The *Lex Dei* and the Latin Bible*

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Two striking developments in late antiquity are the growing influence of Christianity and the codification of Roman law. The first attempt to harmonize these two developments lies in the late antique Latin work known by scholars as the *Lex Dei* ("Law of God") or *Collatio Legum Mosaicarum et Romanarum* ("Collation of the Laws of Moses and of the Romans"). The anonymous collator of this short legal compendium organized his work following a fairly regular plan, dividing it into sixteen topics (traditionally called titles). Each title begins with a quotation from the Hebrew Bible (in Latin), followed by quotations of passages from Roman jurists and, occasionally, from Roman law.[1] His apparent motive was to demonstrate the similarity between Roman law and the law of God.[2] Scholars have differed over where the collator obtained his Latin translations of passages from the Hebrew Bible. Did he make his own translation from the Greek Septuagint or directly from the Hebrew Scriptures themselves?[3] Did he use the famous Latin translation of Jerome or an older, pre-Jerome, Latin translation of the Bible, known by scholars

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[1] In just a few places (Coll. I.5, Coll. VI.7), the collator broke his pattern with additional biblical references.

[2] See recently, Robert M. Frakes, "The Religious Identity and Purpose of the Compiler of the *Collatio Legum Mosaicarum et Romanarum* or *Lex Dei*," in *Religious Identity in Late Antiquity* (ed. Robert M. Frakes and Elizabeth DePalma Digeser; Toronto: Edgar Kent, 2006) 126–47, esp. 140–43.

[3] Moses Hyamson, *Mosaicarum et Romanarum Legum Collatio* (Oxford: Oxford University Press, 1913) xxxiii, hazards the biblical citations in the work are either a "free translation" from the Greek Septuagint or are from the "Itala, properly styled the Vetus Latina." However, at li [Roman numeral 51], Hyamson also suggests the collator was hostile to Jerome because he chose not to use his translation. See Edoardo Volterra, *Collatio Legum Mosaicarum et Romanarum* (Rome: Bardi, 1930) 53–86, for the argument that the collator compared and contrasted the Septuagint with the Hebrew Scriptures in making his translations.

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as the *Vetus Latina* or Old Latin Bible?[4] Re-examination of the evolution of texts of the Latin Bible and close comparison of biblical passages from the *Lex Dei* with other surviving Latin versions will confirm that the collator used one of the several versions of the Old Latin Bible that were in circulation in late antiquity. Such a conclusion supports the argument that the religious identity of the collator was Christian (a subject of scholarly controversy for almost a century).[5] Moreover, analysis of the collator's use of the Bible can also shed light on his methodology in compiling his collection.

Recent work on the dating of the *Lex Dei* has narrowed the context of the work to Italy in the period from 392–395 when Christianity had only recently become the official religion of the Roman Empire.[6] Analysis of the use of the Hebrew Bible in the West and its translation into Latin can clarify the type of biblical sources available when the collator composed his work. However, such a task is not simple because scholars traditionally have not been especially interested in Latin translations of the Hebrew Bible.[7] Instead, scholarship on the *Vetus Latina* has tended to focus on the Christian Bible (or New Testament), most likely because the Latin translation of the New Testament is close enough to the time of the writing of the Gospels that it can act as a useful point of comparison and contrast for the textual transmission of these core Christian texts.[8]

[4] Theodor Mommsen, "*Collatio Legum Mosaicarum et Romanarum*," in *Collectio Librorum Iuris Antejustiniani* III (ed. Theodor Mommsen et al.; Berlin: Weidmann, 1890) 107–98, at 130–34, suggested the collator used the *Vetus Latina*. Fritz Schulz, "Die Biblischen Texte in der *Collatio Legum Mosaicarum et Romanarum*," *SDHI* 2 (1936) 20–43, argued against Volterra's thesis of the collator making his own translations (although at times Schulz emended the texts in the *Lex Dei* to support his thesis). Nicolaas Smits, *Mosaicarum et Romanarum legum Collatio* (Haarlem: H. D. Tjeenk Willink & Zoon, 1934) 31–43, ultimately argues that the collator did not use the *Vetus Latina* as his source for the biblical quotations, but instead one of many Latin translations in circulation, basing his argument on the view that there was one distinct *Vetus Latina*, and not many.

[5] See Frakes, "Religious Identity," 129–36.

[6] On the collator working in Italy, see Frakes, "Religious Identity," 128 and 135. On the dating, see Robert M. Frakes, "*Item Theodosianus*? (Observations on Coll. V.3.1)," *Quaderni Urbinati di Cultura Classica,* n.s., 71 (2002) 163–68; Detlef Liebs, *Die Jurisprudenz im spätantiken Italien* (Berlin: Duncker & Humblot, 1987) 170. On the various laws banning paganism and supporting Christianity (and what form of Christianity), see E. David Hunt, "Christianising the Roman Empire: The Evidence of the Code," in *The Theodosian Code* (ed. Jill Harries and Ian Wood; Ithaca: Cornell University Press, 1993) 143–58. For a recent revision of the significance of these laws, see R. Malcolm Errington, "Christian Accounts of the Religious Legislation of Theodosius I," *Klio* 79 (1997) 398–443.

[7] While Albert V. Billen, *The Old Latin Texts of the Heptateuch* (Cambridge: Cambridge University Press, 1927) 6, could claim this in 1927 ("very little literature so far exists on the Old Latin version especially of the Old Testament"), Eugene Ulrich, *The Dead Sea Scrolls and the Origins of the Bible* (Grand Rapids, Mich.: Brill Academic Publishers, 1999) 270, could still echo this statement over seventy years later ("The general field of Old Latin studies for the Old Testament is not well developed").

[8] Harry A. A. Kennedy, "Latin Versions, The Old," in *A Dictionary of the Bible* (ed. James Hastings; Edinburgh: T&T Clark, 1900) 3:47–62, at 47. Later editions of Hastings's *Dictionary* unfortunately truncate this useful article severely. See J. Paterson Smyth, *The Bible in the Making*

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How did the Hebrew Bible make its way to the Latin West? As Christianity began to spread in the middle first century C.E., early Christians used Hebrew Scripture through the translation of the Greek Septuagint.[9] Gospel accounts depict Jesus as referencing the words of the Hebrew prophets as found in the Greek Septuagint translation, and early Christian texts made reference to passages from the Hebrew prophets (relayed by the Greek Septuagint) as foreshadowing Christian truth. Lastly, Christian services included readings from the Hebrew Scriptures (again via the Septuagint) as part of the liturgy.[10] At first, Western Christians seem to have continued to use not just the Greek Septuagint, but also Greek for the language of theology. For instance, the Apostle Paul wrote his epistle to the Romans in Greek circa 58 C.E., and names Christians who seem to have both Greek and Latin names (Romans 16:1–23).[11] The use of Greek theology in the West continued in the second century as, for example, in the *Shepherd of Hermas*, written in Greek by a Latin author.[12] However, toward the end of the second century, Latin began to grow in use among Christians. Jerome would later say that Pope Victor (ca. 190) was the first Latin theologian, but if so, he was quickly followed by Apollonius (ca. 200) and Tertullian (ca. 160–ca. 240).[13] The account of the martyrs of the North African town of Scillium, dating to circa 180, is in Latin (and the majority of the Christians named in the account have Latin names) and suggests that they may have already had a Latin translation of at least some of Paul's letters.[14] While Paul's letters were the earliest Christian written texts, the Gospels were written shortly thereafter, circa 65–100. It would seem logical that if the Scillitan martyrs had a Latin translation

