

Views of the Two Covenants in Medieval Theology

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I. The Discipline of Ambiguity and the Notion of Fulfillment

THE HISTORY OF THEOLOGY records a number of efforts to reflect thematically upon the sort of ambiguity characteristic of theological thought. The goal of such reflection tended to be the allowance to theological language of as much ambiguity as is necessary for theological objectivity, while restricting theological language to as little ambiguity as is possible for theological understanding. The desired result of the reflection could be termed the discipline of ambiguity.

This discipline of ambiguity was obvious in Thomas Aquinas's doctrine of the analogy of language when speaking about God. For Thomas, there is a necessary dialectic in the best forms of God-talk between the content affirmed (*significatio*) and the denial of the way in which we now conceive of that content (*modus significandi*), the imperfect means by which we must imagine during our lives on earth even the least finite of attributes together with their relation to their proper subject and to us. In naming God as best we now can, the dialectic between the *significatio* affirmed and the *modus significandi* denied marks the limit of clear and distinct ideas. Thomas argued that the greater clarity possible in the univocal affirmation of a given attribute for both God and creation or in the definitive exclusion of any term applied equivocally to both God and creation had less epistemological potential than this form of studied ambiguity: The light of analogy is brighter, if more diffuse. Even the critique of analogous God-talk developed by John Duns Scotus could admit this point. The univocity that Scotus claims marks our every description of God in terms of creation places the seal upon the inadequacy of our attempts to grasp

the infinite God in necessarily finite words and concepts; for Scotus, univocity is as regrettable as it is unavoidable.¹ Together with its defense of the fittingness in principle of the use of metaphor encountered so often in the Bible,² the Thomistic doctrine of analogy sought to attain the greatest degree of clarity compatible with the matter investigated as well as with the ideal and de facto powers of knowledge possessed by the humans of any given epoch and condition. The burden of proof was upon the tolerance of ambiguity: A reason had to be given for accepting limits to the clarity of thought. Thomas argued that the ambiguity he accepted in speaking of God could be justified by the unavoidable finitude of the knowing and speaking subject in even its best present encounter with its infinite "object."

Similar in its structure was the argumentative goal of the classic defense of the fourfold sense of Sacred Scripture.³ That one and the same text could be open to or even require several interpretations at once did not necessarily exclude the primacy of the literal sense. The insistence on the ambiguity of diverse levels of meaning in one text still allowed for a quest for the greatest possible literal understanding as the foundation of all allegorical interpretations. Here, too, the goal was a discipline of ambiguity.

Thomas Aquinas saw clearly what underpinned allegorical exegesis: the commentator can only discover in a text what he already knows, and in order to know it, he had to find it in the literal sense of another text. From this Thomas Aquinas drew the conclusion: a valid argument cannot be constructed from the allegorical sense, it can only be done from the literal sense.⁴

This discipline of ambiguity is especially important in the context of the present reflections, since the comparison between Christianity and Judaism provided a central impulse to articulate the doctrine of the fourfold sense of Scripture. The transposition of Old Testament texts to New

¹ Cf. Rolf Schoenberger, *Die Transformation des klassischen Seinsverständnisses: Studien zur Vorgeschichte des neuzeitlichen Seinsbegriffs im Mittelalter* (Berlin and New York: de Gruyter, 1986), esp. 181–223.

² Cf. Thomas Aquinas, *Summa theologiae* I, q. 1, a. 9.

³ Cf. Beryl Smalley, *The Study of the Bible in the Middle Ages*, 3rd ed. (Oxford: Blackwell, 1984), esp. 214–92; and Henri de Lubac, *Medieval Exegesis*, vol. 2, *The Four Senses of Scripture* (Grand Rapids, MI: William B. Eerdmans Publishing Company; and Edinburgh: Clark, 2000).

⁴ The Pontifical Biblical Commission, *The Jewish People and their Sacred Scriptures in the Christian Bible* (Vatican City: Libreria Editrice Vaticana, 2001), no. 20, with reference to Thomas Aquinas, *ST* I, q. 1, a. 10, ad 1; and *Quaestiones Quodlibetales*, VII, 616 m.

Testament contexts demanded both the awareness of and a qualified distance from the original context and literal meaning of the text. While medieval theories of interreligious relationships were less reflective about their ambiguity than were medieval theories of God-talk, the accentuation or limitation of the diversity of meanings in any shared text could prove decisive for the stance of the Christian author toward Judaism. As the Pontifical Biblical Commission put it in its 2001 study of *The Jewish People and their Sacred Scriptures in the Christian Bible*:

The notion of fulfilment is an extremely complex one, one that could easily be distorted if there is a unilateral insistence either on continuity or discontinuity. Christian faith recognizes the fulfilment, in Christ, of the Scriptures and the hopes of Israel, but it does not understand this fulfilment as a literal one. Such a conception would be reductionist. In reality, in the mystery of Christ crucified and risen, fulfilment is brought about in a manner unforeseen. It includes transcendence.⁵

Exploring these conclusions of the Pontifical Biblical Commission, the following notes will attempt to provide a few brief examples drawn chiefly from the twelfth and thirteenth centuries, illustrating both more and less successful attempts to prevent distortion of the idea of fulfilment by avoiding “a unilateral insistence either on continuity or discontinuity.” In particular, the following reflections will focus on Robert Kilwardby, Robert Grosseteste, and Thomas Aquinas. By making the structure of the potential ambiguity involved clearer, the question can be prepared as to what kind of balance between the continuity and discontinuity of the two covenants might best be sought by us today.

II. Medieval Controversies

A. Robert Kilwardby and the Affirming Insistence on Discontinuity

Probably already a Dominican master of theology at Oxford, Robert Kilwardby (d. 1279) published disputed questions on all four books of the *Sentences*. Coming to the fourth book (ca. 1260), Robert limited his questions to the first three distinctions of the text, transforming his remarks into one of the longest and most focused medieval treatises on non-Christian religions.⁶ The major part of the treatise is devoted to questions about the rites of the older covenant (especially qq. 15–38); the longest

⁵ Pontifical Biblical Commission, *The Jewish People*, no. 21.

⁶ Robert Kilwardby, *Quaestiones in librum IV Sententiarum*, ed. Richard Schenk (Munich: Bayerische Akademie der Wissenschaften, 1993).

single question is about the cessation of those rites (q. 37).⁷ While the evidence suggests but a meager reception of Kilwardby's *Quaestiones* by later theology, their historical value lies in the insight they provide into the controversies of the hundred years prior to their composition.

Kilwardby manifests here the tension felt between the theological traditions of Peter Lombard and Hugo of St. Victor, the former more critical of non-Christian religions, the latter friendlier toward them. Kilwardby shows how the more critical position articulated by Peter Lombard manifests itself not only in the outright denial of the gracious efficacy of the pre-Christian rites as such, but already in the inability of the critical author to acknowledge immanent symbolic meaning to the details of the rite. The rites, as even this more critical tradition of Peter Lombard will admit, did somehow make sense and give grace, but only insofar as they prefigured Christ as confessed by the implicit faith of their practitioners. In terms commonly used in the last twenty years, the tradition made prominent by Peter Lombard is largely a blend of exclusivist and inclusivist arguments, reluctant to acknowledge in pre-Christian rites any grace or meaning not mediated by the prefigurement of Christ. Lacking an immanent context, these sacraments ceased to be of even indirect value once Christ had come; here the line goes back behind Peter Lombard to the position argued by Jerome in his much discussed debate with Augustine on the cessation of the older covenant.⁸

Kilwardby strongly favors and develops the alternative tradition developed by Hugh of St. Victor along lines first sketched by Augustine.⁹ The rites of the first covenant should not be nullified abruptly, lest they be put on the same level as the rites of non-covenantal religions; for both Augustine and Robert, the sacraments of the older law fittingly receded only gradually, in order to show their difference from the idolatry of the non-covenantal religions. Even so, Robert (and to some degree Augustine as well, from whom Hugo had drawn the salvific historical schema and its positive reading of the *ecclesia ab Abel*)¹⁰ viewed the pre-Christian rites as imbedded in the salvific-historical providence guiding each epoch: *sub*

⁷ Ibid., 152–86.

