Chrysologus ever even had an exact denotation, the basic idea of these descriptions is certain. The creed is a legal tie between God and man which provides heavenly blessings to its contracting party.¹⁶⁴

Given such a legal viewpoint, it is hardly surprising how much focus on the idea of faith there is in these sermons. Out of the 430 uses of *fides* in Chrysologus, sixty-nine of these instances appear in his eight sermons on the creed, a rate approximately four times more frequent per sermon than in his non-creedal homilies.¹⁶⁵ Not a single one of Chrysologus' catena descriptions of the creed fails to include a bond "of faith." In these sermons Chrysologus also intelligently picks up on the theme of faith in Paul's Epistle to the Romans. Romans 10:9–10, which focuses on the salvific effect of belief and confession, serves as the central verse in how Chrysologus understands the purpose of the creed (a common usage of this verse during the patristic period).¹⁶⁶ Chrysologus also uses related quotations from Romans such as "faith comes from hearing" from Rom 10:17, and "the just shall live by faith" and various forms of "from faith to faith," both from Rom 1:17.¹⁶⁷

As well as being a central concept in Pauline soteriology, *fides* in Roman law refers to the trustworthiness in a contractual relationship, both the promisor's honest keeping of his obligation and the promisee's confidence in this keeping.¹⁶⁸ *Bona fides* was considered necessary when drawing up a contract, lest the bond be void. Playing on these ideas, Chrysologus assures his congregation that, even before they are able to prove the faith of their promise (*promissio* and *sponsio*, two forms of *stipulationes*) to God by confessing the

¹⁶² Cf. "Fidei pactum, placitum gratiae, salutis symbolum": *Serm.* 59.1.

¹⁶³ Many of these words are used multiple times with different genitives in each case; the list above removes this duplication.

¹⁶⁴ The use of contractual language in these creedal homilies has been noticed: Ladino, "La iniciación," 413–14.

¹⁶⁵ This number is more impressive still when one considers that the last creedal homily, *Serm.* 62a, is clearly fragmentary: Olivar, 369–84; if this sermon were complete, the number would likely be higher still.

¹⁶⁶ *Serm.* 56.4, 61.2, 62.2; Gerald Bray, ed., *Romans* (Downers Grove, IL, 1998), 265–67, 275–76.

¹⁶⁷ *Serm.* 56.5, 58.1, 59.1, 60.1, 18, 62.3.

¹⁶⁸ Berger, *Encyclopedic Dictionary*, s.v. "bona fides" and "fides"; Diósdí, Szabó, *Contract*, 34, 37.

creed, God has already fulfilled his promise in good faith.¹⁶⁹ Also, through the grace of God, faith alone suffices for a contract, without any need for documentation.¹⁷⁰ For God himself serves as the witness and legal supporter of the creed. By extending the legal analogy, thus, Chrysologus is able to give a new valence to Paul's concept of saving faith, conceiving of salvation and the creed as a contract whose good faith is guaranteed by God.

Chrysologus also demonstrates considerable concern that catechumens employ the proper form for their creedal contract with God. By portraying the human heart as the proper medium for this contract, Chrysologus, like Augustine, discusses the need to memorize the creed, rather than merely write it down. Repeatedly, Chrysologus tells his audience not to copy out the divine mystery of the creed using book, letter, parchment, pen, and ink, as these are only "fleeting and perishable tools."¹⁷¹ Instead, these believers must place the heavenly secret in the box of their soul, the library of their spirit, the hidden place of their mind, as if they were storing a precious legal document.¹⁷² Chrysologus gives as the reason for this precaution the need to ensure that the unbeliever does not bring condemnation upon himself by rejecting the creed.¹⁷³ No doubt many in Chrysologus' congregation had daily experience storing documents, adding power to this image.