(New York: J. Pott & Co., 1914) 177–85 for dating the gospels to ca. 65–ca. 100. For a more general dating to the late first century, see Robert M. Grant, "The New Testament Canon," in *The Cambridge History of the Bible I: From the Beginnings to Jerome* (ed. Peter R. Ackroyd and Christopher F. Evans; Cambridge: Cambridge University Press, 1970) 286–307, at 287–88. Robin Lane Fox, *The Unauthorized Version: Truth and Fiction in the Bible* (New York: Knopf, 1991) 126–36, follows a later dating of the Gospels to the mid- to late second century.

[9] On the Septuagint and its use by early Christians, see Martin Hengel, *The Septuagint as Christian Scripture: Its Prehistory and the Problem of its Canon* (trans. Mark E. Biddle; Edinburgh: T&T Clark, 2002) and Hedley F. D. Sparks, "The Latin Bible," in *The Bible in Its Ancient and English Versions* (ed. H. Wheeler Robinson; Oxford: Clarendon Press, 1940) 100–127, at 100. For a modern text, see the series *Septuaginta Vetus Testamentum Graecum* (Göttingen: Vandenhoeck and Ruprecht, 1974–1999). For a recent translation, see *A New English Translation of the Septuagint* (trans. Albert Pietersma; Oxford: Oxford University Press, 2000).

[10] Justin, *1 Apol.* 67.

[11] Sparks, "Latin Bible," 101; John Kenrick, "The Versio Itala, Its Age, Name and Origin," *Theological Review* 11 (1874) 318–30, at 318–19.

[12] Bruce Metzger, *The Early Versions of the New Testament* (Oxford: Clarendon Press, 1977) 289–90. On the Latinisms of the work, see R. G. Tanner, "Latinisms in the Text of Hermas," *Colloquium* 4 (1972) 12–23. More recently on the work, see Carolyn Osiek, *Shepherd of Hermas: A Commentary* (Minneapolis: Fortress Press, 1999).

[13] Jerome, *De Vir. Illust*. 34, 40, and 53. See further, Metzger, *Early Versions,* 287. For a standard study of Tertullian, see Timothy D. Barnes, *Tertullian* (Oxford: Clarendon Press, 1971).

[14] See Metzger, *Early Versions,* 288–89 and Arthur Vööbus, *Early Versions of the New Testament* (Stockholm: Estonian Theological Society in Exile, 1954) 37.

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of the Epistles of Paul, they most likely also had a Latin version of at least one of the Gospels, since they are such core documents for Christianity.[15]

Further evidence for the existence of a Latin translation of the Bible in the West comes from the works of the famous North African theologian Tertullian, who appears to have used some kind of Latin version of the Scriptures in the composition of his *Apologeticus*.[16] While Tertullian at times made his own translations from the Septuagint, it seems clear that he also occasionally used some kind of existing Latin translation.[17] The likelihood of such a translation is even clearer in the work of Cyprian of Carthage (martyred in 258), especially in his *Testimonia ad Quirinum* which is closely related to the Bobbio manuscript of the Old Latin Bible (traditionally called "k" by scholars).[18] Moreover, Cyprian's theological rival Novatian (ca. 200–260) also made use of the Old Latin Bible in his works.[19]

The apparent growing use of a Latin Bible in the West in the third century has begged the questions of how, where, and by whom it was made.[20] While it would appear logical that such a translation must have evolved in the West because of the needs of newer converts in the second century to read the sacred texts of their new religion, scholars have developed some very diverging views. Some hold the argument that the translation must have evolved in North Africa since so many of the early witnesses to the work (the Scillitan martyrs, Tertullian, Cyprian) were North African.[21] Others hold for an evolution of a Latin translation in Rome where

[15] See Smyth, *The Bible in the Making*, 177–85, and Grant, "Canon," 287–88 on the dating of the Gospels. On the likelihood of the Scillitan martyrs having Latin Gospels, see Metzger, *Early Versions,* 289, who pushes the argument further and argues "there is no doubt that the Gospels were likewise available in Latin" and Vööbus, *Early Versions*, 37, "there is no doubt the Gospels also existed [in Latin]."

[16] Kenrick, "Versio Itala," 320. See also Sparks, "Latin Bible," 108.

[17] Kennedy, "Latin Versions," 55. See also J. Neville Birdsall, "The New Testament Text," in Ackroyd and Evans, *Cambridge History of the Bible*, 308–77, at 345, on the possibility that the Latin translation of the Gospels may have been influenced by the *Diatesseron* (an attempt by Tatian ca. 170 to harmonize the Gospels). See further Anton Baumstark, "Die Evangelienzitate Novatians," *Oriens Christianus* 3rd series 5 (1930) 1–14.

[18] John Chapman, "St. Cyprian of Carthage," in *The Catholic Encyclopedia* 4 (ed. Charles G. Herbermann et al.; New York: Robert Appleton Company, 1908) 583. On k probably being written outside of Africa, see Kennedy, "Latin Versions," 54, citing William Sanday, *Academy*, May 11, 1889. For further on Cyprian, see, among others, G. S. M. Walker, *The Churchmanship of St. Cyprian* (London: Lutterworth, 1968) and Michael A. Fahey, *Cyprian and the Bible* (Tübingen: Mohr, 1971).

[19] Kennedy, "Latin Versions," 55; Birdsall, "New Testament Text," 371; Sparks, "Latin Bible," 108. For further on Novatian, see Adhémar d'Alès, *Novatien: étude sur la théologie romaine au milieu du troisieme siècle* (Paris: Gabriel Beauchesne, 1924) and Russell J. DeSimone, *The Treatise of Novatian the Roman Presbyter on the Trinity* (Rome: Institutum Patristicum Augustinianum, 1970).

[20] Directly stated by Kenrick, "Versio Itala," 318.

[21] Kenrick, "Versio Itala," 319: "a . . . plausible claim has been advanced for Africa." See also Nicholas P. Wiseman, *Two Letters on some parts of the controversy concerning 1 John v. 7* (reprinted in *Essays on Various Subjects* [3 vols.; London: Charles Dolman, 1853] 1:5–70), cited by Kennedy, "Latin Versions," 54.

