

Leviticus, the Emperor Theodosius, and the Law of God: Three Prohibitions of Male Homosexuality

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Abstract — The present article argues, following Edoardo Volterra, that the so-called *Mosaicarum et Romanarum legum collatio* is a Jewish compilation, not a Christian one. The argument has three stages. (1) The transmitted title of *Lex Dei quam praecepit dominus ad Moysen*, which is authentic, was supplanted in the late sixteenth century by the false title that became conventional. (2) As extant, the work represents a revision made in Rome in or shortly after 390 of a work originally composed early in the fourth century. (3) The reviser of the work in 390 or later has subtly modified the Latin translation of Leviticus 20.13 in the title *De stupratoribus* (*Lex Dei* 5.3) to bring it more into line with Theodosius' law of 390 shutting down male brothels in Rome (*Codex Theodosianus* 9.7.6).

I.

The widely used title of the Late Roman legal compilation conventionally known as the *Mosaicarum et Romanarum legum collatio* or *Collatio legum Mosaicarum et Romanarum* is a misnomer. The work was transmitted to the modern world by three medieval Latin manuscripts which all give it (with minor verbal variations) the significantly different title of *Lex Dei quam praecepit dominus ad Moysen*, that is, to use the language of the King James version of the Bible, “The Law of God which the Lord commanded unto Moses.”¹ Robert Frakes has recently re-edited the text, translated

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it into English, and supplied it with both a commentary and a discussion of almost one hundred and fifty pages on the problems of interpretation which it poses.² Any new discussion of the *Law of God* ought, however, to begin with its title, since Frakes unfortunately retains the bogus title of *Collatio legum Mosaicarum et Romanarum*, which was invented in the late sixteenth century and has until now almost completely supplanted the real title of the work.

In an influential entry in Pauly and Wissowa's classical encyclopaedia, Paul Jörs asserted categorically that the conventional title was authentic and mistakenly described the work as "a collection of legal texts which is inappropriately called *Lex Dei quam praecepit dominus ad Moysen* in the manuscripts."³ Moreover, he erroneously attributed the change of title to "Charondas," which was the nom de plume used by the sixteenth century French jurist Louis le Caron (1534–1613) alluding to Charondas, a lawgiver of the Sicilian city Catane in the sixth century BC, "in the preface to his edition of the *Corpus Iuris Civilis*" — a book in fact published in Antwerp in 1575 two years after the work had been published

Plessis for inviting me to present my ideas to the ERLG and to Ernest Metzger for encouraging me to publish them in *Roman Legal Tradition*. My failure to accept all the advice that I have received reflects my innate stubbornness.

¹ See the introduction to Theodor Mommsen, ed., *Mosaicarum et Romanarum legum collatio*, in *Collectio Librorum Iuris Anteiustiniani*, 3 (Leipzig 1890), 118.

² R. M. Frakes, *Compiling the Collatio Legum Mosaicarum et Romanarum in Late Antiquity* [Oxford Studies in Roman Society and Law] (Oxford 2011). In 1946 Fritz Schulz concluded a discussion of "The manuscripts of the *Collatio*," in which he argued that (1) the three manuscripts descend from the same archetype, (2) the Berlin manuscript (B) derives from it independently of the Vercelli and Vienna manuscripts (V and W), and (3) that V and W share a hyparchetype, with the claim that "there is no adequate edition of the *Collatio*." F. Schulz, *Symbolae ad Jus et Historiam Antiquitatis pertinentes Julio Christiano van Oven dedicatae* (Leiden 1946), 313–32. I leave it to others to decide whether Frakes has satisfied Schulz's desideratum.

Since Frakes uses different sigla, the reader should note that in Latin quotations I use rounded brackets (...) to indicate the expansion of abbreviations, angled brackets (<...>) to indicate modern additions to the transmitted text, and double square brackets [...] to indicate words or phrases which I regard as interpolations. All the translations are my own except where it is stated otherwise.

³ *RE*, 4 (1901), s.v. "Collatio legum Mosaicarum et Romanarum," 367 (Jörs): "[D]er zuerst von Charondas in der Vorrede zu seiner Ausgabe der Digesten (1572) gebrauchte und seitdem allgemein übliche Titel einer Sammlung von Rechtsquellen, welche in den Hss. wenig zutreffend als *Lex Dei quam praecepit dominus ad Moysen* bezeichnet wird."

and one year after the change of title had been made by someone else. The *editio princeps* was produced in 1573 by Pierre Pithou (1539–1596) on the basis of a manuscript in his possession. The title page of the volume in which Robert Étienne printed it in Paris lists its contents as

Fragmenta quaedam Papiniani, Pauli, Ulpiani, Gaii, Modestini, aliorumque veterum Iuris auctorum ex integris ipsorum libris ante Iustiniani Imp(eratoris) tempora collecta, et cum Moysis legibus collata. Eiusdem Imp(eratoris) Iustiniani novellae constitutiones III. Iuliani Antecessoris C(onstantino)P(olitani). Dictatu<m> de consiliariis. Eiusdem Iuliani Collectio de contutoribus. Omnia nunc primum in lucem edita. Ex bibliotheca P. Pithoei I(uris) C(onsulti). Cuius etiam notae adiectae sunt.

The first item is the *Law of God*, whose contents are summarized from the viewpoint of a scholar interested in Roman law who saw the importance of the work mainly as the repository of fragments from the writings of Roman jurists of the second and third centuries which have not otherwise survived. When Pithou's edition was reprinted in Switzerland in the following year by the publisher Thomas Guarinus (Basle 1574), it had a new title:

Mosaycarum et Romanarum Legum Collatio. Ex Integris Papiniani, Pauli, Ulpiani, Gaii, Modestini, aliorumque veterum Iuris auctorum libris ante tempora Iustiniani Imp(eratoris) desumpta; eiusdem Imp(eratoris) Iustiniani Novellae Constitutiones III. Iuliani Antecessoris C(onstantino)P(olitani). Dictatum de Consiliariis. Eiusdem Iuliani Collectio de contutoribus; ex bibliotheca P. Pithoei I(uris) C(onsulti). Cuius etiam Notae emendatiores adiectae sunt.

