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- SCHNEEMELCHER, Wilhelm, (ed.), 1989: *Neutestamentliche Apokryphen* (Tübingen); transl. R. McL. Wilson, 1992: *New Testament Apocrypha, Volume Two: Writings Relating to the Apostles; Apocalypses and Related Subjects*, rev. ed. (Louisville, Ky.).
- SHEPARDSON, Christine C., 2003: *In the Service of Orthodoxy: Anti-Jewish Language and Intra-Christian Conflict in the Writings of Ephrem the Syrian* (diss., Duke University).
- STANLEY, F. 1982: "The Pseudo-Clementines: A History of Research", *Second Century* 2: 1–33, 63–96.
- STRECKER, G., 1992: "The Pseudo-Clementines" (introduction), in W. Schneemelcher (ed.), 1992: 483–493.
- VÖÖBUS, A. *History of Asceticism in the Syrian Orient: A Contribution to the History of Culture in the Near East, II: Early Monasticism in Mesopotamia and Syria* (= *Corpus Scriptorum Christianorum Orientalium* 184, Louvain, 1960).

The Apostolic Constitutions and the Law*

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In the second of the eight books in the *Apostolic Constitutions*, the compiler describes the necessary traits of a bishop:

Let him be long suffering, patient in his warnings, able to teach many things, studying eagerly the Lord's books, and great in reading, so that he may carefully interpret the Scriptures, interpreting the Gospel in the same line as the Prophets and the Law, similarly, let the interpretations of the Law and the Prophets correspond to the Gospel. For the Lord Jesus says, "Search the Scriptures, for they are those which testify of me" (see *John* 5:39). And again, "For Moses wrote concerning me" (see *John* 5:46). But above all, let him be a capable distinguisher between the law and the second law, and show which is the law for believers, and which the bond for the unbelievers, lest anyone should fall under the bonds. (2.5.4–6)¹

Among other necessary skills, the bishop must be an interpreter of Scripture, able to distinguish between two types of law—"the law", which contains "laws for believers", and "the second law", which are "bonds for disbelievers". It is striking to notice that in this text which claims to represent the universal "catholic" church, law is not by definition rejected. Indeed, in the *Apostolic Constitutions*, law is "for believers". However, some of the rules in Scripture must be rejected by Christians as second law—*deuterosis*. Any Christian who accepts the laws of the *deuterosis* is not free, but "falls under the bonds" of the disbelievers.

The compiler of the fourth-century *Apostolic Constitutions* inherited the concept of *deuterosis* from the third-century *Didascalia Apostolorum*, and the idea may arguably be traced back to Paul's idea of law as *pedagogue*, which mature Christians have now outgrown. In this paper I examine a positive valence given to the idea of the Law in the *Apostolic Constitutions* and suggest that this positive valence may reflect a less defensive view of Jews and Judaism

* The ideas in this article can now be found in more expanded form in Marcie E. Lenk, *The Apostolic Constitutions: Judaism and Anti-Judaism in the Construction of Christianity* (Ph.D. dissertation, Harvard University, 2010).

¹ The translation is my own, based on Marcel Metzger's edition (1985) of the Greek text.

than is found in much of the writing of other fourth-century Syrian Christian leaders. The fact that the compiler of this work promotes laws that other Christian leaders rejected as “too Jewish”, as well as liturgy which has been shown to have originated in the synagogue, points to contact with the Jewish community, contact which led not only to condemnation but also to appropriation and even appreciation of certain Jewish practices. We will examine excerpts from the *Apostolic Constitutions* which reflect these issues.

The *Apostolic Constitutions*: Content and Provenance

I will begin with a brief summary of the content and provenance of the *Apostolic Constitutions*. The consensus is that the *Apostolic Constitutions* was compiled in the late 4th century in Syria, probably Antiokheia (Metzger, 1985: 54–56). This dating is based on descriptions of Christian feasts and rituals, as well as the fact that the compiler of the *Apostolic Constitutions* used texts from the 2nd and 3rd centuries for his own work. Antiokheia in Syria is the most likely location for a document which implies a large metropolitan centre familiar with Jewish texts and practices. Metzger has shown that there are similarities between some of the liturgy in the *Apostolic Constitutions* and the liturgy of Ioannes Khrysostomos, in Antiokheia.