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the readings in the liturgy (from the Hebrew Scriptures, the New Testament, and the Gospels, especially) might have been orally translated during the course of services (a Western equivalent to the Aramaic Targums that evolved from the Hebrew Bible in Syrian synagogues).[22] Most radically, and seemingly counter-intuitively, some major scholars have argued that the Latin translation of the Bible may have developed in Syria, perhaps in Antioch, and then made its way to the West.[23]

Regardless of its initial origin, by the early third century some kind of Latin translation existed in the West. However, to elucidate which version the collator used in the late fourth century, it is important to understand that there was more than one version in circulation.[24] Scholars have traditionally identified at least two versions—the African and the European. To these two some have added a third, the "Itala" mentioned by St. Augustine.[25]

Because this passage of Augustine's from the end of the fourth century has been so influential in scholarly arguments about the nature of the Latin Bible in late antiquity, and thus affects our view of what kind of Bible the collator might have had, it is useful to reproduce it here.[26] Regarding the importance of Scripture, Augustine wrote:

> But inaccuracy must be excluded, for the attention of those who wish to know the divine Scripture must first focus on the task of correcting the manuscripts, so that uncorrected ones give place to corrected ones, assuming that they belong to the same class of translation. Among actual translations the Itala should be preferred to all others, as it keeps more closely to the words without sacrificing clarity of expression.[27]

[22] See Metzger, *Early Versions,* 285–86, on probable origins during services, but he also acknowledges the important role of North Africa. On the origins of the Latin Bible in Rome, see further Franz Kaulen, *Geschichte der Vulgata* (Mainz: Kirchheim, 1868) 107–44 and Joseph H. Reinkens, *Hilarius von Poitiers* (Shaffhausen: Hurter, 1864) 335–37. See also P. B. Gams, *Die Kirchengeschichte von Spaniens* (Regensburg, 1862) 1:80 cited by Kennedy, "Latin Versions," 53. For a convenient more recent overview, see B. M. Peebles, "Bible: Latin Versions," in *New Catholic Encyclopedia* (18 vols.; New York: McGraw-Hill, 1967) 2:437.

[23] This theory develops out of the work of Brooke F. Westcott and Fenton J. A. Hort, *The New Testament in the Original Greek II: Introduction and Appendix* (New York: Harper and Brothers, 1882) 107–9, and William Sanday, *Guardian* (May 25, 1892) 787, cited by Kennedy, "Latin Versions," 54–55.

[24] See Leo Ziegler, *Die lateinischen Bibelübersetzungen vor Hieronymus und die Itala des Augustinus* (Munich: T. Riedel, 1879) 131.

[25] Westcott and Hort, *New Testament in the Original Greek* II, 78–84; Sparks, "Latin Bible," 107; Birdsall, "New Testament Text," 372.

[26] *De doctrina christiana*, II.52–53 (II.XV.21–22).

[27] "Nam codicibus emendandis primitus debet invigilare sollertia eorum qui Scripturas divinas nosse desiderant, ut emendates non emendati cedant, ex uno dumtaxat interpretationis genere venientes. In ipsis autem interpretationibus Itala ceteris praeferatur, nam est verborum tenacior cum perspicuitate sententiae." For text and translation, see R. P. H. Green, *Augustine: De Doctrina Christiana* (Oxford: Clarendon Press, 1995) 80–81 (for his comments on the numeration of the work, see vi). For further on the *De doctrina christiana*, see the essays collected in *De Doctrina*

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Scholars have wrestled over the identification of this "Itala." Some have even tried to emend the text of this passage and remove it entirely to solve the problem more easily.[28] One bold attempt tried to establish that the text should read "Italia" and that in the late fourth and early fifth century this name was meant to denote the area between the Alps and the Po River. According to this argument, Augustine would have come across this text when he was in the process of his conversion.[29] One last quixotic attempt to wrestle with the identification of the "Itala" was to argue that it was actually Jerome's Vulgate translation (which is difficult since there is no clear reason why this would be labeled as "Itala"; most scholars have not accepted this theory).[30] Thus, any resulting corrected texts of this passage from Augustine have even more problems, and most scholars today accept the reading as it stands.[31]

Unfortunately, the authority of Augustine has been so strong that many scholars began to label any known pre-Jerome Latin Bible as "Itala" in their work.[32] We are surely safer in accepting that there were several Latin translations in circulation and that Augustine's "Itala" was just one of several that we should collectively call "the Old Latin Bible" (or *Vetus Latina*).[33] Indeed, in the same work as quoted above, Augustine relates that many versions of the Old Latin Bible were available:

> Translators of Scripture from Hebrew into Greek can be easily counted, but not so translators into Latin, for in the early days of the faith any person who got hold of a Greek manuscript and fancied that he had some ability in the two languages went ahead and translated it.[34]

Christiana: A Classic of Western Culture (ed. Duane W. H. Arnold and Pamela Bright; Notre Dame: University of Notre Dame Press, 1995).

[28] See further, Kenrick, "Versio Itala," 321–22. For an overview of various suggested emendations to replace "Itala," including that of the famous textual scholar Richard Bentley, see Metzger, *Early Versions*, 291–93. On the fervor for emendation of Bentley, see Ulrich von Wilamowitz-Möllendorff, *Geschichte der Philologie* (1998 reprint of 1921 original; Stuttgart: B. G. Teubner, 1998) 35–37 and Leighton D. Reynolds and N. G. Wilson, *Scribes and Scholars* (3d edition; Oxford: Clarendon Press, 1991) 184–88.

[29] Kenrick, "Versio Itala," 322–28. On Augustine's conversion, see his *Confessions*, VIII.

[30] See Francis C. Burkitt, *The Old Latin and the Itala* (Cambridge: Cambridge University Press, 1896) and his "Saint Augustine's Bible and the Itala," *Journal of Theological Studies* 11 (1910) 258–68 and 447–58.

[31] Constantin von Tischendorf, *Novum Testamentum Graece* (7th edition; Leipzig: Winter, 1869) ccxli–ccxlii; Kenrick, "Versio Itala," 328–29; Metzger, *Early Versions*, 293.

[32] Kenrick, "Versio Itala," 322–23; Hyamson's table in *Mosaicarum et Romanarum Legum*, 153–58 (although earlier at xxxiii he allows *Vetus Latina* is a better label); Adolf Jülicher, *Itala: Das Neue Testament in altlateinischer Überlieferung* (Berlin: Gruyter, 1938).

[33] See Johannes Schildenberger, "Die Itala des hl. Augustinus," in *Colligere fragmenta: Festschrift Alban Dold* (ed. Bonifatius Fischer and Virgil Fiala; Beuron: Beuroner Kunstverlag, 1950) 84–102, who suggested that the "Itala" was one form. On the collective term, "Old Latin," see Kennedy, "Latin Versions," 47.