This new "title" has no manuscript authority at all and is less a title in the ordinary sense of the word than a description of the contents of the work — "A Comparison of the Laws of Moses and the Romans." Nevertheless, it immediately became canonical and the work has been known as the *Mosaicarum et Romanarum legum collatio* or, with the order of words transposed, as *Collatio legum Mosaicarum et Romanarum*, by almost everyone who has written about it: Frakes prefers the latter, as did Rabbi Moses Hyamson in his classic edition, translation, and study of the text a century ago,⁴ but the former was more popular in the twentieth

⁴ See M. Hyamson, *Mosaicarum et Romanarum legum collatio* (Oxford 1913), which includes a facsimile of the Berlin manuscript (2–53) and

century.⁵

II.

Over the more than four centuries since its publication, the *Law of God* has generated a large amount of scholarly controversy, especially since its religious and ideological standpoint or perspective has rarely seemed immediately obvious. Was the author of the compilation Jewish, Christian, or possibly even pagan? All three identifications might seem possible at first glance,⁶ and although no defenders of the third view can now be found (and for good reason), scholars and historians still disagree over whether the *Law of God* is a Jewish or a Christian work.⁷

a conspectus of textual variants in all three manuscripts. The order *Mosaicarum et Romanarum legum collatio* was also preferred by M. Schanz, *Geschichte der römischen Literatur*, 4:1, 2nd ed. (Munich 1914), 359–62, § 946, and in the edition by J. Baviera, *Fontes Iuris Romani Antejustiniani*, 2, 2nd ed. (Florence 1940), 541–89, which encloses the transmitted title in square brackets as if it were inauthentic.

⁵ See the entries entitled “Collatio Legum Mosaicarum et Romanarum [Romanarum et Mosaicarum]” by E. Volterra, *Enciclopedia Italiana*, 10 (Milan 1931), 735; L. Wenger, *Die Quellen des römischen Rechts* (Vienna 1953), 545–48; A. Berger, *Encyclopedic Dictionary of Roman Law [Transactions of the American Philosophical Society (n.s.), 43:2]* (Philadelphia 1953; repr. Union, NJ 2002), 395; W. E. Voss, in *Der neue Pauly* (Stuttgart 1997), 64; J. Harries, in S. Hornblower and A. Spawforth, eds., *Oxford Classical Dictionary*, 4th ed. (Oxford 2003), 347.

⁶ J. Gaudemet, *Institutions de l'Antiquité* (Paris 1967), 746: “[L]e caractère et le but de la *Collatio* restent très discutés. Si l'on admet que la partie biblique figurait dans l'oeuvre primitive, on peut se demander s'il agit de l'oeuvre d'un juif, d'un chrétien ou d'un païen.”

⁷ That the compiler was a Christian has often been argued or assumed, as by M. Lauria, “Law of God,” *SDHI*, 51 (1985), 257–75, and J. (D.) Harries, “How to Make a Law Code,” in M. Austin, J. Harries, and C. Smith, eds., *Modus Operandi. Essays in Honour of Geoffrey Rickman [Bulletin of the Institute of Classical Studies, Suppl. 71]* (London 1997), 66–71; Frakes (note 2), *passim*.

The thesis that the author of the *Law of God* was Jewish has been cogently argued by E. Volterra, “Collatio Legum Mosaicarum et Romanarum,” *Memorie della Reale Accademia Nazionale dei Lincei* (Classe di scienze morali, storiche e filologiche, 6th ser.), 3:1 (Rome 1930), 2–123, reprinted in *Scritti giuridici*, 4 (Naples 1993), 19–139; D. Daube, “*Collatio* 2.6.5,” in I. Epstein, et al., eds., *Essays in Honour of the Very Reverend Dr. J. H. Hertz* (London 1943), 111–29, reprinted in D. Cohen and D. Simon, eds., *Collected Studies in Roman Law*, 1 (Frankfurt 1991), 107–22; L. Cracco Ruggini, “Ebrei e romani a confronto nell'Italia tardoantica,” in *Italia Judaica. Atti del I Convegno internazionale, Bari 18–22 maggio 1981* (Rome 1983), 38–65. J. Gaudemet, *Formation du droit séculier et droit de l'église au IVe et Ve siècles* (Paris 1967), 90–91, judiciously observed that “l'absence de tout texte du Nouveau Testament doit faire

Before this question can be answered, however, there is a logically prior literary problem: is the *Law of God* as transmitted in the manuscripts a unitary text composed no earlier than the last decade of the fourth century,⁸ or is it a work originally compiled in the early fourth century that has been retouched and revised in or after 390?⁹

As extant, the *Law of God* comprises sixteen titles. It is possible that a large part of the original compilation has been lost after the text breaks off, as Theodor Mommsen supposed,¹⁰ but we must work with what we have and not allow speculation about what has been lost to influence unduly our evaluation of what has actually survived. All of the sixteen titles have the same basic pattern or structure. Admittedly, the seventh title starts with a passage about the Twelve Tables, but, as I shall argue, this is almost certainly a later addition to an original that had the same format as the other fifteen extant titles.¹¹ These have exactly the same three components presented in exactly the same order. First, the title of the section is stated in the form *De adulteriis* or “On Adultery” (*Law of God* 4). Second, in thirteen of the sixteen titles, there immediately follows a short quotation from the Torah without any explicit introduction except for the two words “Moses says” (*Moyses dicit*). The three exceptions are the first and sixteenth titles, and the seventh, to which I shall return. The very

pencher pour un juif plutôt que pour un chrétien.”

During the twentieth century, the author of the *Law of God* was variously identified as (1) Ambrose of Milan, (2) the mysterious writer known as Ambrosiaster, (3) Jerome, and (4) Isaac, a Jew and sometime Christian, whom a council of bishops meeting in Rome in 378 denounced for supporting Ursinus against Damasus, the bishop of Rome (Ambrose, *Epistula extra collectionem* 7.8). For a survey of these and earlier equally implausible identifications of the author, see E. J. H. Schrage, “La date de la ‘Collatio Legum Mosaicarum et Romanarum’, étudiée d’après les citations bibliques,” in J. A. Ankum, et al., eds., *Mélanges Felix Wubbe* (Fribourg 1993), 401–403.

⁸ As is assumed throughout by Frakes (note 2).