⁸ Cf. Ralph Hennings, *Der Briefwechsel zwischen Augustinus und Hieronymus und ihr Streit um den Kanon des Alten Testaments und die Auslegung von Gal. 2:11–14* (Leiden: Brill, 1994).

⁹ Cf. Kilwardby, *Quaestiones in librum IV Sententiarum*, q. 23 (92, 1.50–6) and q. 37 (179 ff., 1.709–9; and 183, 1.801–14).

¹⁰ Yves Congar, "Ecclesia ab Abel," in *Abhandlungen über Theologie und Kirche. Festschrift für Karl Adam*, ed. M. Reding (Duesseldorf: Patmos, 1952), 79–108; reprinted in Y. Congar, *Études d'ecclésiologie médiévale* (London: Variorum, 1983).

lege and even *ante legem*. The religious rites developed prior to Abraham had not been idolatrous from the start.¹¹ The affirmation of the mediation of grace by these pre-Christian rites in the context of their own immanent efficacy matches here the acknowledgment of the immanent symbolic meaning of the ritual details; the ancient rites, taken even in their own immediate context, were neither meaningless nor fruitless. Robert argues that God *inspired* human beings before Abraham to invent rites in which they might seek and find divine help;¹² just as he *inspired and revealed* as the author of a “pactum” the rites of the first covenant. Kilwardby argues further that it would contradict our notion of God to imagine that he had inspired, much less designed, empty or useless rituals, not bringing about the grace that they promised to the practitioners of the rites themselves. Kilwardby stresses the primacy of the immanent meaning and efficacy of these rites for those who celebrate them, assigning secondary status to the rites’ prophetic ministry of prefiguring Christ.¹³ Against Jerome’s contentions, Kilwardby defends Augustine’s position that the sacraments of the older covenant continued to be meaningful and gracious even after Christ’s passion, until the universal promulgation of the Gospel ended their ministry of prefiguration. Without this openness of prefiguration, Kilwardby admits in the end, even the immanent meaning and efficacy of the older rites eventually lose their vitality. In contemporary terms, Kilwardby weaves largely pluralistic and inclusivist arguments into the fabric of his theory, confining exclusivist positions to his acceptance of that *cessatio legis*, which is almost universally affirmed by medieval Christian authors. In the terms developed by the Pontifical Biblical Commission, we can say that Kilwardby develops a theory of pre-Christian rites partially independent of the idea of the fulfillment of one dispensation by another; in this sense, Robert seems,

¹¹ On the relevance of the conflicted reference to the idolatry of religions for the ecumenical quest for genuinely Christian identity, cf. R. Schenk, “Goetzendienst oder Gottesdienst? Gegenwart und Abwesenheit Gottes in den Religionen im Lichte des Ersten Gebots,” in *Jahrbuch für Philosophie des Forschungsinstituts für Philosophie Hannover, Band 6, 1995*, ed. R. Schenk et al. (Vienna: Passagen, 1994), 169–81.

¹² For what follows, cf. Congar, “Ecclesia ab Abel”; and R. Schenk, “Divina simulatio irae et dissimulatio pietatis: Divine Providence and Natural Religion in Robert Kilwardby’s *Quaestiones in Librum IV Sententiarum*,” in *Mensch und Natur im Mittelalter*, ed. A. Zimmermann (Berlin/New York: W. de Gruyter, 1991), 431–55.

¹³ Cf. R. Schenk, “Covenant Initiation: Thomas Aquinas and Robert Kilwardby on the Sacrament of Circumcision,” in *Ordo sapientiae et amoris. Hommage au Professeur J.-P. Torrell*, ed. Carlos-Josaphat Pinto de Oliveira (Fribourg: Éditions Universitaires Fribourg Suisse, 1993), 555–93.

for most of his work, to allow for a liberal portion of “discontinuity” or merely parallel fulfillments of human hope, situating the “continuity” of the religions in each of their best epochal dispensations chiefly in their common dependence on the divine inspiration of their rites and in the immediate graciousness of God’s working in those rites successfully,¹⁴ while allowing for the relative uniqueness or “discontinuity” of the immediate contexts understood by the practitioners of the diverse rites in their own diverse epochs.

To the first objection it must be replied that the reality signified in those rites was twofold: first, a present reality; the other, a future reality; the one, a reality contained in those rites; the other, a reality not contained; the first, a reality caused by those rites; the other, a reality not caused by them. The reality then present in and contained and effected by those rites was the justification of the faithful celebrating them, the remission of the offense against God, and a faith in final human liberation, a faith following God obediently, along with similar things which accompany that justification. The future reality neither contained nor effected by those rites was final human liberation, the incarnation and resurrection of the Savior, and other similar articles of future salvation, as well as those sacraments of grace that are final and lasting and accompany human liberation.¹⁵

Late in his work, Kilwardby identifies a critical weakness in his own position, which had merely tacked on the ministry of prefigurement to the meaning and efficacy immanent in the older rites; the notion of the fulfill-

¹⁴ Pontifical Biblical Commission, *The Jewish People*, no. 21: “The basic theological presupposition is that God’s salvific plan which culminates in Christ (cf. Eph 1:3–14) is a unity, but that it is realized progressively over the course of time. Both the unity and the gradual realization are important; likewise, continuity in certain points and discontinuity in others. From the outset, the action of God regarding human beings has tended toward final fulfilment and, consequently, certain aspects that remain constant began to appear: God reveals himself, calls, confers a mission, promises, liberates, makes a covenant. The first realizations, though provisional and imperfect, already give a glimpse of the final plenitude”; cf. also no. 64 ff.

¹⁵ Kilwardby, *Quaestiones in librum IV Sententiarum*, q. 33 (143, l.9–17): “Ad primum enim dicendum, quod illorum duplex fuit res significata: una praesens, alia futura; una contenta, alia non contenta; una effecta, alia non effecta. Res enim tunc praesens eis contenta et effecta fuit iustificatio fidelium ea colentium et remissio offensae divinae et fides perfectae liberationis humanae oboedienter Deo obsequens et huiusmodi quae illam iustificationem concomitata sunt. Res futura non contenta neque effecta: liberatio humana, incarnatio et resurrectio salvatoris, et huiusmodi alii articuli salutis futurae, ipsa etiam sacramenta gratiae perfecta et mansura et huiusmodi quae circumstant humanam liberationem.”

ment of the older rites in the prefigured Christ had appeared initially as an afterthought and of all too secondary significance. Kilwardby seems to notice only late in the treatise his difficulty in stating why there need be any newer dispensations, since the older ones seemed so well ordained.¹⁶ Simulating anger and distance and hiding his devoted care and affection, God had merely inspired but not revealed the pre-Abrahamic rites, the rites *de lege naturali*, so that the danger of idolatry, perhaps understandably, grew despite them.¹⁷ Following the salvific histories from Philo down to Peter Comestor and Moses Maimonides, Kilwardby maintains, namely, that just prior to Abraham the extent of idolatry had reached alarming proportions, despite the initially effective graciousness of the rites inspired secretly by an ever merciful God.