[34] *De doctrina christiana*, II.36 (II.XI.16). "Qui enim Scripturas ex hebraea in graecam verterunt, numerari possunt, Latini autem interpretes nullo modo. Ut enim cuique primis fidei temporibus in

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We also have confirmation of the abundance of Latin translations from the beginning of the fourth century. During the Great Persecution initiated by Diocletian in 303 C.E., thirty-four biblical manuscripts were seized in the town of Cirta in North Africa.[35] Since this one provincial capital had that many copies that were found by the authorities (and, doubtless, some Christians in Cirta successfully hid their copies), we can roughly guess that there must have been hundreds, and perhaps even thousands of copies of parts of the Bible in translation throughout the West.[36] Of course, the text of many of these translations may have interacted over time beginning in the early third century.[37] While the style of the Old Latin Bible, being usually a word for word translation, was probably simple,[38] it was obviously quite widespread and no doubt became even more so after Constantine granted legal status to Christianity in 313.[39]

While there were clearly many copies of the Old Latin Bible in circulation in the fourth century, Pope Damasus, perhaps because of its stylistic liabilities, asked Jerome, who had been serving as his secretary, to start work on a new Latin translation in 382. Jerome made quick work of the Gospels, completing their new translation from Greek into Latin in 383, and began to work on other parts of the New Testament.[40] Damasus died in the spring of 385 and Jerome was not impressed with the choice of Siricius as the new Bishop of Rome. He left for the eastern Mediterranean, visited Egypt, and eventually settled in Bethlehem in 386. There he studied Origen's *Hexapla*, learned Hebrew, and began his Latin translation of the Hebrew Scriptures. He completed Samuel and Kings in 391.[41] Then he turned to the books of Proverbs, Job, Ecclesiastes, and Esdras from ca. 391–394, while writing

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manus venit codex graecus, et aliquantulum facultatis sibi utriusque linguae habere videbatur, ausus est interpretari" (text and translation following Green, *Doctrina Christina*, 72–73).

[35] *Gesta apud Zenophilum* in *S. Optati Milevitani libri VII* (ed. Carolus Ziwsa; CSEL 26; Vienna: Tempsky, 1893) 187–88, as analyzed by Patrick McGurk ("The Oldest Manuscripts of the Latin Bible" in *The Early Medieval Bible: Its Production, Decoration and Use* [ed. Richard Gameson; Cambridge: Cambridge University Press, 1994] 1 n. 1). For a recent study of the scholarship regarding Diocletian's Persecution, see Winrich A. Löhr, "Some Observations on Karl-Heinz Schwarte's 'Diokletian's Christengesetz'," *Vigiliae Christianae* 56 (2002) 75–95.

[36] For analysis of this example, see McGurk, "Oldest Manuscripts," 1.

[37] Kennedy, "Latin Versions," 56.

[38] On the Latin of the Old Latin Bible see Hermann Roensch, *Itala und Vulgata* (2d ed.; Marburg: N. G. Elwert, 1875). The early fourth-century verdict of Arnobius (*Adv. Gentes*, I.58) is amusing in describing the style of the Latin Bible as "commonplace and despicable . . . the work of ignorant and uncultured men" (translation from Sparks, "Latin Bible," 110). For further on Arnobius, see Michael Simmons, *Arnobius of Sicca* (Oxford: Oxford University Press, 1995). Sparks goes on to speculate that the Latin style of the Old Latin Bible explains why the young Augustine was not impressed by the Scriptures (see further, *Confessions*, III.5).

[39] For recent discussion of this event, see H. A. Drake, *Constantine and the Bishops* (Baltimore: Johns Hopkins University Press, 2000) 193–98.

[40] Sparks, "Latin Bible," 111.

[41] Hedley F. D. Sparks, "Jerome as Biblical Scholar," in *Cambridge History of the Bible*, 510–41, at 511–16.

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his *De viris illustribus* as well as several biblical commentaries from 392–395. Lastly, he finished his translation of the rest of the Hebrew Scriptures from ca. 398 to 405.[42] Over the course of centuries, his version would slowly replace the Old Latin Bible until becoming the commonly used text in the central Middle Ages. Its place in the Roman Catholic Church would be enshrined by the decision of the Council of Trent of the Counter, or Catholic, Reformation in 1546, which assigned the title of "Vulgate" or "commonly used" text to Jerome's translation.[43]

Did the collator of the *Lex Dei* use the Latin translation of Jerome as his source for his biblical quotations? The answer appears to be no, for two reasons. First, on the basis of chronology, Jerome probably had not yet finished translating the books of Exodus, Numbers, Leviticus, and Deuteronomy at the time the collator compiled his work (between May of 392 and January of 395).[44] As we have just seen, Jerome had finished the books of Kings and Samuel in 391 and probably went on to other parts of the Hebrew Scriptures from 392–395. However, it seems likely that he did not complete his translation of the Pentateuch until sometime between 398 and 405.[45] While it would be misleading to extrapolate a sure rate of translation, it must be allowed that the Pentateuch is quite lengthy and it is hard to imagine that Jerome could have completely translated these books into Latin and that the collator could have received them by the beginning of 395.[46]

A second ground for arguing that the collator used the Old Latin Bible and not the Vulgate of Jerome is based on comparing and contrasting passages in the *Lex Dei* with parallel passages in a version of the Old Latin Bible and in the Vulgate. Although no complete text of an Old Latin Bible is extant, some parts have survived and other portions can be reconstructed through the study of quotations in theological writers.[47] Although there are small surviving manuscripts of parts

[42] Louis Saltet, "St. Jerome," *Catholic Encyclopedia* 8 (1910) 341–43 at 341; F. L. Cross and E. A. Livingstone, "Vulgate," *Oxford Dictionary of the Christian Church* (3d edition; Oxford: Oxford University Press, 1997) [hereafter *ODCC*] 1710–11; Sparks, "Latin Bible," 112.

[43] Cross and Livingstone, "Vulgate," *ODCC*, 1710.

[44] Frakes, "Item Theodosianus," 168; Liebs, *Jurisprudenz*, 170.

[45] On the division of the Hebrew Scriptures into the law, the prophets, and the writings, see Cross and Livingstone, "Old Testament," in *ODCC*, 1182.

[46] Hyamson, *Mosaicarum et Romanarum Legum*, xxxiv, argues that the collator would not have used Jerome's translation because it was not yet formally adopted by the Church and was not used by clerics before the sixth century. However, parts of Jerome's translation were certainly known in the fifth century. Hyamson's assertion, at li, that the collator did not use Jerome's translation because there was hostility between them would seem to contradict the argument that the Vulgate was unknown at this time.