The eight books of the *Apostolic Constitutions* include a rewritten collection of earlier works: the *Didascalia* (books 1–6), the *Didache* (book 7) and the *Apostolic Tradition* (book 8). Allowing himself extensive editing privileges, the compiler of the *Apostolic Constitutions* often leaves out sections or adds (often long discourses) to his sources. His hand can be detected updating his sources, especially when dealing with church rituals such as baptism and Eucharist. In addition, there are long sections of the *Apostolic Constitutions* that cannot be traced to any known sources. Some of the prayers in books 7 and 8 seem to be of Jewish origin (Fiensy, 1985; Kohler, 1924).

Deuterosis and Natural Law

Why would a fourth-century Christian writing a guide for bishops and laity have focused so much on the concept of the Law? Christians in fourth-century Syria used old concepts of law in new ways in order (a) to describe the responsibilities of Christian clergy and laity, and (b) to distinguish themselves from other groups (particularly Jews) who also described their religious responsibilities as legal ones. While the *Apostolic Constitutions* has been used to exam-

ine the history of canon law, and, in particular, the development of Christian feasts and sacraments, I am examining the rhetoric about law in the *Apostolic Constitutions*. The terminology in this work as well as the specific traditions that it advocates show an openness to Judaism not seen in other Christian works from its provenance. The fourth-century Syrian Church was, understandably, stronger and more self-confident than it had been in previous centuries, but the Jewish community was also strong. Other contemporary writers like Ioannes Khrysostomos, Ephraim and the writers of the *Pseudo-Clementines* show a vibrant, even popular Jewish community. While the *Pseudo-Clementines* promote a significant Jewish observance, and Khrysostomos and Ephraim rail against Jews and Judaism, the compiler of the *Apostolic Constitutions* chose a middle ground. Rejecting some Jewish ritual practices, this work argues that Christians remain obligated in “natural law”. I will define what natural law means to the compiler of the *Apostolic Constitutions*, and why I believe he used this term. But the compiler of the *Apostolic Constitutions* goes further—even some practices rejected by his source (the *Didascalia*) are promoted here.

In the *Apostolic Constitutions*, the Law is not, by definition, negative or burdensome. Note that in the text quoted above, Christian practices are called “the laws for believers” (not, for example, “faith for believers”), while Jewish (non-Christian) practices are called “bonds for the unbelievers”. Indeed, in *Apostolic Constitutions* 3.9.4 Jesus is called a legislator (νομοθέτης), and the *Apostolic Constitutions* is called “the constitution” (διατάχης). In a discourse against women baptizers, the *Apostolic Constitutions* declares, “But now, He has nowhere, either by command or by writing, transmitted to us any such thing; having known the order of nature, and the dignity of the matter; as being both the Creator of nature, and the Legislator of the constitution” (3.9.4).²

Early in the work, the compiler instructs bishops to distinguish between these laws, calling Jewish law “foreign”, “alien” and “bonds”. Christians should only read about those laws in order to understand what kind of salvation Christ provides:

2 The language of commander with regard to Jesus is found also in *Apostolic Constitutions* 5.15 (“But he commanded us to fast on the fourth and sixth days of the week; the former on account of His being betrayed, and the latter on account of His passion”), and 6.25 (“Let us be obedient to Christ as to our King, as having authority to change several constitutions, and having, as a legislator, the wisdom to make new constitutions in different circumstances; yet so that everywhere the laws of nature be immutably preserved”).

When you read the law, keep away from the foreign laws, though not all of them, only those of the *deuterosis*. Read those only for the sake of history, for the sake of your knowledge of them, and to glorify God that He has delivered you from such great and so many bonds. Let it be known to you which is natural law (νόμος φυσικός) and which has those rules of the *deuterosis*, alien laws which were given in the wilderness to the makers of the calf. For the law is those rules which the Lord God spoke before the people became idol worshippers, that is, the *Decalogue*, bonds which were put upon them after they sinned, but (as for) you, do not welcome them to yourself! For our Savior came for no reason except that he might fulfill the Law and the Prophets and bring to an end or change the bonds of the *deuterosis*. For on account of this He called us forth and said, "Come all you who are weary and have been heavy laden, and I will give you rest" (*Matthew* 11:28). (*Apostolic Constitutions* 1.5.7–10)