Even if these inspired rituals of human invention could lose their initial blessing, as the treatise had been keen to stress, it is harder for Kilwardby to make plausible that the rites designed and ordained by God in the *pactum* of the older covenant *de lege scripta* to give grace to those who kept them would similarly fail their purpose. At the end of his work (from q. 43 on), Kilwardby reverses himself abruptly and lists the pejorative traits commonly named in anti-Semitic literature as characterizing the Jewish community of the intertestamental period: Despite the initially effective blessing brought by the older revealed rites of the covenant, the people had become *superbissimi*, *invidissimi*, *avarissimi*, *infidelissimi*, and inclined to idolatry and luxury.¹⁸ Most surprisingly, these vices of the community suddenly appear as the fruit of a rite that even prior to Christ had been inferior, more lethal than vivifying, merely signifying and prefiguring, not sanctifying nor efficacious, purely external and carnal, carried out in servile fear, hardly deserving the title of sacrament. By shifting to arguments that we would characterize today as exclusivistic, now denying the very qualities of the older cult stressed programmatically in the body of his text, Kilwardby's concluding thoughts contradict the major thrust of his treatise;

¹⁶ For Kilwardby's positive assessment of the pre-Christian rites of sacrifice cf. R. Schenk, "Opfer und Opferkritik aus der Sicht roemisch-katholischer Theologie," in *Zur Theorie des Opfers*, ed. R. Schenk (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1995), 193–250; and idem, "Die Suche nach dem Bruder Abel. Zum Streit um das analoge Sakramentsverständnis," in *Jahrbuch für Philosophie des Forschungsinstituts für Philosophie Hannover, Band 5, 1994*, ed. P. Koslowski, R. Loew, and R. Schenk (Vienna: Passagen, 1993), 69–87.

¹⁷ Cf. R. Schenk, "Divina simulatio irae et dissimulatio pietatis."

¹⁸ Cf. Kilwardby, *Quaestiones in librum IV Sententiarum*, qq. 31 and 35 (115 ff. and 150), but admittedly also already q. 4 (14 ff.), the critical notes of which, however, were left without development until the end of the treatise.

they move well beyond ambivalence into self-contradiction. The harsher view of his concluding questions, however, is in the service of underlining the Christological “continuity” between the rites prefiguring Christ and the rites expressing his salvific work.¹⁹ It is in order to do justice to the illusive *res significata futura, non contenta et non effecta* of the older sacraments that Kilwardby finally disparages their *res significata praesens, contenta et effecta*. Whereas the relative “discontinuity” or independence of the immanent meaning and purpose of the diverse cultic systems had been in the service of the “continuity” or similarity of their initially sanctifying effects, now Kilwardby’s somewhat belated interest in the unilateral “continuity” of their common Christological focal point starts to exaggerate the “discontinuity” in the blessing and curse of even their original practice.

B. Robert Grosseteste and the Pejorative Insistence on Continuity

Whereas Kilwardby’s theological work seems to have made little impact, Robert Grosseteste (d. 1253), the first teacher employed by the Franciscans for their new foundation at Oxford,²⁰ had a considerable influence on theology in England and Europe, especially among the Franciscans, well into the fourteenth century. Several of the positions later known as “Scotist” appear first with Grosseteste; among these, Grosseteste’s doctrine of the absolute predestination of Christ provides much of the background for his theology of Judaism.²¹ Not only his impact but also his novelty on the issue under discussion exceeded that of Kilwardby: Put briefly, Grosseteste argued that the continued practice of Jewish rites by the Jewish people was heretical in the theological and juridical meanings of the term.

The difficulty of determining the pragmatic purpose of Grosseteste’s theological texts and translations can be illustrated by following the shifts in the views about the suspected context of one of his most widely circulated works, *De cessatione legalium* (ca. 1234). In the preface to their critical edition of Robert’s work, to which they attribute on the basis of the great number and the wide dispersion of the manuscripts “a wider and deeper influence on the subsequent thought of Europe than any of his

¹⁹ Cf. *ibid.*, q. 38; and R. Schenk, “Christ, Christianity, and Non-Christian Religions: Their Relationship in the Thought of Robert Kilwardby,” in *Christ among the Medieval Dominicans: Representations of Christ in the Texts and Images of the Order of Preachers*, ed. K. Emery Jr. and J. Wawrykow (Notre Dame, IN: University of Notre Dame, 1988), 344–63.

²⁰ Cf. R. Schenk, “Robert Grosseteste,” in *Lexikon fuer Theologie und Kirche*, vol. 8, 3rd ed. (Freiburg: Herder, 1999), col. 1219 ff.

²¹ Robert Grosseteste, *De complectione universi*, ed. Joseph Goering and F. A. C. Mantello, *Medieval Studies* 53 (1991): 89–124.

other writings,”²² Richard C. Dales and Edward B. King review the numerous attempts of modern scholarship to describe the pragmatic context for this influential text.²³ At least since the end of the eighteenth century and the appearance of Samuel Pegge’s *Life of Robert Grosseteste, Bishop of Lincoln*,²⁴ a twofold conviction had been growing: First, that King Henry III had launched a comprehensive campaign to convert the Jews of his land to the Christian faith; after all, his contemporary, the ever-informative Matthew Paris, tells us that Henry founded a *domus conversorum* close by the synagogaue in London.²⁵ The second widespread conviction was that Robert Grosseteste wrote his treatise *De cessatione legalium* to support this royal program of conversion. Both of these convictions have now been called into serious doubt by the editors, who develop a few critical remarks by Beryl Smalley into convincing counterclaims.

The editors point out that, despite Matthew Paris’s portrayal (“*ibidem conversorum numerus copiosus*”), the house for converts was neither well-subsidized, nor during Grosseteste’s lifetime did it ever house more than fifty people altogether, including support personnel. “The provision of a single *domus conversorum*, insufficiently endowed, hardly constitutes a campaign for the conversion of the Jews of England.”²⁶ Recalling Henry’s notorious financial problems and his otherwise frequent and substantial requisitions of the resources belonging to England’s Jewish population, the editors note: “It is highly dubious, on pragmatic grounds, that the king would have initiated a wide-ranging program to convert the Jews of England.”²⁷ Not just for

²² Robert Grosseteste, *De cessatione legalium*, ed. Richard C. Dales and Edward B. King (London: Oxford University Press, 1986), ix.

²³ *Ibid.*, ix–xxx.

²⁴ Samuel Pegge, *Life of Robert Grosseteste, Bishop of Lincoln* (London: J. Nichols, 1793), esp. 28–32.

²⁵ Matthew Paris, *Chronica majora*, ed. H. R. Luard (London, 1872–84), III, 262, quoted in the introduction to Grosseteste, *De cessatione legalium*, x: “Circa idem tempus (A.D. 1233), rex Angliae Henricus quondam decentem ecclesiam et congregationi conventuali sufficientem cum quibusdam aedificiis adjacentibus propriis sumptibus fabricavit, in loco ubi domum conversorum pro redemptione animae suae et regis Johannis patris sui et omnium antecessorum suorum constituit, anno regni sui decimo septimo; viz. Londoniis, haud procul a Veteri Templo. Ad quam domum confugientes Judei conversi, relicta Judaismi caecitate, sub quadam honesta vivendi regula certum haberent in tota vita sua domicilium, tutum, refugium, et sufficiens vitae sustentamentum, sine servili labore et foenoris emolumento. Unde factum est, quod in brevi congregatus est ibidem conversorum numerus copiosus; et ibidem baptizati et Christianorum lege instructi, vivunt laudabiliter, perito rectore ad hoc specialiter deputando gubernati.”

²⁶ Grosseteste, *De cessatione legalium*, xi.

²⁷ *Ibid.*

Christianity, the restraint from missionizing can be as malicious as an aggressive mission. While the editors note that the situation of the English Jews grew progressively worse in the course of the thirteenth century, they provide good reasons for rejecting the assumption that there were any substantial, royal programs aiming at the conversion of the Jewish community. The Crown was steadily developing alternative ways to achieve those advantages for the sake of which it had first been willing to “protect” (and to utilize with an exclusive right of access) Jewish resources and services:

As alternative means of meeting financial needs arose (for example, Italian merchant/banking families) and public hostility to the Jews mounted, the Crown took increasingly stern measures against the Jews and assumed a more rigid stance with regard to them. This resulted ultimately in their expulsion from the kingdom in 1290.²⁸

The perceived loss of any need for peculiarly Jewish services could be expected to lessen royal interest in the theory of the *servitus Iudaeorum*,²⁹ which the Fourth Lateran Council had done so much to propagate, while not ceasing to share “the growing concern of the Church over the relapse of converts and over the not infrequent cases of Christians converting to Judaism.”³⁰ Hand-in-hand with alternative financial resources, there grew the willingness of the Crown to do without the Jewish population in England entirely. In 1290 this would occur through expulsion; sixty years earlier, while the hope for widespread conversion of English Jewry to Christianity could not be ruled out a priori as the means to much the same end, there is in fact little evidence of such a tactic.