⁹ As argued in 1930 by Volterra, in *Scritti* (note 7), 19–139; cf. E. Levy, *ZSS* (RA), 50 (1930), 698–703 (reviewing Volterra); A. Scherillo, *Archivio Giuridico*, 104 (1930), 255–65 (reviewing Volterra); P. De Francisci, “Coll. 6.7.1 ss.,” *IURA*, 3 (1952), 222–24; G. Cervenca, “Ancora sul Problema della datazione della ‘Collatio legum Mosaicarum et Romanarum’,” *SDHI*, 29 (1963), 253–60; P. De Francisci, “Ancora intorno alla Collatio legum Mosaicarum et Romanarum,” *BIDR*, 66 (1963), 97–101. J. Gaudemet, *Formation du droit* (1957), 91, was categorical: “la collection date du début du IVE siècle.”

¹⁰ After 16.9.1 Mommsen added the note *reliqua desunt* at the end of his edition: Mommsen (note 1), 198.

¹¹ On *Law of God* 7.1, see below.

first title introduces and identifies Moses as “the priest of God” (1.1.1: *Moses Dei sacerdos haec dicit*), while the sixteenth and last title of the surviving text has a narrative passage taken from the Torah (Numbers 27.1–11), which begins with the words “divine scripture pronounces as follows” and ends with the sentence “And the Lord spoke unto Moses saying” (16.1.1: *scriptura divina sic dicit . . . et locutus est dominus <ad> Moysen dicens*). Finally, in all sixteen cases the biblical quotation is followed by a passage or passages from Roman jurists of the second and third centuries, sometimes as few as one or two in number, sometimes as many as twelve or thirteen. Five titles also quote imperial legislation directly from the Codex Gregorianus (*Law of God* 1.8–10, 3.4, 10.8, 15.3) and the Codex Hermogenianus (*Law of God* 6.4, 6.5, 10.3–6). Three of these quotations are of especial importance. The title “On Incestuous Marriages” (*De incestis nuptiis*) reproduces from the Codex Gregorianus an edict of 1 May 295 issued, according to the manuscripts, “at Damascus” (6.4.8), from which it has been deduced that it was issued by the Caesar Galerius.¹² But only an Augustus, not a Caesar, was entitled to issue edicts: therefore, the transmitted *Damasco* should be emended to *Demesso*, Demessus being a mining town in an area of the Balkans where Diocletian is known to have been in the spring of 295.¹³ The title “On Astrologers, Practitioners of Magic,¹⁴ and Manichees” (*De mathematicis, maleficis, et manichaeis*) reproduces, also from the Codex Gregorianus, a letter which Diocletian addressed to the proconsul of Africa, Julianus from Alexandria, on 31 March 302 (15.3), who had consulted him on the appropriate punishment of Manichees,¹⁵ while the title (*De stupratoribus*)¹⁶ reproduces a constitution issued by Theodosius in 390 (5.3).

¹² T. D. Barnes, *The New Empire of Diocletian and Constantine* (Cambridge, MA 1982), 48, 62.

¹³ T. D. Barnes, “Damascus or Demessus?,” *ZPE*, 151 (2005), 266–68.

¹⁴ Frakes (note 2), 232, translates *malefici* as “sorcerers”: that term is probably too narrow (see *OLD*, s.v. “Maleficus”).

¹⁵ For proof that the date can only be 31 March 302, see T. D. Barnes, “Sossianus Hierocles and the Antecedents of the ‘Great Persecution,’” *Harvard Studies in Classical Philology*, 80 (1976), 239–52; Barnes (note 12), 55, 169. Many scholars have damaged their otherwise good names by raising ill-conceived objections of a vague or general nature to my technical proof from chronology and prosopography.

¹⁶ Frakes (note 2), 213, translates *De stupratoribus* as “Concerning those Engaged in Illicit Sexual Intercourse” — which would include illicit heterosexual intercourse. The closest one-word English translation would be “On Buggers,” but that word seems to have passed out of normal usage except as an expletive.

III.

The title *De stupratoribus* (5.3) has three paragraphs. The first quotes the famous Mosaic prohibition of male homosexuality (Leviticus 20.13); the second an extract from the so-called *Sententiae Pauli* (2.26.12–13), a pseudonymous work ascribed to the Severan jurist Paulus, which survives only in fragments and quotations and is generally (and doubtless correctly) dated to the reign of Diocletian;¹⁷ and the third an imperial constitution with the consular date of 390. For reasons which will emerge in due course, I begin with the second paragraph. The *Law of God* quotes the following extract from what it describes as “Paulus libro sententiarum II sub titulo de adulteri<i>s”:

Law of God 5.2. Qui masculum liberum invitum stupraverit, capite punietur. Qui voluntate sua stuprum flagitiumque inpurum patitur, dimidia parte bonorum suorum multatur nec testamentum ei ex maiore parte facere licet.

One who has illicit sexual intercourse with a free male against his will shall be punished with death. One who of his own will submits to illicit intercourse, a shameful and impure act, is fined one half of his property and is not allowed to make a will relating to more than half <of his estate>.¹⁸

Under the Roman Empire male homosexual intercourse was not in itself illegal. It was assumed, for example, that a male slave-owner could use his slaves for his own sexual pleasure in whatever way he wished, whether they were male or female.¹⁹ But that was because, at least under the Roman Republic, slaves were not legally regarded as human beings any more than they were by the Founding Fathers of the United States of America in the late eighteenth century. In archaic Rome and under the early and middle Republic, it is plausibly assumed that homosexual intercourse between freeborn males (*ingenui*) was punishable by death, even if both were consenting adults.²⁰ Over the course of time sexual and social mores changed (as they always do), especially

¹⁷ D. Liebs, *Römische Jurisprudenz in Africa mit Studien zu den pseudopaulinischen Sentenzen*, 2nd ed. [Freiburger Rechtsgeschichtliche Abhandlungen (n.F.), 44] (Berlin 2005), 41–58.

¹⁸ That is, half of what remains after one half has been confiscated: Frakes (note 2), 213, makes this explicit in his translation (“is not allowed to make a testament for more than half of the remainder”).

¹⁹ K. R. Bradley, *Slaves and Masters in the Roman Empire. A Study in Social Control*, 2nd ed. (New York 1987), 115–18.

