

## ***Postliminium* in Jerome: A Roman Legal Term as Christian Metaphor**

Susan Weingarten

In the year 384 Jerome was living in Rome. He was the secretary and friend of Pope Damasus, and even entertained hopes of being his successor<sup>1</sup>, though we do not know how realistic his hopes were.<sup>2</sup> His harsh ascetic doctrines found willing followers, especially among a group of noble ladies whose spiritual mentor he became. Damasus — so Jerome tells us — was not slow in using Jerome's remarkable gift for languages: as well as encouraging him in his revision of the Latin translation of the Bible, he ordered translations of various Greek texts, including the work on the Holy Spirit by the Alexandrian scholar Didymus the Blind.<sup>3</sup> As Jerome says himself (with his usual modesty) '*totius in me urbis studia consonabant ..dicebar sanctus, dicebar humilis et disertus*'.<sup>4</sup> By the following year all this had changed. Damasus was dead and his successor Siricius was no friend to Jerome. Also dead was Blesilla, one of Jerome's circle of noble ladies. Guilty at succumbing to the second marriage so disapproved of by Jerome, after her second husband's untimely death she had mortified herself with repeated fasting encouraged by Jerome, and finally died. At her funeral there were riots and cries of censure against Jerome '*[in] media pompa funeris ...hoc inter se populus mussitabat...quousque genus detestabile monachorum non urbe pel-litur, non lapidibus obruitur, non praecipitatur in fluctus?*'<sup>5</sup> Churchmen who disapproved of his excessive stress on asceticism spoke against Jerome, or in his

---

<sup>1</sup> *Epp.* 45, 3 and 123, 9 (CSEL 54, 325; *ibid.*, 56, 82).

<sup>2</sup> Nautin has suggested that Jerome re-wrote his relationship with Damasus after the Pope's death, creating the appearance of a greater closeness than had really been the case. See P. Nautin, "Le premier échange épistolaire entre Jérôme et Damase: Lettres réelles ou fictives?", *Freiburger Zeitschrift fuer Philosophie und Theologie*, 30, 1983, 331- 444 and the same author's article s.v. Hieronymus in the *TRE*.

<sup>3</sup> *In Didymum de Spiritu Sancto: Praef.* (PL 23, 101-103). Note that it is usual to cite other works from the *Patrologia Latina* by volume and column number only, without the date, but in the case of Jerome's works, fire destroyed Migne's press in 1868 and the column numbering differs for volumes produced before and after this date. The edition of volume 23 cited in this paper is the older and better version from 1845.

<sup>4</sup> *Ep.* 45,3 (CSEL 54,325).

<sup>5</sup> *Ep.* 39,6 (CSEL 54,306).

own words '*senatus Pharisaeorum conclamavit*'<sup>6</sup> — the reference to the condemnation of Jesus is clear, and it is certain that Jerome felt himself crucified and forced to flee Rome — or Babylon, as he now called the city, '*purpurata meretrix*'.<sup>7</sup> Some of his group of ladies continued to support him, however, including Paula and Eustochium, the mother and sister of the dead Blesilla. They too left Rome, though not together with Jerome. They met him later, however, in Cyprus or Antioch, and all three went on pilgrimage together around the Holy Places of Palestine and Egypt.<sup>8</sup> Jerome had been in Antioch and the 'desert of Chalcis'<sup>9</sup> before, but it was his first visit to the Holy Land. Finally, in 386, they all settled in Bethlehem, where Paula used her money to found a monastery for Jerome and a nunnery for herself.

Here Jerome was able to resume his interrupted work — he planned a history of the church if God and his '*vituperatores*' would give him the chance, but he began with the *vita Malchi monachi captivi*. Some years earlier<sup>10</sup> he had tried his hand at a saint's life on the model of Anastasius' 'Life of Antony' — the *vita S. Pauli, primi eremita*, the first time anyone had written hagiography in Latin — and it had become very popular indeed. So now he would write another, and put forth his views on asceticism, and especially chastity, in a different form: *castis historiam castitatis exposui*.<sup>11</sup>

The *vita Malchi* tells of Malchus, a *colonus* of Nisibis at the very edge of the Roman empire, some time in the mid fourth century — Jerome says he actually met Malchus in his old age and heard his story from his own mouth.<sup>12</sup> Malchus, an only son, fled from home when pressed by his family to marry and produce an heir since he preferred to remain chaste and become a monk. Thus he

<sup>6</sup> *In Did.* Praef. (PL 23, 101f.); cf. *Apol.* 3,21-22 (PL 23,472-3; CCSL 79, 92-3).