The editors recall the concern of the council with the problem of conversions in the other direction. Though also not widespread, such conversions were widely noted. Matthew Paris tells us of a deacon in Oxford, who, having converted to Judaism in 1222, was condemned to death and hanged.³¹ “This event may have had a bearing on the establishment of the Dominicans at Oxford in 1221 and the Franciscans in 1224 and on the hardening attitudes of the Church as reflected in the decrees of the Council of Oxford in 1222.”³² This first Oxford “Blackfriars” was built in the Jewish quarter of Oxford, though a conflict with the local parish

²⁸ Ibid.

²⁹ Cf. Willehad Paul Eckert, “Hoch- und Spätmittelalter,” in *Kirche und Synagoge. Handbuch zur Geschichte von Christen und Juden*, vol. 1, ed. Karl H. Rengstorff and Siegfried von Kortzfleisch (Stuttgart: dtv, 1968), 210–306.

³⁰ Grosseteste, *De cessatione legalium*, x.

³¹ Ibid., x ff., note 9.

³² Ibid.

soon forced the Dominicans to relocate.³³ Dales and King conclude from all this that “Henry’s policies with regard to the Jews are seen to have been essentially contradictory,”³⁴ but these editors pass over how this royal ambivalence was rooted in the conflict of royal interest resulting from the theory and the real possibilities of the *servitus Judaeorum*. Those to whom the service was seen to be due had an interest in preserving their subjects in precisely this state of servitude. Prior to the middle of the thirteenth century, this ambivalent position had often restricted attempts at widespread conversion, persecution, or expulsion. The construction of the *domus conversorum* appears here more like a cosmetic measure aimed at limiting anti-Jewish sentiment;³⁵ the most common alternative position was less ambivalent but would often prove even more brutal: aiming at the elimination of the Jewish population by conversion, expulsion, or pogrom. In the context of the thirteenth century, there seem few other options apart from this alternative between ambivalence of the kind described and an even harsher, if clearer, form of disapproval. Where the royal advantages never had been shared (such as in the citizenry or the other non-Jewish elements of the urban population) or had ceased to appear profitable (as was increasingly the royal view in the course of thirteenth-century England), the ambivalence that had brought harsh treatment to the Jewish population gave way to still more single-minded severity.³⁶

³³ Cf. William A. Hinnebusch, *The Early English Friars Preachers* (Rome: Ad S. Sabinae, 1951), 11, 49. Beginning in 1236, the relocation of the friars into another neighborhood of Oxford was chiefly the result of their struggles with the canons of St. Frideswide’s and seems to have had little or nothing to do with their relations to the Jewish community; cf. *ibid.*, 6 ff. At least one Dominican friar at Oxford, Robert Bacon, was involved regularly in the royal administration of the Jewish community at Oxford during these years.

³⁴ Grosseteste, *De cessatione legalium*, xi. Dieter Berg, “*Servitus Judaeorum*. Zum Verhältnis des Thomas von Aquin und seines Ordens zu den Juden in Europa im 13. Jahrhundert,” in *Thomas von Aquin. Werk und Wirkung im Licht neuerer Forschungen*, ed. Albert Zimmermann (Berlin/New York: W. de Gruyter, 1988), 439–58, esp. 450 ff. and 456, shows how this same lack of consistency characterized the policies of the royal court in Aragon and the papacy, both based on the same doctrine of Jewish servitude.

³⁵ Cf. Grosseteste, *De cessatione legalium*, xi ff.

³⁶ The lack of programs for conversion do not necessarily manifest greater respect for the Jewish people. While rejecting calls at the end of the thirteenth century for the forced baptism of Jewish children and their separation from their parents, Petrus de Palude argued that it belonged to the revealed plan of God that the Jews should be converted only at the end of time and that until then they would need to be endured in their blindness; cf. Barbara Faes de Mottoni and Ulrich Horst, “Die Zwangstaufe jüdischer Kinder im Urteil scholastischer Theologen,” *Münchener Theologische Zeitschrift* 40 (1989): 173–99, especially 190 ff. with notes 86 ff.

Dales and King draw from their well-founded argument about the lack of any royal program of conversion in the 1230s a much less convincing conclusion: They claim that Robert's work is therefore merely academic in character, "a product of Grosseteste's biblical and scholastic interests (with) no missionary purpose."³⁷ They seem at times to presuppose the alternative: A work of this kind must be composed *either* with the missionary intent of fostering conversions by arguments addressed directly to believers of another faith or with purely theoretical and academic interests for members of one's own faith. Other possible contexts and intentions of a practical nature are not discussed, such as the possible intention of making more severe the *servitus Iudaeorum* or even of outlawing the continued practice of the Jewish cult.³⁸ The editors do not discuss the significance of the fact that Grosseteste repeatedly underlines the impossibility of tolerating the simultaneous practice of both cults by the same persons, a practice understandable for a persecuted community and often, probably too often, reported as fact. In any case, Robert refers several times in his work to present-day practitioners and advocates of the simultaneous practice of both cults.³⁹ Although making Jewish life and worship even more difficult might exercise some pressure to escape such hindrances through conversion, this latter missionary aim would remain too secondary and incidental to influence the style and shape of the text,

³⁷ Grosseteste, *De cessatione legalium*, ix ff., with the reference to Beryl Smalley, "The Biblical Scholar," in *Robert Grosseteste, Scholar and Bishop*, ed. Daniel A. Callus (Oxford: Oxford University Press, 1955), 81.

³⁸ Cf. Grosseteste, *De cessatione legalium*, xiii: "Grosseteste's *De cessatione legalium* emerges from this academic context; it was not evoked by a royal crusade to convert the Jews."

³⁹ Cf. the opening sentence of the work, *De cessatione legalium*, I, i, 1 (7, lin. 1–3): "Fuerunt plurimi in primitiva ecclesia qui astruerent sacramenta veteris legis simul cum sacramentis nove legis observanda esse nec sine illorum observacione salutem esse"; this weakening of the true faith would repeat itself "etiam adhuc" (*ibid.*, lin. 8); cf. *De cessatione legalium*, I, ii, 17 (14, lin. 26): "Dum volunt utrumque simul observare, utrumque destruunt"; and IV, vi, 3 (176, lin. 17 f.): "Sed dum volunt et Iudei esse et christiani, nec Iudei sunt nec christiani." Note, too, the association here with the Ebionites and Cerinthians, whose teachings were heresies in the classical sense of errant forms of Christianity. Despite his sympathy for Jerome, Grosseteste admits that Jerome's accusations against Augustine were unfounded: that the arguments of a bishop against the immediate *cessatio legalium* would necessarily foster these heresies (cf. IV, vi, 2–5 [175–178]). Robert, however, goes beyond these historical questions to define the continued observance of the Jewish cult by non-Christians of his own day as "perniciosa" and "heretica," so that at least by the time of the *Summa Halensis* the question had to be dealt with as to whether or not the practice of the Jewish rites by Jews was to be tolerated in a largely Christian society.

which would have to be addressed first of all to that Christian public from whom the legal changes were being sought. The editors claim that the very fact that the treatise does not use arguments that would convince a Jewish audience makes it “difficult to understand how Pegge . . . could have thought that it had a polemical purpose. Its arguments are altogether academic.”⁴⁰ The editors seek to support their claim by the fact that the arguments are always of a scholastic, theological kind; where there are exceptions, the “drift is invariably pastoral.” While the editors describe the twelfth century as “a time of Christian heresies, of Judaizing Christians, of superficially converted Jews, and of Muslims and Jews who would not convert,”⁴¹ they identify nothing in the thirteenth century that could make plausible a practical or even a polemical context behind Robert’s arguments. While not going as far as Lee Friedman, whose work *Robert Grosseteste and the Jews*⁴² describes Grosseteste “almost unbelievably, on the same evidence, as a daring and advanced liberal philo-Semite,”⁴³ Dales and King are adamant: “Grosseteste’s *De cessatione legalium* emerges from this academic context.”⁴⁴ That is all the more surprising, as they summarize the point of the work as follows: “[T]he author’s objective in each of the four parts is to prove on different grounds that the continued observance of the ceremonial precepts of the Jewish law is heretical.”⁴⁵ As D. J. Wasserstein puts it, perhaps somewhat too politely:

⁴⁰ Ibid., xii. The reference to Grosseteste offered by the editors to refute Pegge rather strengthens the impression that Robert is motivated by the perceived infidelity of the Jews living in his own day and not by a theoretical problem: *ibid.*, IV, iv, 5: “Hoc est abnegare Christum et predicare alium adhuc venturum, quemadmodum adhuc faciunt infideles Iudei.”