²⁰ *RE*, 4:1 (1931), s.v. “Stuprum,” 423–24 (Pfaff).

when the Second Punic War, which ended in 202 BC, the Second Macedonian War (199–197 BC), and finally the defeat of Antiochus the Great of Syria by a Roman army in Asia Minor in 189 BC, gave Rome hegemony over the whole of the Mediterranean.²¹ Around the middle of the second century, probably in 149 BC,²² the *Lex Scatinia*, which was named after the otherwise unknown tribune of the people who proposed and carried it, laid down a heavy fine rather than capital punishment for the offense of *stuprum*, which the law itself may have used as a general term for any type of illicit sexual intercourse,²³ rather than for sexual intercourse *cum masculo*, as many have assumed.²⁴ Augustus' *Lex Julia de adulteriis coercendis* is reported by the Severan jurists Papinian and Ulpian and by the jurist Herennius Modestinus a generation later to have used the words *stuprum* and *adulterium* as virtual synonyms (D.48.5.6.1, from Papinian, *De adulteriis* 1; D.48.5.13(12), from Ulpian, *De adulteriis* 1; D.50.16.101 pr., from Modestinus, *Differentiarum* 9), but jurists read a distinction into it and sometimes spoke as if the *Lex Julia* itself had laid down that, whereas illicit sexual intercourse with a married woman was adultery (*adulterium*), illicit sexual intercourse with a widow or an unmarried woman was *stuprum* and should be punished more severely.²⁵

Under the Empire, the *Lex Scatinia* fell into desuetude, or at least was hardly ever enforced. Admittedly, the emperor Domitian (81–96) condemned some Roman senators and *equites* under it (Suetonius, *Domitianus* 8.3). In practice, however, sexual relations between consenting freeborn adult males were legally tolerated throughout Roman imperial society, even if passive homo-

²¹ Texts illustrating changes of attitude in the Roman Republic in the second and first centuries BC and under the Roman Empire are conveniently collected and translated in T. K. Hubbard, ed., *Homosexuality in Greece and Rome. A Sourcebook of Basic Documents* (Berkeley 2003), 308–442.

²² *RE*, Suppl. 7 (1950), s.v. "Lex Scatinia," 411 (Berger).

²³ For the scope of the offense of *stuprum*, see especially R. E. Fantham, "Stuprum: Public Attitudes and Penalties for Sexual Offences in Republican Rome," *Echos du Monde Classique = Classical Views* (n.s.), 10 (1991), 267–91; F. X. Ryan, "The *Lex Scantinia* and the Prosecution of Censors and Aediles," *Classical Philology*, 89 (1994), 159–62; T. A. J. McGinn, *Prostitution, Sexuality and the Law in Ancient Rome* (New York 1998; repr. 2003), 106–107, 115, 140–41, 194.

²⁴ For example, *RE*, 12 (1925), s.v. "Lex Scantinia," 2413 (Weiss).

²⁵ See G. Rizzelli, "*Stuprum e adulterium* nella cultura augustea e nella *lex Iulia de adulteriis* (Pap. 1 *adult.* D. 48.5.6.1 e Mod. 9 *diff.* D. 50.16.101 pr.)," *BIDR* (3rd ser.), 29 (1987), 355–88; M. H. Crawford, ed., *Roman Statutes* [*Bulletin of the Institute of Classical Studies*, Suppl. 64], 2 (London 1996), no. 60, 781–86.

sexuals were widely despised, mocked, and ridiculed.²⁶ Tertullian's jibe that the catholic bishop of the small African town of Utina took no heed of the *Lex Scantinia* cannot count as evidence that the law was being enforced in the early third century, especially since Tertullian seems to be berating the bishop of Utina for remarrying, not for homosexual practices.²⁷ On the other hand, the emperor Septimius Severus may have brought homosexual activities between adult men and freeborn boys under the scope of the *Lex Julia de adulteriis coercendis* as part of his program of presenting himself as a new Augustus, a project which included reviving and attempting to enforce Augustus' marriage legislation.²⁸ The *Sententiae Pauli*, which reflects the state of Roman law as it had evolved by the end of the third century, says nothing about consensual anal intercourse between males, but lays down the death penalty for an active homosexual who rapes another male, and it prescribes certain legal disabilities for passive homosexuals who willingly allow themselves to be penetrated anally.

The text of the *Law of God* shows no awareness of the fact that Roman law once treated male homosexuality as a capital offense just as Leviticus did. Moreover, the first section of the title *De stupratoribus* quotes the famous Old Testament prohibition of male homosexuality in a Latin version that may differ signifi-

²⁶ C. A. Williams, *Roman Homosexuality*, 2nd ed. (Oxford 2010), 137–245.

²⁷ Tert. *De monog.* 12.3: Prospiciebat spiritus sanctus dicturos quosdam: omnia licent episcopis, sicut ille vester Utinensis nec Scantiniam timuit. Quot enim omnia digami praesident apud vos ("The Holy Spirit foresaw that some would say 'Bishops are allowed to do anything' — just as your notorious bishop of Utina paid no heed to the *Lex Scantinia*. For how many bigamists serve as bishops among you?" [that is, in the catholic churches in Africa as opposed to the Montanists]). T. D. Barnes, *Tertullian. A Historical and Literary Study* (Oxford 1971), 27, suggested that Tertullian's invocation of the *Lex Scantinia* may be a literary echo of Juv. 2.43–44.

²⁸ T. D. Barnes, "Aspects of the Severan Empire I: Severus as a New Augustus," *New England Classical J.*, 35 (2008), 251–67. Cassius Dio reports that when consul c. 206 he found 3,000 cases of adultery listed as pending as a consequence of legislation of Severus against adultery, although in the event few prosecutors instituted formal accusations in court. Cass. Dio 77[76].16.4 (3.371 Boissvain).

Writing later than Papinian and Ulpian, the jurist Herennius Modestinus extended their list of what constituted *stuprum* under the *Lex Julia de adulteriis coercendis* to include male sexual relations with a boy (D.48.5.35(34), Modest. 1 *reg.: in vidua vel virgine vel puero*). Crawford (note 25), 785, observes that "it is likely that the punishment of homosexual acts under the *Lex Julia* is the result of juristic interpretation and not of a provision in the statute."

cantly from all other known versions of the passage. The New Revised Standard Version of the Bible translates the original Hebrew as

If a man lies with a male as with a woman, both of them have committed an abomination; they shall be put to death; their blood is upon them.

The Septuagint rendered this as “whoever lies with a male as if he were lying with a female, both have committed an abomination: let them be put to death, both are liable.”²⁹ Similarly, both the Old Latin Bible and the vulgate Latin translation emphasize the guilt of both sexual partners.³⁰ The Old Latin Bible has

Quicumque manserit cum masculo concubitu muliebri, uterque operatus est nefas; ambo moriantur; sit sanguis eorum super eos.