<sup>7</sup> *In Did.* Praef. (PL 23,101.) The purple [or scarlet] whore is an allusion to Rev. 17: 1-6.

<sup>8</sup> *Ep.* 108, 6ff. (CSEL 55, 310ff.) and see J.N.D. Kelly, *Jerome: His Life, Writings and Controversies*, 1975, 116-117.

<sup>9</sup> For vivid descriptions of the desert see e.g. *epp.* 22, 7 and 14, 10 (CSEL 54, 152-3; 59-60).

<sup>10</sup> See Kelly (n.8), 60-61 for discussion of the date of the *vita Pauli* — somewhere between 375 and 382.

<sup>11</sup> v. *Malchi* 10 (PL 23,60); C.C. Mierow ed. and tr., "Sancti Eusebii Hieronymi Vita Malchi monachi captivi", *Classical Essays presented to J.A.Kleist = St. Louis Classical Bulletin*, 1946, 60.

<sup>12</sup> Jerome, writing in 385, relates that he met Malchus at Antioch and heard his story when Malchus was already an old man. There is no real reason to disbelieve him, and some of the vivid geographical and historical details point to a local source: see, for example, nn. 14, 18, 29, and Kelly (n.8) 172. The events described in the *vita Malchi* as belonging to Malchus' younger days must have taken place at least twenty years earlier, if not more. Jerome was in Antioch some time between 373 and 380 — the dates are not certain. S. Rebenich *Hieronimus und sein Kreis*, 1992, 76 n. 331; 117-8 n. 571 has a full discussion and bibliography.

joined a community in the desert of Chalcis,<sup>13</sup> to the south of Antioch, hundreds of kilometres from Nisibis and in a different province. However, after years in the monastery he decided to return home to claim his patrimony. His abbot was, of course, most disapproving and told him that he had been ensnared by the Devil. But Malchus refused to listen to his pleas, and his abbot escorted him from the monastery, as he said, as if at his funeral. On his way home Malchus took the main Roman road which ran from Beroea to Edessa, travelling in a convoy of about seventy souls. But the convoy was attacked by camel-riding Saracens, and Malchus and his companions were taken into captivity by these nomads. The road from Beroea to Edessa certainly exists — archaeologists have measured and photographed it<sup>14</sup> — but the convoy of about seventy souls should remind us of the seventy souls who went down to Egypt with the patriarch Jacob, in the story of Joseph in the book of Genesis.<sup>15</sup> Jerome underlines this by turning the Saracens into 'Ishmaelites' at the very point when they take Malchus captive, reminding his audience of the camel-riding Ishmaelites who took Joseph captive in the book of Genesis.<sup>16</sup> Joseph, who refused the advances of Potiphar's wife,<sup>17</sup> is a type of *castitas*, and thus appropriate to Jerome's intent in the story. To return to Malchus, once in captivity he learns to re-appreciate the spiritual life, tending his master's flocks. He is tempted by an enforced marriage to a fellow slave but she turns out to be Christian too, and married; her own husband was also enslaved, but serving another master. Thus by mutual agreement Malchus and the woman decide to live together in chaste *contubernium*, without sexual intercourse. Eventually they decide to escape, and after floating down the Euphrates on inflated bladders<sup>18</sup> are pursued by their Saracen master into a cave. Here a lioness saves them miraculously by eating their pursuers. They arrive at a *castra Romana* and finally end their lives in chaste companionship on the estate of Bishop Evagrius near Antioch.

<sup>13</sup> The classic work on this area is still A. Poidebard, P. Moutarde, *Le limes de Chalcis*, 1945.

<sup>14</sup> See R. Dussaud, *Topographie historique de la Syrie antique et médiévale*, 1927, map xiv, with V. Chapot, *Frontière de l'Euphrate*, 1907, ch. v, esp. 342, and for photographs and sections of the continuation of this road west of Immae, P.A. Poidebard, "Coupes de la chassée romaine Antioche-Chalcis", *Syria* 10, 1929, 22-29.

<sup>15</sup> Gen. 46:27 and cf. Acts 7:14, where the number is given as 75 — hence Jerome's careful *circiter septuaginta*. The area around Carrhae, south east of the Beroea-Edessa road is noted by the pilgrim Egeria in 384 for its associations with the patriarchs: Egeria was shown the well where Jacob met Rachel tending her sheep *qui puteus sexto milliario est a Charris* (It. Egeriae 21,1, CCL 175,65). See P. Maraval, *Égérie : Journal de voyage (Itinéraire)*, 1972 for discussion and bibliography.