[47] The work of Pierre Sabatier was the critical first step in this process when he collected all known extant fragments in 1743 in his *Bibliorum sacrorum Latinae versiones antiquae seu Vetus Italica*. Unfortunately, Sabatier followed the relatively loose standards of scholarship of his time and did not always clearly indicate what his sources were for his citations of the Old Latin Bible. This is reflected by Smits, *Mosaicarum*, 57 and 63, and Schulz, "Biblischen Texte," 29 and 38, who must cite Sabatier as a source for passages from the *Vetus Latina*, because his sources, cited in the margins in a truncated fashion, are unclear. Joseph Denk began collecting notes for a new edition

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of the Old Latin Bible such as those of Bobbio, Munich, Wurzburg, and others,[48] the largest single surviving portion of the Old Latin Bible is the so-called Lyons manuscript (or *Codex Lugduniensis*). This large manuscript contains about one third of Genesis, half of Exodus, three-fourths of Leviticus, and all of the books of Numbers, Deuteronomy, Joshua, as well as almost all of the book of Judges.[49] This Heptateuch (or collection of seven books) was masterfully edited in two parts in the late nineteenth and beginning of the twentieth century.[50] The Lyons manuscript is dated to the sixth or seventh century, although it was probably a copy of a Latin translation originally made sometime between the late third century and the end of the fourth century.[51]

Close examination of some quotations from the Hebrew Bible in the *Lex Dei* confirms that the collator did not make his own Latin translation from the Greek Septuagint or from the Hebrew Scriptures. Neither did he use the Vulgate of Jerome. Instead, he most likely used a version of the Old Latin Bible as his source.[52] While the important evidence for this section must be rendered in Latin, a few examples can show this clearly (and I have italicized similarities for emphasis).

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in the late nineteenth century. He gave these notes to the monastery of Beuron before his death in 1927, where P. Alban Dold continued the analysis of manuscripts of the *Vetus Latina*. Dold was then succeeded by P. Bonifatius Fischer, who founded the Vetus Latina Institute there and slowly began producing excellent volumes of parts of the Old Latin Bible (Series Title: *Vetus Latina: Die Reste der altlateinischen Bibel nach Petrus Sabatier neu gesammelt und herausgegeben von der Erzabtei Beuron*). On the evolution of this project, see Metzger, *Early Versions,* 319–21. Roger Gryson is currently playing a key role in bringing the Vetus Latina Project on-line (see www.vetuslatina.org).

[48] See full list in Kennedy, "Latin Versions," 49–52 (manuscripts) and 52–53 (fragments in theological works).

[49] Sparks, "Latin Bible," 104.

[50] See Ulysse Robert, *Pentateuchi versio latina antiquissima e Codice Lugdunensi* (Paris: 1881) for an introduction and the text of Genesis, Exodus, Numbers and the first part of Deuteronomy from the Lyons manuscript, discovered by Léopold Delisle; Ulysse Robert, *Heptateuchi parties posterioris versio latina antiquissima e Codice Lugdunensi* (Lyons: 1900) for Deuteronomy, Judges, and Joshua. For the importance of Robert's work on the Lyons manuscript, see N. McLean, "The Lyons Old Latin Heptateuch," *Journal of Theological Studies,* o.s., 2 (1901) 305–8; John S. McIntosh, *A Study of Augustine's Versions of Genesis* (Chicago: University of Chicago Press, 1912), 79–80; Max L. Margolis, "Additions to Field from the Lyons Codex of the Old Latin," *Journal of the American Oriental Society* 33 (1913) 254–58.

[51] For dating, see Robert, *Pentateuchi*, cxli–cxlii; McLean, "Lyons," 396.

[52] Hyamson, *Mosaicarum et Romanarum Legum*, 153–58, presented the data for such an analysis, but did not stress a conclusion. He also preferred the label "Itala," in scholarly vogue in the early twentieth century, as opposed to the more open-ended *Vetus Latina* or Old Latin Bible. Moreover, Hyamson appears not to have seen the second volume of Robert's text of the Lyons manuscript, which contained passages from the book of Deuteronomy also cited in the *Lex Dei*. Here I revise Smits's diction (*Mosaicarum*, 32) of using *Vetus Latina* to refer only to the single alleged *Itala* ("Vetus Latina, meer bekend onder den naam van Itala"), and use the broader definition of Old Latin Bible for a Latin translation before Jerome.

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The text of Coll. I.1 (which cites the law of Moses related at Numbers 35:20–21) reads:[53]

> 3. *si autem per inimicitiam inpulerit eum* vel *inmiserit super eum* aliquod *vas ex insidiis et mortuus fuerit, 4. Vel per iram percusserit eum manu et mortuus fuerit, moriatur.*
>
> ["3. If, moreover, through unfriendliness someone strikes him or throws an implement at him insidiously and he dies 4. or he struck him by hand through anger and he dies, let him die."][54]

The Old Latin Bible text of the Lyons manuscript reads (Numbers 35:20–21):

> 20. *Si autem per inimicitiam inpulerit eum*, et *inmiserit super eum* omne *vas ex insidia, et mortuus fuerit, 21. Vel per iram percusserit eum de manu, et mortuus fuerit*, morti *moriatur* qui percusserit: homicida est: morti puniatur homicida.[55]
>
> ["20. If, moreover, someone through unfriendliness strikes him, and throws any kind of implement at him insidiously, and he dies, 21. or strikes someone through anger by hand, and he dies, let he who struck die: he is a murderer: murder is punished by death."][56]

So many words are the same in the passage from the *Lex Dei* and the Lyons manuscript of the Old Latin Bible that it is hard to resist seeing a close dependence. Indeed, the only part that is not dramatically rendered verbatim in the Lyons manuscript is the clarification at the end that "murder is punished by death," which may just be a product of a later scribe making the point clear to his audience. To bring the close similarity between the passage in the *Lex Dei* and the Lyons manuscript into relief, let us look at the equivalent passage in the Vulgate (Numbers 35:20–21):

> 20. si per odium quis hominem impulerit vel iecerit quippiam in eum per insidias 21. aut cum esset inimicus manu percusserit et ille mortuus fuerit percussor homicidii reus erit.[57]

[53] On the traditional view that Moses composed the Pentateuch, see Livingstone and Cross, "Pentateuch," *ODCC*, 1253, relating the evolution of belief of nineteenth- and twentieth-century scholars, such as Julius Wellhausen, away from Mosaic authorship of the Pentateuch.

[54] Unless noted otherwise, translations from the *Lex Dei* are my own.

[55] Robert, *Pentateuchi*, 308.

[56] Unless noted otherwise, translations from the Lyons Codex of the Old Latin Bible are my own.