Whatever man has intercourse with a male in a copulation like that with a woman, both have committed an unspeakable act; let both die and their blood be upon them.

Similarly, the Vulgate renders the prohibition as

Qui dormierit cum masculo coitu femineo, uterque operati sunt nefas; morte moriantur; sit sanguis eorum super eos.

If a man sleeps with a male in a copulation like that with a woman, both have committed an unspeakable act; let both die and their blood be upon them.

In all these versions, the relative clause focuses on a man who sleeps with or has sexual intercourse with another male as if with a woman: they thus identify the primary offender as an active homosexual who penetrates another male, in contemporary argot, a top not a bottom. The version quoted in the *Law of God* (I suggest) changes the emphasis subtly but significantly:

Qui manserit cum masculo mansione muliebri aspernamen-

²⁹ *Septuaginta* II, 2: *Leviticus*, ed. J. W. Wevers (Göttingen 1986), 224; καὶ ὃς ἂν κοιμηθῆ μετὰ ἄρσενος κοίτην γυναικός, βδέλυγμα ἐποίησαν ἀμφότεροι· θανατούσθωσαν, ἔνοχοί εἰσιν.

³⁰ See Pierre Sabatier, *Bibliorum Sacrorum Latinae Versiones Antiquae seu Vetus Latina*, 1 (Paris 1751), 252; *Biblia sacra iuxta vulgatam versionem*, 1, ed. R. Weber (Stuttgart 1969), 163. The two versions are printed in parallel by N. Smits, *Mosaicarum et Romanarum Legum Collatio* (Haarlem 1934), 53; F. Schulz, “Die biblischen Texte in der Collatio Legum Mosaicarum et Romanarum,” *SDHI*, 2 (1936), 29.

tum est; ambo moriantur, rei sunt.

A man who lies with a male in the role of a woman is an abomination; let both die, they are criminals.

My translation agrees with that of Frakes, who translates the relative clause as “he who spends the night with a male in the role of a female.”³¹ It has, however, been generally assumed that the Latin version of the prohibition in Leviticus given in the *Law of God* has exactly the same meaning as all other versions. For example, Hyamson rendered the clause as “If anyone hath intercourse with a male as with a woman.”³² Moreover, the run of the words in the Latin suggests to me that *aspernamentum est* means, not “it is an abomination,” referring to the act of anal intercourse, but that “he is an abomination,” referring to the subject of the relative clause. All versions of Leviticus state explicitly that both male sexual partners have transgressed — “both have committed an abomination” in the original Hebrew, *uterque operatus est / operati sunt nefas* in the Old Latin and the Vulgate. But only the version of Leviticus offered by the Law of God makes the passive partner, not the act, the abomination and presents him as the prime offender.

The change in emphasis in the *Law of God* is subtle: in contrast to all other known versions of Leviticus 20.13, the grammatical subject of the relative clause in the *Law of God* is a passive, not an active male homosexual, a bottom not a top. Admittedly, the phrase *qui manserit cum masculo* could refer to either the active or the passive partner in male homosexual intercourse, since one of the many meanings of the verb *manere* is “to pass/spend the night” and hence with the preposition *cum* “to have sexual intercourse with.”³³ But the ablative of manner *mansione muliebri* used in an adverbial sense following the verb *manserit* and applied to the grammatical subject of that verb should mean something like “in the posture of a woman.”³⁴ The Latin of the *Law of God* is thus most naturally construed (I

³¹ Frakes (note 2), 213.

³² Hyamson (note 4), 83.

³³ *TLL*, 8, s.v. “Maneo,” 283.11–19 (Tietze), citing W. Schulze, *Graeca Latina* (Göttingen 1901), 22–23 = *Orthographica et Graeca Latina*, 2nd ed. E. Fraenkel [*Sussidi Eruditi*, 14] (Rome 1958), 116–17; E. Löfstedt, *Philologischer Kommentar zur Peregrinatio Aethiopiae. Untersuchungen zur Geschichte der lateinischen Sprache* (Oxford 1911), 76.

³⁴ *TLL*, 8, s.v. “Mansio,” 323.55–57 (Tietze), glosses *mansio* here as “expresse i(d) q(uod) coitus”; that is, he takes *manserit cum masculo mansione muliebri* to mean “has intercourse with a male as if he were a woman.” Cf. *TLL*, 8, s.v. “Muliebris” I B, 1568.39–41 (Tessmer).

submit) as saying that the passive partner in male homosexual intercourse is himself the abomination rather than that the act of homosexual intercourse is an abomination.

The reason for the apparent change of emphasis can be inferred from comparison with an imperial constitution of 390 which the *Law of God* quotes, apparently in full, contrasting it with the law as it stood before that date:

Law of God 5.3. Hoc quidem iuris est: mentem tamen legis Moysi imperatoris Theodosii constitutio ad plenum secuta cognoscitur. [[Item³⁵ Theodosianus]]

Impp<p>. Valentinianus Theodosius et Arcadius Auggg. ad Orientium vicarium urbis Romae:

Non patimur urbem Romam virtutum omnium matrem diutius effeminati in viro pudoris contaminatione foedari et agreste illud a priscis conditoribus robur fracta molliter plebe tenuatum convicium seculis vel conditorum inrogare vel principum, Oriente k(arissime) ac iuc(undissime) nobis. Laudanda igitur experientia tua omnes, quibus flagitii usus est virile corpus muliebriter constitutum alieni sexus damnare patientia nihilque discretum habere cum feminis, occupatos, ut flagitii poscit inmanitas, atque omnes e ductos, pudet dicere, virorum lupanaribus spectante populo flammae vindicibus expiabit, ut universi intelligant sacrosanctum cunctis esse debere hospitium virilis animae nec sine summo supplicio alienum expetisse sexum qui suum turpiter perdidisset.

Prop(osita) pr(idie) id(us) Maias Romae in atrio Minervae.

This indeed is the law.³⁶ However, the intention of the law of Moses is completely followed by a constitution of the emperor Theodosius.

The emperors Valentinianus, Theodosius and Arcadius Augusti to Orientius, *vicarius* of the city of Rome:

We do not allow the city of Rome, which is the mother of all

³⁵ All three manuscripts have *item*, though the index in B has *idem*: see Hyamson (note 4), 18 line 7, 197.