⁴¹ Ibid., xii.

⁴² Lee Friedman, *Robert Grosseteste and the Jews* (Cambridge: Harvard University Press, 1934).

⁴³ David J. Wasserstein, “Grosseteste, the Jews, and Christian Hebraism,” in *Robert Grosseteste: New Perspectives on his Thought and Scholarship*, ed. James McEvoy (Steenbrugis/Turnhout: Brepols, 1995), 358.

⁴⁴ Grosseteste, *De cessatione legalium*, xiii.

⁴⁵ Ibid., xii. For the goal of each of the sections in identifying the continued practice of the cult as heretical and pernicious, cf. the introduction, xvi, as well as the text of IV, iii, 1 ff.: “Faciens igitur illa post Christum ex intentione predicta, verbo et significatione sue accionis mendacium et heresim loquitur, et ita in infidelitate et peccato mortali concluditur . . . qui hec facit post Christum ut salutifera, hereticus est et infidelis. Igitur post consummacionem factam per Christi passionem, perniciosum est facere legalia, secundum quod legalia et velud salutifera” (166, lin. 32, bis 167, lin. 2 and lin. 8–11).

Although a direct connection with the founding of the *Domus Conversorum*, for the accommodation of Jewish renegades, in that year is rejected, as the motivation of the *De cessatione legalium*, by the recent editors of that work, it may not be going too far to see the growth of Grosseteste's interest in Jewish matters in general as having some link with the growing prominence of the Jewish question in England at this time.⁴⁶

If it had been convincing, the proof, carried out for a Christian audience of scholastic background, that the continued Jewish practice of the Jewish cult was heretical ("non solum supervacua, sed etiam pernicio")⁴⁷ would have had eminently practical consequences. The consequences can be imagined by looking at the controversies in the thirteenth century surrounding Maimonides and the Talmud, where Jewish writings were claimed to be heretical in the juridical sense of the word; there, the accusations led to the confiscation and destruction of the texts.⁴⁸ Whereas these two later controversies would claim that members of the Jewish community had fallen into heresy by abandoning the *lex vetus* for newer, post-Christian texts and ideas, the argument that Grosseteste will develop is that the continued observance of the older cult becomes heretical of itself once that which it continues to promise as future has already been fulfilled. The impact of a changed history for the significance of common texts, referred to here by Grosseteste, follows at first what had been the mainstream of argumentation since Augustine's remarks on the temporality of rites in *Contra Faustum*. What is novel here is Robert's intention to develop the subjective illegitimacy of a continued practice of the first cult into formal heresy, undermining the principal reason that, since Augustine, had argued for the toleration of the Jewish communities in predominantly Christian societies: their service of unwitting witness to the truth of Christianity.⁴⁹ The status of the older cult, which since the famous controversy between Augustine and Jerome

⁴⁶ Wasserstein, "Grosseteste, the Jews, and Christian Hebraism," in *Robert Grosseteste*, 366.

⁴⁷ *De cessatione legalium*, I, iv, 1 (17, 1); cf. I, x, 32: "Nec solum est observacio legalium cum sacramentis gratie carens utilitate, sed habens multum de pernicie" (67, 25).

⁴⁸ Cf. D. J. Silver, *Maimonidean Criticism and the Maimonidean Controversy 1180–1240* (Leiden: Brill, 1965); Hermann Greive, "Die maimonidische Kontroverse und die Auseinandersetzungen in der lateinischen Scholastik," in *Die Auseinandersetzungen an der Pariser Universität im XIII. Jahrhundert*, ed. Albert Zimmermann (Berlin/New York: W. de Gruyter, 1976), 170–80. On the growing practices of armed intervention in Jewish affairs, cf. Berg, "Servitus Judaeorum," especially 453 n 68, and 457 n 85.

⁴⁹ Cf. Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity* (Berkeley: University of California, 1999), to be discussed in greater detail below.

had been said to be *mortua* resp. *mortifera* for the practitioners themselves, is now qualified by Grosseteste as a known and pernicious heresy, which could and should be forbidden by the laws of the time.⁵⁰ This suspected practical context, if established, would distinguish the point of Robert's text not only from its patristic sources but from the majority of his contemporaries as well.

That Robert would not likely be indifferent to the more immediate implications of the scholastically proven, heretical character of the Jewish cult was shown a few months prior to the composition of *De cessatione legalium* in Robert's well-known letter to the Countess of Winchester.⁵¹ At the time, Grosseteste was archdeacon of Leicester. The younger Simon de Montfort, to whom the sixty-some-year-old Grosseteste became a close friend and advisor, had just been made Earl of Leicester. One of Simon's first actions was to expel the Jewish population from the city and territory. The refugees found welcome in the large, well-organized (and well-utilized) Jewish community of Winchester. Though his jurisdiction stopped at the borders of Leicester, Grosseteste wrote an angry letter to the Countess of Winchester, accusing her in accepting the refugees of aiding and abetting gross injustice and of obstructing divine justice on a grand scale. Referring to this letter, Richard Southern's classical biography of Grosseteste draws the following conclusion about Robert:

[I]t shows that, in an area of conduct where brutality was the rule, he was prepared to go to even greater lengths of brutality, because he took the principles on which it was based more seriously than most men. He thought with more energy, with more fierce commitment, and with more urgent desire to give practical expression to his thoughts than most men in high positions.⁵²

This biography, which dwells from beginning to end on Robert's rise from "humble parentage"⁵³ and his resulting lack of any aristocratic respect for long-standing traditions, points to other polemical texts on Judaism translated and popularized by Robert, where again there are no

⁵⁰ Cf. just prior to *De cessatione legalium* Robert's portrayal of the patristic debate in Robert Grosseteste, *Expositio in Epistolam Sancti Pauli ad Galatas* (Turnholt: Brepols, 1995), II, nos. 12–35, where the reference to the heretical character of the continued practice of the Jewish ritual by Jews is less explicit (yet cf. the qualification of the ritual as *perniciosa* in l. 674).

⁵¹ Epist. 6, ed. H. R. Luard (London, 1861); cf. R. W. Southern, *Robert Grosseteste: The Growth of an English Mind in Medieval Europe*, 2nd ed. (Oxford: Clarendon Press, 1986, 1988), 244–49.

⁵² Southern, *Robert Grosseteste*, 247.