The ideas and most of the language here are clearly taken from *Didascalia* 2. The most significant change is the use of the term "natural law" in the *Apostolic Constitutions*. This concept is worked out more fully in *Apostolic Constitutions* 6.12, and in 6.19–23. This last section is a discourse defending natural law, which is added to the rejection of *deuterosis* in the *Didascalia*. In other words, while certain Jewish practices, called "second law" and more derogatorily "bonds" and "foreign laws", the compiler of the *Apostolic Constitutions* introduces language implying that some laws are good and necessary for the Christian community. There is no parallel text expressing these positive ideas in the *Didascalia*. That is, in the earlier text, only the Decalogue is considered law which is obligatory and good. For the compiler of the *Apostolic Constitutions* there is a stronger awareness of and appreciation for a binding system of law besides the Ten Commandments. In book 6, the compiler explains the continuing authority behind natural law. First, in a retelling of the Jerusalem council of *Acts* 15 (the implied backdrop of the whole *Apostolic Constitutions*), the compiler argues that the conclusion of that narrative is not only rejection of Jewish law, but an argument for natural law. The discourse begins with examples of natural law.

Therefore I judge that you are not to annoy those from among the Gentiles who turn to God, but command them to keep away from the pollutions of the Gentiles, from that which is sacrificed to idols, and fornication and blood and that which is strangled laws which were established by the ancients who lived in accordance with the natural law, before the written law: Enos, Enoch, Noah, Melchizedek, Job and others who were like them. (6.12.13)

Natural law, then, is law before the Law. That is, law which existed before the people of Israel received the covenant at Sinai, and before their sins, is considered to be law for all human beings. The compiler adds the Stoic concept of natural law as a category that includes the Decalogue and other scriptural rules. Like the Stoics who argued that one could not learn natural law from a code, but only from the exemplary behaviour of the virtuous and wise, the compiler suggests that these non-Israelite biblical heroes epitomized natural law, and similarly that bishops should, through their wisdom and interpretation, express natural law (see Najman, 2003). Indeed, the purpose of this work (and presumably, natural law) is "for the well ordering of things" (*Apostolic Constitutions* 6.13.1). While the *Didascalia* is, in fact, a collection of laws and instructions, the *Apostolic Constitutions* is more explicit in its focus on the positive nature of this "catholic" (that is, universal) system of law. Before rejecting the *deuterosis*, the compiler of the *Apostolic Constitutions* adds a lengthy discourse defending the law as God's eternal management of the world.

According to the compiler, the Law is the equivalent of the Decalogue and this is good, part of God's organization for the world. Purity and sacrificial laws were added as a temporary correction, to bring Israel back to its pre-idolatrous knowledge of God. The *Didascalia* calls these additional laws *deuterosis* (Syriac: ܕܘܬܪܝܬܐ; Latin: *secundatio*); C. Fonrobert (2000: 288 n. 47) notes that the term *deuterosis* came to refer to the *Mishnah* (a title which also means "second") among later Christians and Jews, but that the author of the *Didascalia* clearly uses the term in a derogatory way. The *Apostolic Constitutions*, by contrast, only uses that term once in book 6 (the book that is supposedly a rewriting of the *Didascalia*'s rejection of Jewish law and practices), and in that place the term is qualified. Instead, the *Apostolic Constitutions* refers to these laws as "old habits" (6.19.1), "alien laws" (6.22.1),³ "bonds" (6.23.6) and "Jewish law and observances" (6.27.1). The change in language is significant. While the *Didascalia* summarily rejects *deuterosis*, repeating the term over and over, the *Apostolic Constitutions* always qualifies such rejection, acknowledging that Christians remain obligated in some of these laws.

3 In 6.22.1, the compiler celebrates Christ, who "by his coming has confirmed and completed the law, but has stripped away the alien precepts, although not all of them, yet at least the more oppressive ones".

The Sabbath

The Sabbath is a striking test case for the meaning of the Law and the meaning of *deuterosis*. While the *Didascalia* opposes Sabbath observance, promoting the Lord's Day instead, the *Apostolic Constitutions* re-imposes rest on the Sabbath, together with communal worship on the Lord's Day. On the one hand, if the *Didascalia* was opposed to Jewish observance of the law, the Sabbath must be abandoned as a particularly Jewish practice. On the other hand, any emphasis on the lasting obligation to observe the Ten Commandments demands that the Sabbath not be ignored. The *Apostolic Constitutions*, while emphasizing the significance of the Lord's Day, insists that the Sabbath remains the day of rest for Christians.