³⁶ So correctly Hyamson (note 4), 83. Frakes (note 2), 99, 213, translates as “this is indeed law”: for the normal meaning of the phrase *iuris est*, see G.1.67, 68, 118, 123; 2.119, 139, 159, 213, 238, 262, 283, 286a; 3.16, 20, 28, 51, 108, 212; 4.53d, 101, 109. The so-called Servius Auctus, in an annotation on *Aeneid* 1.507, observed that “ius generale est, sed lex iuris est species.”

virtues, to be defiled any longer by the contamination of the feminization of male modesty and that rustic strength <inherited> from the ancient founders <of the city> which has been diminished by the unmanly corruption of the people to cast disapproval <any longer> on the centuries of the founders or the emperors, our most dear and pleasing Orientius. Your praiseworthy skill will therefore seize, as the enormity of their crime demands, all those whose habitual crime it is to employ their manly body in a feminine manner and to condemn it by the passive role of the opposite sex, drag them all out of (we are ashamed to use the words) male brothels, and expiate <their crime> by means of avenging flames before the people, so that all may understand that the lodging place of a man's soul ought to be sacrosanct to everyone and that one who has disgracefully corrupted his own sex <cannot be permitted> to have sought the opposite sexual identity without the ultimate punishment.

Posted on 14 May at Rome in the atrium of Minerva.

In my translation I have deleted the two words *Item Theodosianus* as an interpolation or gloss added after the publication of the Theodosian Code. In doing so, I have followed all modern editors of the *Law of God* bar one since P. E. Huschke expelled the two words from the text in 1846.³⁷ Their sole defender since then has been Frakes, who resuscitates a proposal originally made by Gustav Haenel in 1842.³⁸ Frakes emends the transmitted *Item Theodosianus* to *Idem Theodosius* and then prints the emendation in the text of his edition of the *Law of God* as if the words *Idem Theodosius* stood in the manuscripts of the work.³⁹ In justification, he appeals to an earlier brief article of his own which misstates the textual evidence and parades an unfortunate ignorance of Latin.⁴⁰ Frakes states that he wishes “to rehabilitate Haenel’s reading of the original text as mostly correct.” In fact Haenel pro-

³⁷ Philipp Eduard Huschke, “Über Alter und Verfasser der legum Mosaicarum et Romanarum collatio, nebst kritischen Beiträgen zum Text derselben,” *Zeitschrift für geschichtliche Rechtswissenschaft*, 13 (1846), 5, followed by Mommsen (note 1), 127, 154; Hyamson (note 4), 82; P. E. Huschke, E. Seckel, and B. Kuebler, *Iurisprudentiae Anteiustinianae Reliquiae*, 2 (Leipzig 1927), 348; Smits (note 30), 90–92; *FIRA* (note 4), 557; M. E. Montemayor Aceves, *Comparación de Leges Mosaicas y Romanas* (Mexico City 1994), 16.

³⁸ Gustav Haenel, ed., *Codex Theodosianus* (Bonn 1842), 845–46.

³⁹ Frakes (note 2), 169–70.

⁴⁰ R. M. Frakes, “*Item Theodosianus?* (Observations on *Coll. 5, 3, 1*),” *Quaderni Urbinate di Cultura Classica*, 100 (2002), 164.

posed to emend the transmitted text, as his argument for making the change clearly states — and as Frakes himself confesses three pages later when he refers to “the emended text of this part of *Coll.* 5,3,1.”⁴¹ Moreover, Frakes argues that the words *Item Theodosianus* cannot mean “Likewise the Theodosian Code” (as Hyamson correctly translated them) on the grounds that “there is no *Codex* mentioned in the Latin text.” But the single word *Theodosianus* (without “Codex”) is precisely what the Theodosian Code was called both by the editor of the Breviary of Alaric in 506 and by Mommsen in his classic edition of the Code.⁴²

The Theodosian Code includes only a short extract from the text which the *Law of God* quotes:

C.Th. 9.7.6. Omnes, quibus flagitii usus est virile corpus muliebriter constitutum alieni sexus damnare patientia (nihil enim discretum videntur habere cum feminis), ut flagitii poscit immanitas huius modi scelus spectante populo flammis vindicibus expiabant.

All who are in the perverted habit of treating their male body as if it were a woman’s and condemn it by undergoing what is appropriate for the other sex (for they seem to make no distinction between themselves and females) shall expiate a crime of this sort, as the enormity of their perversion requires, <by being burnt> with avenging flames in full view of the people.

The pattern of quotation, abbreviation, and adaptation is typical of documents in the Theodosian Code. The circumstances that occasioned the issuing of an imperial law and its original purpose and motivation were irrelevant for the compilers of the Theodosian Code, who were instructed to remove from every imperial constitution of which they included an excerpt or excerpts everything that was not strictly relevant to the legal point at issue (*C.Th.* 1.1.5, 6, especially 6 pr.: “ut . . . circumcisis ex quaque constitutione ad vim sanctionis non pertinentibus solum ius relinquatur”). In accordance with their instructions, therefore, they entirely removed from the full text of Theodosius’ original law of 390 most of the specific details, such as the instruction to Orientius to raid male brothels and arrest the male prostitutes found in

⁴¹ Frakes (note 40), 167: “The *emended* text of this part of *Coll.* 5,3,1 should thus read . . . *Idem Theodosius*” (my emphasis).

⁴² See T. Mommsen and P. M. Meyer, eds., *Theodosiani libri XVI cum Constitutionibus Sirmondianis et Leges Novellae ad Theodosianum pertinentes*, 1:1 (Berlin 1904–1905), xxxii, xxxv.

them. They concentrated exclusively on the central point of law (*ius*), as stated in the emperor's justificatory rhetoric, namely, that passive male homosexuals were to be burned alive in public. By trimming away such minor details as the fact that the law was aimed primarily at male prostitution, which the full text quoted in the *Law of God* makes clear, the compilers of the Theodosian Code have transformed what may have been Theodosius' appalled, violent, and temporary reaction to what he was discovering about *la dolce vita* during his stay in Rome into a general rule.⁴³

It should be noted that there is no reason whatever to suppose that the *Law of God* was used by the editors of the Code, who began their work in 429 and completed it in 437. On the contrary, they excerpted a different copy of Theodosius' original constitution. For, while both versions agree that the law was addressed to Orientius as *vicarius* of the city of Rome,⁴⁴ the *Law of God* states that it was posted up on 14 May in the *atrium Minervae*⁴⁵ without specifying the consular year, whereas the Theodosian Code quotes from a copy which it states was posted up on 26 July 390 in the forum of Trajan.