<sup>16</sup> Gen. 37: 25-28.

<sup>17</sup> Gen. 39:7-21.

<sup>18</sup> Cf. Ammianus *Hist.* 25, 8, 1-2 for an account of the soldiers of Jovian who escaped pursuit by crossing the Euphrates on inflated bladders in 364.

Early in the story, when he has left his monastery to return home and claim his property but is captured instead, Malchus describes himself as '*longo postliminio hereditarius possessor*' — the legal heir by long right of *postliminium*, who is now by contrast reduced to servitude.

The Roman law of *postliminium* relates to a person captured by the enemy. From the moment of his capture he is considered dead. If, however, he manages to escape and return to Roman jurisdiction, he can reclaim his previous property by right of *postliminium*.<sup>19</sup> This is described by Cicero in his *Topica*:<sup>20</sup>

Scaevola autem P.F. iunctum putat esse verbum, ut sit in eo et post et limen; ut, quae a nobis alienata, cum ad hostem pervenerint, ex suo tamquam limine exierint, hinc ea cum redierint post ad idem limen, postliminio redisse videantur.

The *Codex Theodosianus* contains an edict *de postliminio* dated 366:<sup>21</sup>

Si quos forte necessitas captivitatis abduxit, sciant, si non transierunt, sed hostilis inruptionis necessitate transducti sunt, ad proprias terras festinare debere recepturos iure postliminii ea, quae in agris vel mancipiis ante tenuerunt, sive a fisco nostro possideantur, sive in aliquem principali liberalitate transfusa sunt. Nec timeat quisquam alicuius contradictionis moram, cum hoc solum requirendum sit, utrum aliquis cum barbaris voluntate fuerit an coactus.

At first glance it seems that *postliminium* does not really fit in the context of Jerome's story. We have seen Malchus going to claim his property as heir, but it is clear that he went to his monastery of his own free will and was not as it were 'captured' by the monks.

How then can he claim right of *postliminium*? Was Jerome simply using this term loosely? This is the interpretation apparently accepted by the *TLL*,

<sup>19</sup> For a discussion of the legal concept of *postliminium* and bibliography on the subject, see P. Varon, "Ius postliminii and the soldier", *Roman Frontier Studies 1989: Proceedings of the XVth International Congress of Roman Frontier Studies*, edd. V.A. Maxfield and M.J. Dobson, 1991, 407-409. To the bibliography cited there may be added the discussion of the development of the concept at an earlier period to be found in A. Watson, *The Law of Persons in the Later Roman Republic*, 1967, 162-163; 237f. I am grateful to Perlina Varon for introducing me to this subject.

<sup>20</sup> Cicero *Topica* 8,36.

<sup>21</sup> *Cod. Theod.* 5, 7 Mommsen and Meyer: *interpretatio*: *Quicumque necessitate captivitatis ducti sunt, et non sua voluntate, sed hostili depredatione ad adversarios transierunt, quaecumque in agris vel in mancipiis antea tenuerunt, sive a fisco possideantur sive aliquid ex his per principem cuicumque donatum est, sine ullius contradictione personae tempore, quo redierint, vindicent ac praesument, si tamen cum adversariis non sua voluntate fuerint, sed captivitate se detentos esse probaverint.*

which defines one of the non-legal senses of *postliminium* as *ipsum tempus peregrinationis vel intermissionis* and cites as example *vita Malchi* 4: *longo postliminio hereditarius possessor*, explaining *is qui diu monachus fuit sed nunc hereditatem adire vult*.<sup>22</sup> So too the English translators of the *vita Malchi*: 'after my long absence an hereditary owner'.<sup>23</sup> Alternatively, was there a change in usage in the fourth century or a particular local usage in this far corner of the empire? Could *postliminium* apply simply to someone who had been away for a long time in another province?