In a discourse where the *Didascalia* expands upon the commands to love God and to love one's neighbor, the *Apostolic Constitutions* adds an emphasis on the Ten Commandments, explicitly including the Sabbath and emphasizing its theological importance in connection to the Law:

Have before your eyes the fear of God, always remembering the ten commandments of God—to love the one and only Lord God out of all your strength, not devoting yourself to idols, or any other things, as being lifeless gods, or irrational beings or demons. Consider the remarkable creation of God, which received its beginning through Christ. Observe the Sabbath, on account of Him who ceased from His work of creation, but ceased not from His work of providence. It is a Sabbath rest for the studying of the law, not for the idleness of the hands. Drive away every unlawful desire, everything destructive to human beings, and all anger. Honor your parents, as those responsible for your being. Love your neighbor as yourself ... (2.36.1–3)

Later, the *Apostolic Constitutions*, following the lead of the *Didascalia*, instructs Christians to fast in the days leading up to Easter. However, while the *Didascalia* simply reads, "But on Friday and on the Sabbath fast wholly, and taste nothing", offering no explanation or apology for the Sabbath fast, the *Apostolic Constitutions* adds an alternative to fasting, as well as two proof texts (one of the proof texts is in the following excerpt).

You who are able, fast the day of the preparation (Friday) and the Sabbath day entirely, tasting nothing till the cock crowing of the night. But if any one is not able to join them both together, at least let him observe the Sabbath day, for the Lord says somewhere, speaking of Himself,

"When the bridegroom shall be taken away from them, in those days shall they fast" (*Matthew* 9:5). (5.18.2)

The *Apostolic Constitutions* suggests the situation in which a person might have trouble fasting for two consecutive days. In that case, "at least let him observe the Sabbath day". Fasting on the day before Easter is more important than fasting for two days. Additionally, the *Apostolic Constitutions* seems to need to justify the Sabbath fast, and so two proof texts, from *Matthew* 9:15 and from *Isaiah* 53:12, are used as justification. While the *Didascalia* has the rule with no justification (despite the fact that proof texts are used extensively elsewhere in the work), the *Apostolic Constitutions* explains the exceptional behaviour of fasting on the Sabbath. Indeed, towards the end of the work, the compiler makes it clear that he is generally opposed to fasting on the Sabbath: "If any one of the clergy be found fasting on the Lord's Day, or on the Sabbath, excepting one Sabbath, let him be condemned; but if he be one of the laity, let him be banished" (8.47.64).

It has long been noted that some of the prayers in books 7 and 8 of the *Apostolic Constitutions* are Christian reworkings of Jewish prayers. Indeed, K. Kohler (1924) proposed a correspondence between these prayers and the Jewish prayers for the Sabbath. While others have written on the questions of origin and development of these prayers (Fiensy, 1985), at issue here is what the Sabbath means to the compiler of the *Apostolic Constitutions*.

O Lord Almighty, You have created the world by Christ, and have appointed the Sabbath in memory thereof, because on that day You made us rest from our works, for the meditation upon Your laws. You also appointed festivals for the rejoicing of our souls, that we might come into the remembrance of that wisdom which was created by You; how He submitted to be made of a woman on our account; He appeared in life, and demonstrated Himself in His baptism; how He that appeared is both God and man; He suffered for us by Your permission, and died, and rose again by Your power: on which account we solemnly assemble to celebrate the feast of the resurrection on the Lord's day, and rejoice on account of Him who has conquered death, and has brought life and immortality to light. For by Him You have brought home the Gentiles to Yourself for a peculiar people, the true Israel beloved of God, and seeing God. For You O Lord, brought our fathers out of the land of Egypt, and delivered them out of the iron furnace, from clay and brick-making, and redeemed them out of the hands of Pharaoh, and of those under him, and led them through the sea as through dry land, and did bear their manners in the wilderness, and