[57] *Biblia Sacra iuxta Latinam Vulgatam versionem ad codicum fidem. Libros Numerorum et Deuteronomii ex interpretatione Sancti Hieronymi* (ed. H. Quentin; Rome: Typis polyglottis Vaticanus, 1936) 280. The Stuttgart Vulgate text bears no major differences; see Bonifatius Fischer et al., *Biblia sacra iuxta Vulgatam versionem* (Stuttgart: Deutsche Bibelgesellschaft, 1969).

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> ["20. If through hatred someone hits a human being or throws something at him insidiously 21. or, since he was an enemy, he struck him by hand and that one died, the striker is guilty of murder."][58]

In contrast to the Old Latin Bible, then, Jerome translates this passage quite differently. While Jerome's meaning is similar, the difference in his Latin indicates that the collator's translation was indeed much closer to that seen in the Lyons manuscript.

This close dependence between the biblical text in the *Lex Dei* at Coll. I.1.3–4 and that in the Lyons manuscript of the Old Latin Bible is not an anomaly. At Coll. I.5.1–4, drawing from Numbers 35:22–25, we read:

> *1. Si autem subito non per inimicitiam inmiserit super* eum aliquod *vas non ex insidiis 2. Vel lapidem, quo moriatur, non per dolum et ceciderit super eum et mortuus fuerit, si autem non inimicus eius fuerit neque quaesierit male facere ei*, 3. Iudicabitis *inter eum, qui percussit, et proximum mortui secundum iudicia haec*, 4. *Et liberabitis percussorem.*
>
> ["If, however, someone not through enmity or through artifice suddenly throws any implement 2. or a stone at someone, by which someone might die (not through deceit), and it strikes someone and makes them dead, but he was not his enemy nor sought to do evil to him, 3. you shall judge between he who struck and the relative of the dead according to this justice, 4. and you shall free he who struck."]

In the Lyons version of the Old Latin Bible, the equivalent passage (Numbers 35:22–25) reads:

> 22. *Si autem subito, non per inimicitiam, inmiserit super* omne *vas non ex insidia, 23. Vel omnem lapidem quo moriatur non per dolum; et occiderit super eum, et mortuus fuerit, si autem non inimicus eius fuerit, neque quaesierit malefacere ei*: 24. Et iudicabit synagoga *inter eum qui percusserit et proximum* sanguinis *secundum iudicia haec*. 25. *Et liberavit* synagoga *percussorem* a proximo sanguinis.[59]
>
> ["22. If, however, someone not through enmity or through artifice suddenly throws any kind of implement 23. or any stone at any kind of person by which someone might die (not through deceit), and it strikes someone and makes them dead, but he was not his enemy nor sought to do evil to him: 24. And the synagogue will judge between he who struck and the nearest of the blood relatives according to this justice. 25. And the synagogue shall free

[58] There is, of course, the famous English translation of the Vulgate prepared by refugee Catholic monks at Douai and Rheims from 1582–1609. While this was a strikingly literal translation, it was revised by the Anglo-Catholic Richard Challoner in the eighteenth century with influence from the King James Version (KJV). See further, Livingstone and Cross, "Douai-Reims Bible," *ODCC*, 504. To fairly render the comparison of the biblical passages, I have also made the English translations from the Vulgate of Jerome for this article.

[59] Robert, *Pentateuchi*, 308–9.

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> he who struck from the nearest of the blood relatives. And let the synagogue arrange that he be safe in the city, to which he had fled, and live there until the death of his high priest, who they anointed with holy oil."]

Hyamson already noted that the collator condensed the text of the passage.[60] Here, specifically, the collator excised the parts of the biblical passage regarding the roles of the blood avenger of the family and the synagogue. Occasionally, the collator slightly edited biblical texts elsewhere in the *Lex Dei* to excise technicalities of ancient Hebrew law that did not have parallels in Roman law.[61] As it has been recently argued that the collator was seeking to reach an audience of late pagan lawyers, such editing could make his comparison of biblical law to Roman law even clearer.[62] Beyond that, other differences in the passages here are extremely minor and, in the case of *occiderit* as opposed to *ceciderit,* might even be the result of scribal error. With all this in mind, comparison of the text of the biblical passage at Coll. I.5 to Numbers 35:22–23 in the Lyons manuscript shows that the collator, again, was working from a text of the Old Latin Bible.

The similarity of the collator's translation to that of the Lyons manuscript is confirmed again by contrast through examining the same passage in Jerome's translation. At Numbers 35:22–25, we see:

> 22. quod si fortuito et absque odio 23. Et inimicitiis quicquam horum fecerit 24. et hoc audiente populo fuerit comprobatum atque inter percussorem et propinquum sanguinis quaestio ventilata 25. Liberabitur innocens de ultoris manu et reducetur per sententiam in urbem ad quam confugerat manebitque ibi donec sacerdos magnus qui oleo sancto unctus est moriatur.[63]

> [22. "Indeed, if by chance and without hatred 23. and unfriendliness he do any of these things and this be proved in the hearing of the people and the case be aired between he who struck and the nearest of blood, 25. the innocent shall be freed from the hand of the avenger and shall be led back through sentence into the city in which he taken refuge and he will remain there until the high priest who was anointed with holy oil is dead."]

While the meaning of the majority of this passage is similar to that in the Old Latin Bible and the *Lex Dei*, the Latin is again different. The key differences seem to be from 1) the collator focusing on the legal point of similarity with Roman law and 2) Jerome working more closely with the Hebrew than the translator of the Old Latin Bible.

One last example will serve to show the close relationship. At Coll II.1.1–2 we read (ultimately based on Exodus 21:18–19):

[60] Hyamson, *Mosaicarum et Romanarum Legum*, 58. Although the other examples we have seen show that the collator did not always condense the text as Hyamson, xxxiii, suggested.

[61] See, for example, Coll. I.1, VI.1, IX.1, X.1, and XIII.1.

[62] For audience, see Frakes, "Religious Identity," 142–43. For a Christian argument from the end of the second century that may have inspired the collator, see Tertullian, *Apol*., xlv. 4.

[63] Quentin, *Biblia Sacra*, 281. The Stuttgart Vulgate text again bears no major differences.

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> *1. Si autem* contend*erint duo viri et percusserit* alter alterum *lapide aut* pugno *et non fuerit mortuus, decubuerit autem in lectulo*, 2. *Et si surgens ambulaverit homo foris in baculo*, sine crimine erit ille, qui eum percusserat praeter cessationis eius dabit ei et medico inpensas curationis.
>
> ["1. Moreover, if two men fight and one strikes the other with a stone or with a fist and the man does not die, but lies in bed, 2. and if the man, rising, walks from his door upon a staff, he who struck him will be without crime, except he will compensate him for his disability and his doctor for the costs of treatment."]