Chrysologus often concludes these sermons by telling his audience to sign themselves.¹⁷⁴ Admittedly, this command could be understood merely as the customary marking of the body with the sign of the cross after a prayer, common among Christians from at least the second century. Still, because Chrysologus gives this imperative in the midst of such a legal context, the primary meaning of *signare* as the act of authorizing a legal document with a seal also seems relevant. Just as his audience has written the contract-creed on their hearts, so they subscribe it across their bodies by making the cross. Because Chrysologus replaces written documentation with oral, the human person himself becomes the record. The Roman legal ceremonies of forming a contract are replaced by the Christian drama of confessing the creed.

¹⁶⁹ "Ad fidem vos, filii, hodie fides vestri auctoris invitat, qui promissionis suae ante fidem implet, quam vestrae percipiat sponsonis . . . ut olim verbo promiserat per prophetam": *Serm.* 58.1; Watson, *Obligations*, 6–8.

¹⁷⁰ "Ubi vero dei gratia, donatio divina consistit, ad pactum fides . . . sufficit": *Serm.* 57.16

¹⁷¹ "Pectora parate, non chartam; sensum acuite, non calamum; et audita non atramento, sed spiritu ministrante discribite . . . caducis et corruptibilibus instrumentis": *Serm.* 58.2; "non atramento, sed spiritui committamus; pectori, non chartae demus; memoriae, non libro": *Serm.* 60.18; cf. *Serm.* 56.5, 59.18, 61.15.

¹⁷² "In secreto mentis est conlocanda, et ipsis est nostri pectoris committenda vitalibus": *Serm.* 56.5; "In ipsa arca animae, in ipsa bibliotheca interni spiritus est locandum": *Serm.* 58.2.

¹⁷³ *Serm.* 57.16, 58.2, 59.18, 60.18.

¹⁷⁴ "Signate vos": *Serm.* 56.5, 57.16, 59.18, 60.2, 18, 62.3.

In what is no doubt the *magnum opus* among his creedal homilies, sermon 62, Chrysologus provides the fullest discussion of the creed as a contract with God. Tamassia long ago noted the central importance of this sermon for Chrysologus' legal usage and suggested Augustine's sermon 212 as a parallel.¹⁷⁵ Chrysologus asserts that even among human contracts, a *symbolum* refers to any enforceable agreement that comes with a promise of future gain.¹⁷⁶ Because humans fear deceit (*fraus, perfidia*), two written copies (*conscriptio*) are always made that both parties might have a warranty of the obligation (*stipulationis cautum*).¹⁷⁷ The bishop points out that God has no need of a human warranty, because his moral perfection and omnipresence ensures that he can neither perform nor suffer any *furtum* or *fraus*; nor does he fail to collect a loan. Chrysologus' use of *stipulatio* seems particularly interesting, as *stipulatio* was a key legal term for a unilateral oral promise which produced an obligation on the part of the promisor; by the post-classical period, *stipulationes* had changed so that they were often written.¹⁷⁸ Humans thus have need for written promises (*stipulationis cautum*), but a purely oral form is more than enough for God.

Chrysologus, however, recognizes that these facts seem to make the idea of a contract with God ridiculous. What is the point of a *symbolum* if God has no need for documentation? According to Chrysologus, God desires a contract for the sake of man, so that through such a covenant he can draw men to their own profit. God himself for our sake chose to bind himself to an actionable debt than man might be called to faith (*ad fidem*).¹⁷⁹ Again, Chrysologus clearly parallels Paul's idea of saving faith with the Roman legal convention of the need for *fides* on the part of both parties for an enforceable contract.¹⁸⁰ God the promisor has already faithfully kept the contract, but man the promisee must trust that he has.

Chrysologus ends this exhortation to memorize the creed by telling his audience of the impermanence of legal documents. Documents are like flowers; they are only heralds of a coming fruit. Written proof, such as a warranty or promissory note, is worth having until the pledge is accomplished.¹⁸¹ What one really wants is not the document but the payment

¹⁷⁵ Tamassia, "I sermoni," 47–48.