There is, moreover, no reason to date the composition of the *Law of God* as a whole later than 390 on the basis of its quotation of this law, as many have done.⁴⁶ For, as Edoardo Volterra saw long ago, both the introduction to the edict and the edict itself are later additions to an already existing text which assumed that

⁴³ Theodosius' law is misrepresented by P. P. Joannou, *La législation impériale et la Christianisation de l'Empire romain (311–476)* [*Orientalia Christiana Analecta*, 172] (Rome 1972), 86, who states that on 6 August 390 the emperor ordained that "l'homosexualité sera punie par le bûcher."

⁴⁴ Orientius is otherwise unknown: *Prosopography of the Later Roman Empire*, 1 (1971), 654.

⁴⁵ On the problem of identifying the *atrium Minervae*, which is usually located near or next to the Senate House, see F. Zevi, *Lexicon Topographicum Urbis Romae*, 1, ed. M. Steinby (Rome 1993), 136.

⁴⁶ Solely on the basis of its quotation of Theodosius' law of 390, Schanz (note 4), 359, dated the composition of the *Law of God* as a whole to late 394 or the beginning of 395; Frakes (note 2), 21, 65, 121, 145, between 392 and 395. The *Law of God* is similarly held to be a unitary composition of the 390s by T. Honoré, "Roman Law AD 200–400: From Cosmopolis to Rechtsstaat?," in S. Swain and M. Edwards, eds., *Approaching Late Antiquity. The Transformation from Early to Late Empire* (Oxford 2004), 123, who assumes that this date makes it contemporary with the *Historia Augusta*, which was almost certainly written some years before 390: see now A. Cameron, "Antiquus error / novus error: the HA, Nicomachus Flavianus, and the 'pagan resistance'," *J. Roman Archaeology*, 24 (2011), 835–46.

Unitary composition, but a date later than 426, was argued by Schrage (note 7), 409–17.

crucifixion, which Constantine abolished (Victor, *De Caesaribus* 41.4; Sozomenus, *Historia Ecclesiastica* 1.8.13),⁴⁷ was still a normal punishment prescribed by Roman law for some types of crime (*Law of God* 1.2.2; 8.4.2; 14.2.2).⁴⁸ This analysis has a significant corollary. Who (it must be asked) would have altered the blanket prohibition of male homosexual intercourse in Leviticus into a prohibition of passive male homosexuality in order to argue that a law recently issued by the ostentatiously Christian emperor Theodosius conformed to the laws dictated by God to Moses? Surely only a Jewish scholar would have had either the motive or the incentive to do so.⁴⁹ The transmitted form of the title *De stupratoribus* in the *Law of God*, therefore, was modified at some time in or after 390 by a Jewish writer who had presumably himself transcribed the text posted on 14 May 390 in the atrium of the Temple of Minerva. But if the *Law of God* in its final form represents a Jewish revision from the 390s of a compilation originally made in the early fourth century, then there must be a presumption that the original *Law of God* was also a Jewish work.

IV.

Another addition has also distorted the exact contours of the original text of the *Law of God* and its ideology. In the title “On Thieves and their Punishment” (7: *De furibus et de poena eorum*) a passage concerning the Twelve Tables precedes the formulaic phrase *Moyses dicit*:

Law of God 7.1.1. Quod si duodecim tabularum <leges supplevit Crawford> nocturnum furem <quoquo modo, diurnum supplevit Mommsen> autem si se audeat telo defendere, interfici iubent, scitote, iuris consulti, quia Moyses

⁴⁷ The so-called *edictum de accusationibus* (C. G. Bruns, *Fontes iuris Romani antiqui*, 1, 7th ed. (Tübingen 1909), no. 94; S. Riccobono, et al., eds., *Fontes iuris Romani antejustinianae*, 1, 2nd ed. (Florence 1968), no. 94), which envisages crucifixion as a normal punishment and has often been attributed to Constantine, was in fact issued by Galerius in 305/306: see J. Matthews, *Laying Down the Law. A Study of the Theodosian Code* (New Haven 2001), 254–70; S. Corcoran, “A Tetrarchic Inscription from Coreya and the *Edictum de Accusationibus*,” *ZPE*, 141 (2002), 221–30.

⁴⁸ Volterra, in *Scritti* (note 7), 111–17; “Ancora sulla Collatio 5,3,” *BIDR* (3rd ser.), 25–26 (1984), 165–68, reprinted in *Scritti giuridici*, 3 (Naples 1991), 615–18; “Su Coll. 5,3 e CTH 9,7,6,” in *Studi in onore di Cesare Sanfilippo*, 7 (Milan 1987), 793–812, reprinted in *Scritti giuridici*, 3 (Naples 1991), 619–36.

⁴⁹ De Francisci, “Coll. 6.7.1 ss.” (note 9), 223, who also argued that the same hand has altered the text of *Law of God* 6.7.1–3.

prius hoc statuit, sicut lectio manifestat. Moyses dicit: Si perfodiens nocte parietem inventus fuerit fur . . .

Just as the Twelve Tables order a thief in the night to be killed in any circumstances, but a daytime thief <only> if he dares to defend himself with a weapon, take careful note, you jurists, that Moses ordained this earlier, as a reading <of the text> makes clear. Moses says: 'If a thief is found digging through a wall by night, . . .'⁵⁰

Why the peremptory second person plural imperative *scitote*⁵¹ addressed to experts in Roman law? This is surely the voice of a scholar and pedant, not of one who was himself a jurist. For the passage (including Mommsen's supplement, which is obviously necessary for the sense) does not derive from direct knowledge of the Twelve Tables or from any sort of legal expertise, but has been lifted from Cicero's speech in defense of T. Annius Milo, who was accused of murdering Clodius, which was a literary classic.⁵² Cicero wrote:

Pro Milone 9. Quodsi duodecim tabulae nocturnum furem quoquomodo, diurnum autem si se telo defenderet; interfici in punie voluerunt, quis est qui quoquomodo quis interfectus sit, poeniendum putet, cum videat aliquando gladium nobis ad hominem occidendum ab ipsis porrigi legibus?

The Twelve Tables, moreover, laid down that a thief caught at night might be killed with impunity whatever the circumstances, and likewise one caught by day if he put up an armed resistance. So who can possibly maintain that any act of killing, whatever the circumstances, deserves punishment, when sometimes the laws themselves hold out a reward to us for the killing of a fellow man?⁵³

The scholar who revised the *Law of God* in the 390s was not pri-

⁵⁰ The translation is Frakes's, modified.