The corresponding passage in the Lyons manuscript reads (Exodus 21:18–19):

> 18. *Si autem* litigav*erint duo viri, et percusserit* quis proximum suum *lapide aut* ligno, *et non fuerit mortuus, decubuerit autem in lecto*, 19. *Et si surgens ambulaverit homo foris cum baculo*, innocens erit ille qui percusserit eum: verumtamen quo cessabit et medico curam illius dabit.[64]
>
> ["18. If two men dispute and one strikes his neighbor with a stone or a piece of wood, and he does not die, but lies in bed, 19. And if the man, rising, walks from his door upon a staff, he who struck him will be innocent: Nevertheless, he shall give to him because of his disability and to his doctor for his care."]

Again, we can see a close relationship between the text as it stands in the *Lex Dei* and the Lyons manuscript of the Old Latin Bible. Moreover, it may well be that earlier in the manuscript tradition this passage in the Lyons manuscript was even closer to that in the *Lex Dei*. For instance, the *pugno* in Coll. I.1.1 must be correct as the Greek in the Septuagint reads πυγμή ("fist"). Mistakenly writing *ligno* for *pugno* would have been a simple transcription error for the scribe (*__gno*) of the Lyons manuscript.[65] Another interesting difference is the use of the awkward construction at the end of the passage. The collator's use of a form of *cessatio* for the ἀργία in the Septuagint is much clearer. While scribal error could again account for this difference, or perhaps difficulty in finding a Latin translation for ἀργία, the important thing is that so many other parts of the passage are similar.

Once again, the Vulgate version of this passage is more distant. At Exodus 21:18–19, Jerome's translation reads:

> 18. Si rixati fuerint viri et percusserit alter proximum suum lapide vel pugno et ille mortuus non fuerit sed iacuerit in lectulo 19. si surrexit et ambulaverit

[64] Robert, *Pentateuchi*, 175.

[65] See Fritz Schulz, "Biblischen Texte," 26 and his "The Manuscripts of the Collatio Legum Mosaicarum et Romanarum," in *Symbolae van Oven* (ed. M. David et al.; Leiden: E. J. Brill, 1946) 324, on the second part of this passage suffering from corruption creeping in through glosses. Jerome correctly followed the Hebrew in his translation with *pugno*.

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> foris super baculum suum innocens erit qui percussit ita tamen ut operas eius et impensas in medicos restituat.[66]
>
> ["If two men brawl and one strikes his neighbor with a stone or his fist and that one does not die, but lies in bed; 19. If he arises and walks from his door upon a staff, he who struck will be innocent, however he must repay him for his work and his medical expenses."]

While the meaning is similar, the Latin of the text of the Vulgate is once again more distant from the *Lex Dei* than that of the Lyons manuscript.

Other places where biblical passages cited in the *Lex Dei* have surviving counterparts in the Lyons manuscript show similar close relationships.[67] Unfortunately, the Lyons manuscript does not present the entire text of the Old Latin Bible. However, other surviving fragments of the *Vetus Latina* also seem to be closer in their text to the quotations in the *Lex Dei* than the version of Jerome.[68]

From all these examples, we can conclude that the collator made use of some kind of manuscript of the Old Latin Bible and did not rely on the translation of Jerome or indeed his own direct translation from either the Septuagint or from the Hebrew.[69] Indeed, it seems quite likely that his version must have been somehow connected to the ancestor of what survives as the Lyons manuscript. The biblical quotations from the *Lex Dei* that do not have matching sections in the Lyons codex could thus serve as important witnesses for the reconstruction not only of the Old Latin Bible, but of an ancestor to the Lyons manuscript.

Moreover, the use of a Christian Latin translation confirms the Christian identity of the compiler. While Volterra's thesis of a Jewish collator was daring,[70] the close connection of the text of the compiler's biblical quotations to that of the Christian Old Latin Bible demonstrates the collator was most likely connected to the Christian community, not to the late antique Jewish community that, if needed, would have

[66] Quentin, *Biblia Sacra*, 186–87. The Stuttgart Vulgate text again bears no major differences.

[67] For example, Coll. XVI.1.1–8 to Num 27:2–11 in the Lyons manuscript. See comparative table in Smits, *Mosaicarum,* 44–71.

[68] For instance, Coll VI.7.9 to a quotation from Augustine's *Locutionum in Heptateuchum* V *(in Deut.)* 59 from Deut 27:21; Coll. VII.1.2 to Augustine's *Quaestiones in Heptateuchum* II. *(In Exod.)* 84 on Exodus 22:2, 3, Coll. IX.1.1 again to Augustine's *Quaestiones in Heptateuchum* II. *(In Exod.)* 71:6, Coll. XI.1.1. to Augustine's *Quaestiones in Heptateuchum* IV. *(In Num.)* 10.

[69] Such a conclusion is close to that originally argued by Mommsen, "*Collatio,*" 134 (who did not have the second part of the Lyons manuscript available to him in 1890). While Smits, *Mosaicarum*, 38, suggested that the collator did not have the text of the Bible before him, but was working from memory ("misschien heeft de auteur van ons werk den tekst van het mozaisch recht niet voor zich gehad en uit het hoofd geciteerd"), the close connection of the text of the *Lex Dei* and the Lyons manuscript seems instead to indicate that the collator did indeed have the text before him and any minor changes might instead be explained by some slight editing on the collator's part for stylistic reasons.

[70] Volterra, *Collatio,* 122, for the suggestion of a Jewish collator.

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made a Latin translation from the Greek Septuagint, an Aramaic Targum, or, indeed, directly from the Hebrew text.[71]

How inclusive was the Old Latin Bible that the collator used? What did it contain? We can only know with certainty that it contained the books of Exodus, Leviticus, Numbers, and Deuteronomy. The concept of a pandect, or complete Bible in one volume, certainly existed in the Greek speaking part of the Roman Empire in the fourth century, as can be seen in the examples of the *Codex Sinaiticus* and the *Codex Vaticanus*.[72] While some might argue that there must have been Latin pandects in the West in the fourth century by analogy, there is no firm evidence until the sixth century. Our earliest surviving Latin pandect (the famous *Codex Amiatinus*) was made at Wearmouth-Jarrow in Northumbria sometime shortly before 716.[73] This Latin Bible was copied from the now lost *Codex Grandior* that was a product of the Vivarium monastery of Cassiodorus in the sixth century and which was purchased by Ceolfrith and Benedict Biscop on their trip to Rome in 679–680.[74] There is also reference to a possible pandect in Spain in the seventh century.[75] So, if our surviving evidence is any clue, most codices of the Old Latin Bible did not contain both the Hebrew and Christian Bible (or Old and New Testaments) until the sixth century.[76] Even within the Hebrew Scriptures, Old Latin translations might often have had only parts. Certainly, both the Pentateuch and the Heptateuch were standard collections of books of the Hebrew Scriptures in late antiquity. While we can speak only in shades of probability, since the Pentateuch is such a traditional grouping of the Laws of Moses, and since we know that the collator used four of the five books of the Pentateuch, it would seem plausible that the collator most likely used an Old Latin translation of those five critical books of the Hebrew Scriptures in one volume.