¹⁷⁶ "Placitum vel pactum, quod lucris spes venientis continet vel futuri, symbolum nuncupari contractu etiam docemur humano": *Serm.* 62.3.

¹⁷⁷ *Serm.* 62.3.

¹⁷⁸ Diósdí, Szabó, *Contract*, 50–55, 59–62, Watson, *Obligations*, 1–3, 6–7.

¹⁷⁹ *Serm.* 62.3.

¹⁸⁰ Chrysologus, indeed, quotes Paul's Epistle to the Romans four times in this section.

¹⁸¹ "necessarium chirographum, sed usque ad debiti redhibitionem . . . sed praesentia epistulam delet, rumpit solutio cautionem": *Serm.* 62.4.

it guarantees. By faith, the Christian can know that he is marked out for eventual glory; once that glory is manifest, faith will cease.¹⁸² The contract between God and man, which Chrysologus references in various sermons, but which finds fullest expression in the creed, is a divine declension for the sake of man. It is only because God is the promisor, witness, judge, and provider of *fides* that this contract has any effect. Still through it, God becomes man's debtor. Any number of laws and legal documents would be worthless without a just God upholding them. Just as Chrysologus often calls the legal system into question by associating written documents with the devil and sin, bonds from which Christ must free the sinner, so even when Chrysologus views the creed as a contract, law itself seems dismissed. Chrysologus rejects the use of writing, sees documents as fleeting and even dangerous, and thinks contracts are necessary only because of human sin. In the divine economy, there is no need for legal bonds except as condescension to humans, for God's own character is the real guarantee of his promises. It is the personal justice of God, not the impersonal rules of a legal system, that gives hope to mankind.

Conclusion

The rhetorical craftsmanship and pastoral concern that appear throughout the sermons of Peter Chrysologus provide a picture of a deeply conscientious bishop who labored long in preparation for his homilies with the goal of making the gospel understandable, persuasive, and attractive to his audience. In light of its prominence in his sermons, it is surprising Chrysologus' use of legal imagery has not received more attention. These metaphors are likely the major rhetorical leitmotif of his works and demonstrate obvious parallels with his social and political context. A speaker cannot get up in front of a congregation in the imperial capital while a new law code is being compiled with the empress often present and speak of *lex* and *fas*, *imperium* and *edictum*, *iustitia* and *mores*, *contractum* and *chirographum*, without encouraging his audience to read in a commentary on contemporary circumstances. A speaker cannot use vivid imagery of storing documents, signing charters, confronting accusers, and paying debts and not have his congregation take them partly at face value. Moreover, to call into question the law is to undercut the ideals of the eternal empire: "Remember, O Roman, that these are your arts: to rule the people with power and to add morality to peace, to spare the abject and to conquer the proud."¹⁸³

¹⁸² *Serm.* 62.4.

¹⁸³ Vergil, *Aen.* 6.851–53.

It is wrong to suggest that Chrysologus is in any way against the existence of law. In a world of sin, law is necessary to restrain evil. Yet repeatedly, Chrysologus implicitly criticizes the workings of the law in practice. Chrysologus portrays a gospel in which God is on the side of the debtor, the slave, and the marginalized, and explains that gospel in the language of the daily experiences of a lower-class congregation. Legal documents are the possession of Death and the devil, but Christ nullifies these contracts. Also, in the oral confession of the creed, God has set up a parallel legal ceremony to that of the Roman courts, one in which the character of God himself, rather than a document, provides the *fides* for the promised salvation, sealed across the heart of the believer. It is best to say that Chrysologus is wary; he not only knows that the law can bring justice, but also that it can impede it. The frequency of corruption, calumny, and negligent enforcement had made Chrysologus, and his congregation, fully aware of the shortcomings of law. The reforms of Theodosius and Valentinian may have righted some wrongs, but corruption and upper-class power would continue. For, to Chrysologus, the only real salvation is found not in the transitory promises of a faceless legal system but in the personal justice of God.

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