⁵³ *Ibid.*, for example, already 3.

obvious signs of any widespread program of conversion; rather, they are texts whose popularity seems to stem from Christian frustration with the lack of conversion. This is true for the period after *De cessatione legalium* and, as a continuation of its argument, of Robert's "discovery" and translation, together with John of Basingstoke and Nicolaus Graecus—of the so-called *Testaments of the Twelve Patriarchs*,⁵⁴ as well as the article "Jesus," from the Byzantine encyclopedia titled the *Suda*.⁵⁵ In both cases these are works alleging to present stories of Jewish leaders admitting their knowledge of Jesus' true messianic mission and their venal reasons for hiding this from their people; such accusations could only strengthen the charge of heresy. Especially for his transmission of the first of these two works, which was considered for a time by some to be a previously lost part of the older Testament, Grosseteste was praised even by his critics as "one of the greatest clerics in the world."⁵⁶ Even Matthew Paris, who devotes so much energy to defending the Benedictine Order against the visitations and other perceived intrusions by Grosseteste, praises the work as "a glorious treatise for strengthening the Christian faith and confounding the hatred of the Jews."⁵⁷ Both stories were widely received and considered genuine. Remaining within the arguments of Grosseteste's *De cessatione legalium*, these alleged proofs of a knowing Jewish refusal to follow the texts of the first Testament toward Jesus Christ could only serve to underscore the heretical character of any continued practice of the older cult. Yet other theologians refused to draw this same conclusion, at least for the majority of Jewish worshippers. In arguing for tolerance of the older cult, the *Summa Halensis* shows that Grosseteste's thesis did not find complete acceptance even within the Franciscan school. The *Summa* does feel compelled now to ask whether the provisions of all those *Sicut-*

⁵⁴ Cf. Marinus de Jongue, *Studies on the Testaments of the Twelve Patriarchs: Texts and Interpretation* (Leiden: Brill, 1975); idem, "Robert Grosseteste and the Testaments of the Twelve Patriarchs," *Journal of Theological Studies* 42 (1991): 115–25.

⁵⁵ Of the some seventy articles that Robert translated from this Byzantine lexicon, the article on "Jesus" is the only one known to have circulated separately and, indeed, in both Latin and French versions: again, a measure of the interest that Grosseteste found for his views on these matters; cf. Wasserstein, "Grosseteste, the Jews, and Christian Hebraism," 359 and 359 n 9.

⁵⁶ The *Chronica fratris Salimbene de Adam ordinis minorum* (vol. 32 of *Monumenta Germaniae Historica, Scriptores*, ed. O. Holder-Egger [Hanover: 1905–1913], 233) records that the Joachimite Franciscan, Hugh of Digne, held Grosseteste in such esteem; cf. Southern, *Robert Grosseteste*, 283 n 17. Part of Robert's greatness was that he knew how to call upon the help of less famous friends, like his successor in Leicester, John of Basingstroke, who had suggested the work to him, and Nicholas Graecus, who joined Robert in completing the translation.

⁵⁷ Cf. Southern, *Robert Grosseteste*, 9.

Judaicis bulls since Calixtus II (1119–1124) had been justified, which mandated that the older cult must be tolerated; but it provides an answer opposed to Grosseteste: “dicendum est quod, licet blasphemiam perpetrarent, credunt tamen se non in hoc delinquere, eo quod nondum credunt Messiam venisse.”⁵⁸ The modern editors of the Franciscan Summa refer to the stark difference here between Alexander and Robert.⁵⁹

In his disputed question, *De complectione universi*,⁶⁰ Grosseteste had developed the arguments for the absolute predestination of Christ that would help *De cessatione legalium* toward its conclusions. Without its return to unmediated contact with God, the world would lack all meaning. The conviction that the world without Christ is a world without any internal meaning can contribute little toward making plausible hopes for fulfillment that do not yet have Jesus Christ as their intentional basis. Unlike Kilwardby, who after largely neglecting the prefigurative dimension of the older covenant needed to reverse the bulk of his arguments to make a place for the newer covenant, Grosseteste had never allowed the rites of old their own *res significata praesens, contenta et effecta*; his was always a reductionist—here even Christomonistic—view of pre-Christian rites, which from their beginnings were meaningless and ineffective without the “unilateral continuity” of their reference to the future Christ and which therefore became counterproductive immediately after his passion. While Grosseteste could make room for inclusivist arguments that allowed the Old Testament rituals before Christ’s passion an anticipation of grace not by their own immanent meaning, but by an implicit or explicit faith in Jesus Christ on the part of their practitioners, his use of exclusivist arguments to describe the continued practice of the older law after Christ’s passion is unambiguous. The attempt to show that the continued practice of the older rites by the Jewish community was a pernicious heresy which should be prohibited by law depended upon this univocal, reductionist, and “unilateral insistence . . . on the continuity” of the two cults in their common source of meaning and fulfillment in Jesus Christ.⁶¹ It is that exaggerated continuity of meaning and purpose between the two covenantal rites that demands the discontinuity in the blessing and curse of their continued practice.

⁵⁸ Op. cit., II–II, 3, 8, 1, 1, 2, ad 1, (Quaracchi, 1930), 729 B, no. 740 ff.

⁵⁹ Ed. cit., LV B, n. 4.

⁶⁰ Grosseteste, *De complectione universi*, 89–124.

⁶¹ For the impact of Grosseteste’s ideas on John Duns Scotus in the questions of forced baptism and the *servitus Iudaeorum*, cf. Faes de Mottoni and Horst, “Die Zwangstaufe jüdischer Kinder,” 177, 180 f.

C. Thomas Aquinas

At the end of a richly documented study, more nuanced than his earlier monograph on *The Friars and the Jews: The Evolution of Medieval Anti-Judaism*,⁶² though similar in its argumentative goal, Jeremy Cohen sums up his impressive four-hundred-page work, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity*,⁶³ with the remark: "More than anything else, our story has featured the ambivalence in which medieval Christianity construed the Jew and Judaism."⁶⁴ The attentive reader meets that ambivalence throughout the book not only in the dozens of times the terms ambiguity and ambivalence themselves occur, but in the very point of all four major parts: (1) in the study of Augustine's own development of the theory of living Jewish witness to Catholic truth, to be carried out by the continued practice of the Jewish rites with their cultivation of Jewish texts as well as by the servile existence of the Jewish community under Christian rule;⁶⁵ (2) in the reinterpretation of and resistance to this Augustinian legacy during the early Middle Ages: When Gregory the Great (d. 604) would ensure the legal practice of Augustinian protections and restrictions of the Jewish community with its ritual practices, even while absorbing a very non-Augustinian polemic against the Jews in his exegetical writings; when Isidore of Seville (d. 636), with his sympathy for the policies of the Visigoth King Sisebut, could hear enough of the Augustinian warnings to stop just short of promoting the forced baptism of the Jews and the complete homogenization of society; and when Agobard of Lyons (d. 840) would meet with only limited success in opposing the legal protections of Jewish life mandated by Louis the Pious; (3) in the twelfth century, when the loss of some of the Jews' special testimonial status accompanied their growing inclusion into the broader lists of enemies of the Church, ever more frequently lumped together (in part already by Anselm of Canterbury, d. 1109) with irrational non-believers, Muslims, Christian heretics, and Christian sinners, even as Alexander II (already d. 1073), Bernard of Clairvaux (d. 1153, from whom the description of contemporary Jews as

⁶² Jeremy Cohen, *The Friars and the Jews: The Evolution of Medieval Anti-Judaism* (Ithaca, NY: Cornell University, 1982).

⁶³ Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity* (Berkeley: University of California Press, 1999); cf. especially 156, 165, 313 ff., 359 and 364.

⁶⁴ *Ibid.*, 398.

⁶⁵ *Ibid.*, 35 ff., shows how Augustine, around 414, finally discovers in Psalm 59 (58) the ambivalent text that sums up for him and his legacy both the preservation of the lives and rituals and the continued hardships of the Jewish community that are mandated by God: "Slay them not, lest at any time they forget your law; scatter them in your might."

“living letters of Scripture” comes), and perhaps even, with some grave qualifications, Peter the Venerable of Cluny (d. 1156) sought in the midst of crusading fervor to renew and sharpen the ambivalent Augustinian basis for protecting and limiting Jewish existence and cult; and finally, (4) in “The Friars Reconsidered,” with the increasing momentum of a thirteenth-century trend, not accepted by the Catholic majority, to perceive Talmudic Judaism no longer as a genuine witness to biblical truth but as a heresy in the strict sense of the term, undermining the Augustinian basis for the protection of the Jewish community and its cultic practice. In the final chapter of this section, the “Ambiguities of Thomistic Synthesis,” Cohen seeks to demonstrate “that the lasting influence of that perception, albeit subtle and illusive, may in fact have been more profound than one has noticed.”⁶⁶

Cohen’s substantive work seeks to underline the ambivalent character of even the more tolerant tradition of medieval Christian attitudes toward the Jews, a tradition of conditional tolerance that Cohen traces from Augustine through Bernard of Clairvaux to Thomas Aquinas. It belongs to Cohen’s central theses that even these undisputed calls for tolerance went hand in hand with a theoretical rejection of the continued legitimacy of Judaism and with a practical willingness to condone the harsher conditions of existence that were the usual lot of the Jewish community under Christian rule. The argumentative goal of the work involves showing that the theological defense of toleration had been based on a theological service expected of the living Jewish communities that namely by their continued rites, writings, and harsher forms of existence would *nolens volens* bear witness to the truth of Christianity by being what Bernard called the living letters of Scripture. Wherever this anticipated service of witness came to seem unlikely, as with the growing Christian awareness, especially among the mendicants of the later thirteenth century, of the critique of Christianity in Talmudic writings, the ambivalent basis of tolerance tended to be lost in favor of more single-hearted plans for the elimination of the Jewish communities from predominantly Christian societies. Cohen’s basic thesis is well documented and altogether plausible.

