CHAPTER SIX

THE LITERARY PRODUCTION OF THE JEWISH COMMUNITY OF ROME IN LATE ANTIQUITY

Introduction

Without exception, all existing monographs on the Jewish community of ancient Rome pass in silence over the literary production of Roman Jews in Late Antiquity. This is most unfortunate. Two highly interesting fourth-century works in Latin whose authorship may be assigned to (Roman) Jews, still survive. The first, a treatise, written in Latin and known as the Collatio Legum Mosaicarum et Romanarum (also known as Lex Dei quam praecepit Dominus ad Moysen), has baffled scholars since its first publication by P. Pithou in 1573. The other, known after its incipit as the Letter of Annas to Seneca (Epistola Annae ad Senecam), has attracted scholarly attention only fairly recently, namely since 1984 through a publication of B. Bischoff.

The Collatio consists of a systematic comparison of Mosaic law with Roman law, more specifically with the works of the Roman jurists of the second and early third century and selected constitutions from the Gregorian and Hermogenian Codes. Since E. Volterra’s seminal study of 1930, a number of scholars including E. Levy, I. Osterzeter, F. Schulz, B. Blumenkranz, C. Pietri, J. Gaudemet, L. Cracco Ruggini, D. Daube and A. M. Rabello believe that the author of the Collatio was an (anonymous) Jew who lived in Rome while composing this work.¹ In the wake of ideas developed by N. Smits, others,

including F. Triebs, C. Hohenlohe, L. Wenger, H. Chadwick, H. Schreckenberg, M. Lauria, and E. Schrage maintain, however, that the author of the *Collatio* was not Jewish at all. They argue that the *Collatio* is to be considered as a fourth-century Christian product. Recently, this latter suggestion has once again been forcefully advocated by D. Liebs in an important study on Roman law in Italy in Late Antiquity. 2

In the following pages, I will analyze the *Collatio* from a historical perspective and pay special attention to the question of its authorship. I will argue that once the *Collatio* is placed within the larger framework of Jewish and early Christian attitudes towards the Torah, there can be little doubt that the author of the *Collatio* was Jewish. This identification has several important implications that will also be explored.

The *Letter of Annas to Seneca* is a treatise that has been preserved only partially. It is difficult, therefore, to identify its author and to establish its precise purpose. Despite such difficulties, this letter provides interesting evidence for determining social relations between Jews and non-Jews in Late Antiquity.

Several other literary sources including the *Codex Theodosianus*, the works of Ambrosiaster, a treatise known as *Fides Isaaciis ex Iudaeis*, and the *Actus Sylvestri* also bear on the history of the Roman Jewish community in Late Antiquity, at least seemingly so. That I have nevertheless refrained from analyzing these works separately in the following pages, needs to be explained briefly.

Contrary to Vogelstein and Rieger, I do not believe that much can be learned about the Roman Jewish community from the *Codex Theodosianus*, except in a very general way; the laws in question relate to

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