Can we surmise anything further about the collator's methodology by analyzing his use of the Old Latin Bible? We have already seen that the collator would at times condense the biblical passages to make the parallels with Roman law more

[71] On the collator's Christian identity, see Frakes, "Religious Identity," 145–47.

[72] See Herbert J. M. Milne and T. C. Skeat, *Scribes and Correctors of the Codex Sinaiticus* (London: British Museum, 1938); T. C. Skeat, "The Codex Vaticanus in the Fifteenth Century," *Journal of Theological Studies,* n.s., 35 (1984) 454–65. For the account of the discovery of the *Codex Sinaiticus*, see Constantine von Tischendorf, *When were our Gospels Written?* (New York: American Tract Society, 1866).

[73] H. J. White, "The Codex Amiatinus and its Birthplace," *Studia Biblica et Ecclesiastica* 2 (Oxford: 1890) 273–309; R. L. S. Bruce-Mitford, "The Art of the Codex Amiatinus," *Journal of the British Archaeological Association,* 3d series, 32 (1969) 1–25; Malcolm B. Parkes, *The Scriptorium of Wearmouth-Jarrow* (Jarrow, 1982). For a recent study of the archaeological evidence for those monasteries, see Rosemary Cramp, *Wearmouth and Jarrow Monastic Sites* (Swindon: English Heritage, 2005).

[74] See Paul Meyvaert, "Bede, Cassiodorus, and the Codex Amiatinus," *Speculum* 71 (1996) 827–83, especially 827–32.

[75] McGurk, "Oldest Manuscripts," 2; Sparks, "Latin Bible," 104.

[76] Metzger, *Early Versions,* 293.

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evident. A broader look at his use of the Bible can give even more information on his method. The attached Table 1 lists his successive quotations from the Scriptures. The information in this table demonstrates that the collator preferred when possible to use a run of quotations from a given text (as is also true in his use of Roman legal sources).[77] So, as we have already seen, at Coll. I.1 and 5 he used Numbers 35:16–17, 20–21 and Numbers 35:22–25, respectively. It seems likely, then, that he kept the Old Latin Bible open to this section when he was citing passages from Roman jurists in the interim at Coll. I.2–4. Likewise, at Coll. IV.1, V.1, and VI.1 the collator successively went through Leviticus 20:10, 13, and 11–12. Again, it is a likely assumption that he kept the Old Latin Bible open when he was working from Roman legal sources in the intervening other sections of those titles. The collator's longest run of biblical quotations is to parts of Exodus (20 and 22) at Coll. IX.1, X.1, XI.1, and XII.1. While he had worked at Exodus 21 earlier, at Coll. II.1 and III.1 and again at Coll. XIV.1, this does not automatically imply that he had a separate codex for the translation of the book of Exodus. More likely, he may have placed some sort of book mark in his codex of the Old Latin Bible earlier in his research phase for his unusual project that enabled him to shift easily to sections that he thought were especially important for his comparison between biblical and Roman law.

Re-examination of the chronological evolution of the Latin Bible and close reading of a selection of biblical passages from the *Lex Dei* thus confirm that the anonymous collator used a version of the Old Latin Bible. Use of such a Bible from the Christian community supports the argument that the collator was a Christian. The way in which he used a series of quotations from given sections of texts gives insight into his methodology. While writing the *Lex Dei*, the collator kept at least the Pentateuch of the Old Latin Bible and a variety of Roman legal sources at hand. Often, he may have had several of them open at any given time while he worked back and forth between his different texts trying to tease out connections between biblical and Roman law, quite possibly to reach out to late pagan lawyers.[78] In an effort to draw such readers to Christianity, the collator may well have hoped his

[77] For an overview of the collator's use of Roman legal sources, see the table in Hyamson, *Mosaicarum et Romanarum Legum,* 277–80. The Roman law books quoted most often in the *Lex Dei* include the *Codex Gregorianus*, the *Codex Hermogenianus*, the *Sententiae* attributed to Paulus, and the *Liber de Officio Proconsulis* of Ulpian. For recent detailed studies, see Robert M. Frakes, "The *Collatio* and the *Codex Gregorianus* (Observations on Coll. I.10, VI.4, VI.6, XV.3)," *Index: Quaderni camerti di studi romanistici* 33 (2005) 293–300 and Robert M. Frakes, "A Note on *Collatio* 12. 6. 1 and Paulus," *Roman Legal Tradition* 3 (2006) 1–5.

[78] On the transition from the scroll to the codex as the most common form of book in late antiquity, see Colin H. Roberts and T. C. Skeat, *The Birth of the Codex* (London: Oxford University Press for the British Academy, 1983). For a recent work on the process of ancient composition, see Jocelyn Penny Small, *Wax Tablets of the Mind: Cognitive Studies of Memory and Literacy in Classical Antiquity* (London: Routledge, 1997) esp. 167–75.

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audience would be impressed by the close connection he crafted between Roman law and the law of God as presented in the text of the Old Latin Bible.[79]

Table 1: Biblical Quotations in the Lex Dei[80]

Lex Dei	*Biblical Citation*
I.1	Numbers 35:16, 17, 20, 21
I.5	Numbers 35:22–25
II.1	Exodus 21:18–19
III.1	Exodus 21:20–21
IV.1	Lev 20:10; Exodus 22:16–17
V.1	Lev 20:13
VI.1	Lev 20:11–12
VI.7	Deut 27:20, 22, 23; Lev 18:12, 13, 18, 16; Deut 27:21
VII.1	Exodus 22:2–3
VIII.1	Deut 19:16–20
IX.1	Exodus 20:16
X.1	Exodus 22:7–11,
XI.1	Exodus 22:1, 3
XII.1	Exodus 22:6
XIII.1	Deut 19:14
XIV.1	Exodus 21:17; 21:16; Deut 24:7
XV.1	Deut 18:10–14
XVI.1	Numbers 27:1–11

[79] See, for instance, the explicit comparison between biblical strictures against male homosexuality and Roman law at Coll. V.3.1: "Hoc quidem iuris est: mentem tamen legis Moysi imperatoris Theodosii constitutio ad plenum secuta cognoscitur" ("This is indeed the law. However, a constitution of the emperor Theodosius is known to have followed to the full the meaning of the law of Moses").

[80] For earlier attempts at lists of the collator's Biblical quotations, see Mommsen, *Collatio*, 131–34; Hyamson, *Mosaicarum et Romanarum Legum,* 277; Smits, *Mosaicarum,* 44–71; Schulz, "Biblischen Texte," 20–43.

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