Cohen’s general picture would have been confirmed while gaining additional facets and depth, had he devoted more space to the contemporary alternatives to the voices of ambivalence. In Augustine’s case, that was especially Jerome, mentioned only superficially in this study, although *wirkungsgeschichtlich* the dispute between Augustine and Jerome on the cessation of the ritual law was a principal theological locus that fascinated

⁶⁶ Ibid., 363.

and preoccupied medieval authors. Especially from the twelfth century onward, Augustine's position on these matters was rarely understood apart from this contrast. Defending opposite sides, Kilwardby and Grosseteste each devoted substantial sections of their works to presenting and reflecting upon the Patristic debate. After the inclusion of the controversy by Peter Lombard in his *Sentences*, no Catholic theologian until Trent could easily pass over the questions framed by the patristic debate about the relationship of Christianity and Judaism. Augustine's ambivalence became all the more evident to later generations by its contrast to Jerome's simpler and more negative position.

For Thomas Aquinas, the contrast with Robert Grosseteste (who is never mentioned in Cohen's work, despite the author's interest in the thirteenth century's new qualification of Judaism as heresy) and with the Franciscan tradition inaugurated by Grosseteste, would have been especially instructive. The contemporary calls for the prohibition of the Jewish practice of the older cult, for harsher types of labor for Jews than for the Christian citizenry⁶⁷ or for the forced baptism and foster care of Jewish children⁶⁸ were contemporary demands that found no acceptance by Thomas or the majority of ecclesiastics and theologians. Thomas displayed a degree of impatience with arguments such as Grosseteste's that sought to undermine even the limited practices of tolerance, such as they were at the time, by retrieving the arguments of Jerome against Augustine:

Respondeo dicendum quod maximam habet auctoritatem ecclesiae consuetudo, quae semper est in omnibus aemulanda. Quia et ipsa doctrina catholicorum doctorum ab ecclesia auctoritatem habet: unde magis standum est auctoritati ecclesiae quam auctoritati vel Augustini vel Hieronymi vel cuiuscumque doctoris. Hoc autem ecclesiae usus nunquam habuit quod Iudaeorum filii invitis parentibus baptizarentur.⁶⁹

Greater attention to the concrete historical alternatives could have helped to identify the precise dynamic intended by passages such as *Summa theologiae* II-II, question 9, article 1, which in the context of their time meant more of a protection of Jewish practices against the new charges of heresy

⁶⁷ Cf. Leonard E. Boyle, "Thomas Aquinas and the Duchess of Brabant," *Proceedings of the Patristic, Mediaeval, and Renaissance Conference* 8 (1983): 23-35, with reference to contemporary positions articulated by John Peckham in answer to the same questions. The contrast to both Thomas and John reveals the uniqueness of Robert Grosseteste's positions.

⁶⁸ Cf. Faes de Mottoni and Horst, "Die Zwangstaufe jüdischer Kinder."

⁶⁹ ST II-II, q. 10, a. 12, c. Much the same atypically ironic remark recurs at II-II, q. 11, a. 2, ad 3; cf. Faes de Mottoni and Horst, "Die Zwangstaufe jüdischer Kinder."

than the lowering of the traditional barriers to allow the equating of Jewish rituals with the legal crime of Christian heresy. While Cohen understands the passage merely as representing a loss of the Christian sense of a special place and role of the Jewish people, now ranked as just another form of infidel among many, the defense of the Jewish community against forced baptism and other methods of elimination demanded the rejection, formulated here, of the formal charges of heresy.⁷⁰ To distinguish presumed Jewish error from Christian heresy meant the difference between continued toleration and intensified persecution. The distinction of error from heresy was more important in its day than the generic category of infidelity. In the controversial context of the times, the former issue was nothing less than a question of life or death.

While admitting in general terms this side of Thomas's practical tolerance, Cohen's work is more concerned with documenting the darker side of the "Ambiguities of (the) Thomistic Synthesis." "Although Thomas's Jewish policy stood squarely within Augustinian tradition, the Jew who emerged from his biblical hermeneutic and his theology challenged the very rationale for that policy."⁷¹ Far from wrong, that precise claim might have been argued even more strongly than in *Living Letters of the Law*, had the author drawn a distinction between the work that Thomas had done before the Spring of 1272 in Paris on the second part of the *Summa theologiae* and the work that he undertook at Naples in the final year or so of his academic and literary activity. The theoretical work that Thomas had devoted in the second part of the *Summa theologiae* to the meaning and efficacy of the older covenant rites had expressed his ambivalence toward the older law. In her magisterial essay from 1974, Beryl Smalley showed in detail how Thomas, in these longest single articles of the *Summa*, no longer restricts his interest to the quest for the literal sense of the rites, a quest that had reached its first significant zenith with William of Auvergne.⁷² Here the pendulum was already swinging back, showing more or less equal interest again in the prefigurative or Christological sense of the older rites. This programmatically ambivalent interest of the second part of Thomas's final *Summa* in the literal and the prefigurative meanings of the older rites avoids what the Pontifical Biblical Commission termed "a unilateral insistence either on continuity or discontinuity" between the

⁷⁰ Cf. R. Schenk, "Evangelisierung und Religionstoleranz: Thomas von Aquin und die Gewissenslehre des II. Vatikanums," *Forum Katholische Theologie* 8 (1992): 1–17.

⁷¹ Cohen, *Living Letters*, 388.

⁷² Beryl Smalley, "William of Auvergne, John of La Rochelle, and St. Thomas Aquinas on the Old Law," in *St. Thomas Aquinas 1274–1974: Commemorative Studies*, ed. A. A. Maurer et al. (Toronto: PIMS, 1974), II, 11–71.

two covenants. For Thomas in this phase of his thought, the ceremonial precepts have a twofold end: "Et haec omnia habebant rationabiles causas et litterales, secundum quod ordinabantur ad cultum Dei pro tempore illo; et figurales, secundum quod ordinabantur ad figurandum Christum."⁷³

And yet the pendulum kept moving away from the immanent sense of the rites and from the relative discontinuity of contexts which that implied. During his final tenure at Naples, Thomas lectured on the Epistles of Paul, seemingly for the second time.⁷⁴ Whether it was the motive for his renewed research on the "Corpus Paulinum" or its unexpected byproduct, Thomas began to stress in his biblical commentaries and in the relevant passages of the *tertia pars* of the *Summa theologiae* the prefigurative dimensions of the older rites with an exclusivity new to his thought. Twice in the *tertia pars*, Thomas refers to his change of mind about the sacrament of initiation into the older rites.⁷⁵ He now holds that the rite was never an instrumental cause of grace, but, like non-covenantal religious practices, at best an occasion of the implicit (or even explicit) faith in Christ.⁷⁶ It was by this Christological faith alone that the rite of circumcision had mediated grace, the very same grace and by the very same faith as in Christian baptism. Thomas's late view of circumcision makes it resemble more the status that he had already assigned to the rest of older covenant ritual, a status not unlike the interpretation that Martin Luther later develops for Christian sacraments, a status also in some ways closer to the common Jewish self-understanding of its own rituals as expressions of their (own) faith.