bestow on them all sorts of good things. You gave them the law or decalogue, which was pronounced by Your voice and written with Your hand. You enjoined the observation of the Sabbath, not affording them an occasion of idleness, but an opportunity of piety, for their knowledge of Your power, and the prohibition of evils; having limited them as within a holy circuit for the sake of doctrine, for the rejoicing upon the seventh period. On this account was there appointed one week, and seven weeks, and the seventh month, and the seventh year, and the revolution of these, the jubilee, which is the fiftieth year for remission, that men might have no occasion to pretend ignorance. On this account He permitted men every Sabbath to rest, that so no one might be willing to send one word out of his mouth in anger on the day of the Sabbath. For the Sabbath is the ceasing of the creation, the completion of the world, the inquiry after laws, and the grateful praise to God for the blessings He has bestowed upon men. All which the Lord's day excels, and shows the Mediator Himself, the Provider, the Lawgiver, the Cause of the resurrection, the First-born of the whole creation, God the Word, and man, who was born of Mary alone, without a man, who lived holily, who was crucified under Pontius Pilate, and died, and rose again from the dead. So that the Lord's day commands us to offer unto You, O Lord, thanksgiving for all. For this is the grace afforded by You, which on account of its greatness has obscured all other blessings. (7.36.1–6; transl. Donaldson, 1994: 699)

The Sabbath is connected to creation, the exodus from Egypt and the Decalogue, with the goal of "rest from our works and meditation upon Your laws". There is an explicit defense of the laws of Sabbath, "You enjoined the observation of the Sabbath, not affording them an occasion of idleness, but an opportunity of piety, for their knowledge of Your power, and the prohibition of evils, having limited them as within a holy circuit for the sake of doctrine, for the rejoicing upon the seventh week" (7.36.4). While the *Didascalia* explicitly rejected Sabbath rest as "idleness of the hands", in the *Apostolic Constitutions* the Sabbath promotes many spiritual and ethical improvements, and should not be called a time of "idleness". The Lord's Day is also celebrated in this prayer, but the Sabbath is the primary subject. Kohler (1924: 410) and Fiensy (1985: 181) agreed that the passages referring to Jesus and the Lord's Day are secondary, but even so, it is significant to note that while the Lord's Day is celebrated, the Sabbath is far from denigrated. The centrality of Sabbath observance in the *Apostolic Constitutions* certainly had an anti-Marcionite aim of recognizing God as Creator. It is clear that for the compiler, the Sabbath has other benefits, as well.

Conclusion

In conclusion, I suggest that the compiler of the *Apostolic Constitutions*, in his use of the term "natural law", as well as in promoting Sabbath observance among Christians, and in his use of Jewish liturgy, betrays a surprising lack of defensiveness of Christians against Jewish practices. This lack of defensiveness, in turn, may reflect significant integration between the Jewish and Christian communities in fourth-century Syria. While distinguishing the rules for the church from Jewish law, the compiler of the *Apostolic Constitutions* was willing to risk supporting certain ideas about the laws that might have been known as Jewish because he felt that the integrity of the system of requirements for the church community demanded such support.

Bibliography

A Ancient Sources

Apostolic Constitutions

- *Les Constitutions Apostoliques*, ed. Marcel Metzger (= *Sources Chrétiennes* 320, 329 & 336, Paris, 1985).
- *Didascalia et Constitutiones Apostolorum*, ed. F.X. Funk (Paderborn, 1905).
- *AnteNicene Fathers*, vol. vii, edd. Alexander Roberts & James Donaldson (Peabody, Mass., 1994).

B Modern Works

- FIENSY, David A., 1985: *Prayers Alleged to be Jewish: An Examination of the Constitutiones Apostolorum* (= *Brown Judaic Studies* 65, Chico, CA).
- FONROBERT, Charlotte Elisheva, 2000: *Menstrual Purity: Rabbinic and Christian Reconstructions of Biblical Gender* (Stanford).
- KOHLER, K., 1924: "The Origin and Composition of the Eighteen Benedictions with a Translation of the Corresponding Essene Prayers in the Apostolic Constitutions", *Hebrew Union College Annual* 1: 387–425.
- NAJMAN, Hindy, 2003: "A Written Copy of the Law of Nature: An Unthinkable Paradox?" *The Studia Philonica Annual* 15: 54–63.