⁵¹ In most Latin verbs, the long (and archaic) forms of the second person imperative in *-to* and *-tote* had long been obsolete except in formal and legal contexts, but *scito* and *scitote* remained the normal forms of the singular and plural imperatives of the verb *scio* for purely linguistic reasons: M. Leumann, *Lateinische Laut- und Formen- Lehre* (Munich 1977), 570–73, §§ 422–423. Cicero, for example, uses *scitote* nineteen times in his six orations against Verres.

⁵² In his *Institutio Oratoria* Quintilian adduces the *Pro Milone* as an example of outstanding rhetoric more than forty times.

⁵³ Translated by D. H. Berry, *Cicero: Defence Speeches* (Oxford 2000), 196.

marily a legal expert, but a literary aficionado, and he scolds both the original author of the *Law of God* and lawyers in general for their ignorance of the Twelve Tables, which he in fact shared. The provision of the Twelve Tables which allowed a householder to kill a nocturnal intruder even if he was unarmed, but only to kill an intruder during daylight hours if he had a weapon and attempted to defend himself, was well known to ancient scholars and it is wrong to treat the *Law of God* as a witness to the text of the Twelve Tables, since it quotes Cicero and shows no direct knowledge of the text of the original law code from the fifth century BC.⁵⁴

It is a reasonable hypothesis, therefore, that the *Lex Dei quam praecepit dominus ad Moysen*, which, apart from the single constitution issued by Theodosius in 390, quotes no legal text or work of jurisprudence later than a letter of Diocletian issued in 302, was originally composed early in the fourth century, probably in Rome, by a Jewish scholar who wished to show that the Torah and Roman law were essentially in harmony. In the present context, it is not necessary to decide whether the original version of the *Law of God* was composed (1) before Constantine and Licinius met in Milan in February 313, (2) between the Battle of the Milvian Bridge on 28 October 312 and Constantine's defeat of Licinius, or (3) after 324.⁵⁵ Moreover, I do not feel capable of evaluating Volterra's thesis that this writer made his own Latin translation of the Hebrew of the Torah in order to compare legal provisions in the Pentateuch, which is the only part of the Bible from which he quotes, with Roman law.⁵⁶

⁵⁴ Other ancient reports of and allusions to the same provision in the Twelve Tables are collected in Bruns (note 47), 31 (*XII Tab.* 8.12, 13); E. H. Warmington, *Remains of Old Latin*, 3 (Cambridge, MA 1938), 482–84 (*XII Tab.* 8.11–13); Crawford (note 25), 578, 609–11, no. 40 (*XII Tab.* 1.17, 18); D. Flach and A. Flach, *Das Zwölf Tafelgesetz: Leges XII Tabularum* (Darmstadt 2004), 57–61 (*XII Tab.* 1.17, 18). The clauses in question are convincingly reassigned to the first table by Crawford (note 25), 565–67, 609–13. Crawford is, however, mistaken in printing *Law of God* 7.1.1 among the *testimonia* for the ancient law as *XII Tab.* 1.17–18 (e), since it merely transcribes Cicero.

⁵⁵ In favor of each of these three dates, see respectively (1) Levy (note 9), 701–703; (2) A. Masi, “Contributi ad una datazione della ‘Collatio legum Mosaicarum et Romanarum,’” *BIDR*, 64 (1961), 285–321; “Ancora sulla datazione della ‘Collatio Legum Mosaicarum et Romanarum,’” *Studi Senesi* (3rd ser.), 14 (1965), 415–32; (3) Volterra, in *Scritti* (note 7), 55–69, 116–17; “Su Coll. 5,3 e CTH 9,7,6,” (note 48), 793–812 = *Scritti giuridici*, 3 (Naples 1991), 619–36.

⁵⁶ Volterra, in *Scritti* (note 7), 69–102.

V.

In conclusion, let me summarize what I see as the main arguments in favor of the hypothesis that the *The Law of God which the Lord commanded unto Moses* is a Jewish text composed in Rome with the intention of demonstrating the fundamental harmony between the Torah and contemporary Roman law.

1. The title *Lex Dei quam praecepit dominus ad Moysen* conveys the implication that the Torah is authoritative. Combined with the complete absence from the text of anything that can even remotely be characterized as distinctively Christian, this indicates that the author is not likely to have been a Christian — as Jean Gaudemet pointed out long ago.

2. As it has been transmitted in the three manuscripts that preserve it, the *Law of God* is not a unitary work, but a reworking in or shortly after 390 of a text originally composed in the very early fourth century.

3. A subtle revision of its wording brings the prohibition of male homosexuality in Leviticus into line with an imperial constitution issued by the emperor Theodosius in 390.

4. The fact that the reviser of the *Law of God* transcribed a copy of this imperial constitution which was posted up in the atrium of the Temple of Minerva on 14 May 390 indicates that he was in Rome in the summer of 390.

5. The fact that a Jewish scholar in or shortly after 390 found a copy of the original *Law of God* which had somehow survived since the early fourth century implies that the text had been preserved by Jews in Rome since its original composition.

6. On the basis of these facts and presumptions, it should be concluded that the *Law of God which the Lord commanded unto Moses* is a Jewish text — the only work of Jewish scholarship, unless I am mistaken, that has survived from the Jewish community of Rome in the fourth or any earlier century.

7. The renaming of the work as *A Comparison of the Laws of Moses and the Romans* in 1574 has helped to conceal its Jewish origin.

In epilogue, I note that it has sometimes been argued that the text of the *Law of God* shows such incompetence and lack of genuine legal expertise that the work is a joke, that its author cannot have been serious.⁵⁷ That seems to me a completely misconceived

⁵⁷ Solazzi, in *Scritti* (note 7), 483: “l'autore della *Collatio* non dimostra nulla di serio.” Contrast Honoré (note 46), 123, who assumes a serious purpose when he argues that the project of showing that Moses anticipated Roman law is “hostile to the pretensions of lawyers.”

argument. Equal incompetence and ignorance can in my view easily be discovered in much modern scholarship, especially in countries where systems of academic patronage have discouraged a dispassionate search for the truth. Unfortunately, the law of libel in the United Kingdom prevents me from naming the names of individuals or identifying the countries where young scholars are required to behave like parrots and to repeat the erroneous opinions of their elders and inferiors if they wish to obtain a university post.