This late reduction of the causality of the ancient sacrament of initiation to the force of its Christological faith corresponds to the shift in the prime analogate for the very meaning of older covenant rites. Without denying a literal sense to the cult of the older covenant, Thomas started to define its meaning ever more exclusively in terms of the younger one. *Verus Judaeus, vera circumcisio, interior Judaismus et circumcisio* all mean primarily a life in Christ.⁷⁷ Where they are not fully spiritualized, the details of the historical rite are seen increasingly as having been directed immediately toward

⁷³ ST I-II, q. 102, a. 5.

⁷⁴ On the still unresolved picture and editions we have of Thomas's works on Paul, cf. Jean-Pierre Torrell, *Saint Thomas Aquinas*, vol. 1, *The Person and His Work* (Washington, DC: The Catholic University of American Press, 1996), esp. 250-57.

⁷⁵ ST III, q. 62, a. 6, ad 3; III, q. 70, a. 4, c.; cf. also *In Rom*, 4, lect. 2.

⁷⁶ Cf. R. Schenk, "Covenant Initiation," 555-93.

⁷⁷ For example, *In Rom* 2, lect. 4; 3, lect. 1; 4, lect. 2; ST III, q. 37, a. 4, c. Thomas's abstinence from the easy polemic often attached to those terms can be observed by noting the stark contrast to many of his predecessors; cf. Gilbert Dahan, *The Christian Polemic Against the Jews in the Middle Ages* (Notre Dame, IN: University of Notre Dame Press, 1991), esp. 105-16.

Christ. The eighth day, the stone knife, the hope for the future, the desire to control concupiscence were now portrayed as meaningful even in their own day only as prefigurative of Christological faith, at least insofar as they were not practiced for simply pragmatic reasons.⁷⁸ The few literal meanings still mentioned are dwarfed more and more by the prefigurative ones.⁷⁹ Circumcision is seen almost exclusively now as a “signum futuri,”⁸⁰ a “signum passionis Christi futurae,”⁸¹ a “signum foederis consummendi [in Christo].”⁸² 1 Corinthians 10:11 takes on a programmatic character for Thomas’s theology of the first covenant: “antiquis Patribus omnia in figura futuri contingebant.”⁸³ “Illa sanctificatio erat figuralis.”⁸⁴ Thomas now argues that circumcision as a “quaedam protestatio legis implendae” could have made sense only in reference to the future Christ.⁸⁵ The Jews of the first covenant were being sanctified by this, that “applicabantur cultui divino secundum ritum veteris legis, qui totus ordinabatur ad figurandam passionem Christi.”⁸⁶ More so than in his earlier work, Thomas stresses the Christological sense of the very faith of the older covenant: “Eadem autem est fides nostra et antiquorum Patrum.”⁸⁷ This does not mean for Thomas a reduction of both covenants to some common ground, in general monotheism, but a Christological focus uniting the various lines of the more ancient faith: “et fides eorum erat de futuro.”⁸⁸ Thomas now concludes: “circumcisio erat praeparatoria ad baptismum in quantum erat quaedam professio fidei Christi quam et nos in baptismo profitemur.”⁸⁹ Abraham’s faith and the initiation rite of the “populus fidelium congregandus”⁹⁰ are now seen by Thomas in this immediately Christological light. Abraham’s faith is of one “qui credidit se patrem futurum Christi sibi repromissi.”⁹¹ Thomas no longer mentions a twofold end (*finis duplex*) of the ceremonial precepts, as he had in *Summa theologiae* I–II, question 102, article 2, corpus; and it is hard to see how he could, given his shift toward

⁷⁸ *In Rom* 4, lect. 2; *ST* III, q. 66, a. 7; III, q. 68, a. 1; III, q. 70, a. 3, ad 2 and 3.

⁷⁹ *ST* III, q. 70, a. 2, ad 4, and a. 3, ad 1.

⁸⁰ *In Rom* 4, lect. 2.

⁸¹ *ST* III, q. 62, a. 6, ad 3.

⁸² *ST* III, q. 4, a. 6, ad 3.

⁸³ *ST* III, q. 70, a. 1, c.

⁸⁴ *ST* III, q. 62, a. 6, ad 2.

⁸⁵ *ST* III, q. 40, a. 4 c., referring to Gal 5:3.

⁸⁶ *ST* III, q. 62, a. 6, ad 2.

⁸⁷ *ST* III, q. 70, a. 1, c.

⁸⁸ *Ibid.*

⁸⁹ *ST* III, q. 70, a. 2, c.

⁹⁰ *Ibid.*, ad 1 and 2.

⁹¹ *Ibid.*, ad 4.

“a unilateral insistence . . . on continuity” between the two covenants. While this late shift in Thomas’s theoretical stance toward the Jewish rites does not seem to have been accompanied by a corresponding loss of his dedication to the toleration that he had insisted upon for the Jewish community of his day, the shift represents, pace Cohen, a reduction or at least a new variant in the ambivalence of Thomas’s position. In coming to share with Robert Grosseteste and others the insistence on the *eadem fides* of both covenants, Thomas might well be said to have “echoed the ideological basis for their newly aggressive program of anti-Judaism, even as he opposed its implementation in practice.”⁹² That opposition, however, points to a force that was lacking in Grosseteste’s thought, one that qualifies the similarities by a still greater dissimilarity.

III. Conclusions

The history of medieval Christian attitudes toward the contemporary Jewish community portrays even at its best “an area of conduct where brutality was the rule.”⁹³ There can be no question of our direct appropriation of the whole of any of the readings of the two covenants offered by the theologians of the day. But the lessons taught are still instructive, especially if attention is paid to what distinguished harsh from still harsher views.

The directly Christological reading of the older Covenant, with its generous-sounding qualification of the continuity between the two Covenants as *eadem fides*, belonged most often to the harsher alternative. Neither did the complete dissociation of the two Covenants or their subsumption into a generic religious undertaking prove satisfactory. No Christian theology of religions should consider itself to be adequate that fails to assign a privileged status to the older Covenant in comparison to other religions. That would fail to express an adequate view of the (relative) “other” or of the Christian “self.” And yet, if the Christological dynamic that is called upon to distinguish Judaism from the pre-Christian religions of the nations is too strongly emphasized, the special dignity sought for Judaism disappears once again; Christian approval can be detrimental to Jewish identity. “The notion of fulfilment is an extremely complex one, one that could easily be distorted if there is a unilateral insistence either on continuity or discontinuity.”⁹⁴

⁹² Cohen, *Living Letters*, 389. Cohen’s basic thesis differs somewhat less than he suggests (365, 368) from the less densely documented conclusion reached by John Y.B. Hood about the ambivalent potential of Thomas’s writings; see Hood’s *Aquinas and the Jews* (Philadelphia: University of Pennsylvania Press, 1995), esp. 106–11.

⁹³ Southern, *Robert Grosseteste*, 247.

⁹⁴ Pontifical Biblical Commission, *The Jewish People*, no. 21.

Without repeating medieval theories in their entirety, a view must be sought that can show the two Covenants to be in only partial continuity with one another. It seems likely in turn that such will be possible only on the basis of a studied ambivalence, different in content from, yet similar in structure to, those of the less unilateral medieval theories. Similar structures of reflected and disciplined ambivalence, seeking as much similarity as possible while admitting as much difference as is necessary, might indeed be characteristic of interreligious discussions as a whole.⁹⁵ Despite the beauty, power, timeliness, and profound truth in the Christian description of the Jewish people as “elder brothers,”⁹⁶ the relation sought must be one of an extended family. N.V

⁹⁵ Cf. R. Schenk, “Debatable Ambiguity: Paradigms of Truth as a Measure of the Differences among Christian Theologies of Religion,” in *Jahrbuch für Philosophie des Forschungsinstituts für Philosophie Hannover*, ed. R. Schenk, V. Hoesle, and P. Koslowski (Vienna: Passagen, 2000), 121–51.

⁹⁶ The words found by Pope John Paul II during his visit to the Roman synagogue in the spring of 1986.