There is little evidence of the use of the term *postliminium* outside legal contexts in authors before Jerome. Most of the examples cited by the *TLL* come from Apuleius. Jerome generally makes little use of Apuleius, but it is just possible that he was thinking of him here, for there is another allusion to Apuleius in the introduction to the *vita Malchi*, where Jerome speaks of the necessity to rub the rust from his tongue before he can begin to write, in words almost the same as those of Apuleius.<sup>24</sup> But Apuleius' use of the term *postliminium* is generally inexact and sometimes probably deliberately ludicrous — a man who leaves the market after buying fish returns to the market 'by right of *postliminium*', while another man who is turned into an ass regains his human shape, again 'by right of *postliminium*'. A character who returns to life again after death also returns 'by right of *postliminium*'.<sup>25</sup> Interestingly, this very position is opposed by one of Jerome's Christian predecessors, in one of the few Christian references I have found to this concept: Tertullian, in his discussion of the reincarnation of the prophet Elijah as John the Baptist, stresses that his soul did **not** return to the body 'by right of *postliminium*'.<sup>26</sup>

<sup>22</sup> *TLL* s.v. *postliminium* IIB. The *TLL* also cites *ep.* 128,5 (CSEL 56,162) discussed below.

<sup>23</sup> M.L. Ewald, "Life of Malchus by St Jerome", *Early Christian Biographies*, ed. R.J. Deferrari, 1952, 290. So too C.C. Mierow (n. 11), 42; W.H. Fremantle ed. and tr., "The Life of Malchus, the Captive Monk", *The Principal Works of St. Jerome (Nicene and Post-Nicene Fathers, 6)*, 1892, 315.

<sup>24</sup> Apuleius *Florida* 17, 8 (3, 32), as pointed out by A. de Vogüé, *Histoire littéraire du mouvement monastique dans l'Antiquité: Première partie: Le monachisme latin \*\* de l'itinéraire d'Égérie à l'éloge funèbre de Népotien* (384-396), 1993, 79 n.10.

<sup>25</sup> Apuleius *Metamorphoses* 1,25 [market]; ib. 3, 25, 12 [ass]; and cf. *Met.* 4, 25, 11; ib. 5, 7, 16; ib. 9, 21, 27. For return to life from death or coma by right of *postliminium*, see *Met.* 2, 28; ib. 10, 12, 7 and especially *Florida* 19, 28, not far from the image of rubbing rust from the tongue, cited above.

<sup>26</sup> Tertullian, *de anima* 35 (CSEL 20, 361), cf. Lactantius, *Epitome divinarum institutionum* 7, 22, 13 (CSEL 19, 654-5), also denying that resurrection can take place by right of *postliminium*. See too: Tertullian, *de pudicitia* 15 (CSEL 20, 250) denying that Christians have an automatic right to the peace of the church. These are the only references to *postliminium* I have been able to find in patristic literature prior to Jerome. There is a further reference in Prudentius who was contemporary with Jerome, but Jerome does not mention this Spanish poet

Jerome is not always innocent of exaggerations and carelessness, but in the case of the legal term *postliminium* it would seem unlikely that he should use it carelessly, for we know he was proud of his training in legal rhetoric. He describes graphically how he would dress up to plead his case '*comatulus et sumpta toga, ante rhetorem controuersiolam declamare*'.<sup>27</sup>

Nor does it seem probable that there were changes over time or varying usages in different provinces. If we look at Ammianus, writing of the same place (the vicinity of Nisibis 'at the edge of the Empire'<sup>28</sup>) at the same time (the mid-fourth century) we find that he uses the word in its traditional sense, including the essential elements of being captured by the enemy and being presumed legally dead, and then escaping and reclaiming original rights: he relates an episode about a slave of Craugasius who was captured by the Persians, then returned to the Roman side and exercised his right of *postliminium*.<sup>29</sup> As we have seen above, there is also corroborative evidence from the edict from the *Codex Theodosianus* which dates from 366, about the same period as the action of the *vita Malchi*.<sup>30</sup>

We can shed more light on Jerome's usage of the term *postliminium*, if we look at another work of his written at almost the same time as the *vita Malchi* — shortly after he settled in the Holy Land. We have already mentioned the translation of Didymus of Alexandria's *de Spiritu Sancto* which Jerome began in Rome at the request of Pope Damasus. The work was interrupted by Jerome's flight, but he took it up again in Bethlehem and added a preface which tells us something about his own situation at the time.

Having been a '*colonus*' of Babylon — *purpurata meretrix* — he writes, he was forced to flee and found refuge in the Holy Land. The actual word he uses here are '*velut postliminio, Jerosolymam sum reversus*'. Now at this time Jerome had never visited the earthly Jerusalem, so he could not **return** to it. And this is Jerusalem in contrast to Babylon. Jerome is clearly using a metaphor (or to be more exact, a simile) of his **spiritual** inheritance.<sup>31</sup> Jerusalem here is the

---

in his *de viris illustribus* and I have found no evidence that he was acquainted with his work.

<sup>27</sup> *Apol.* 1, 30 (CCSL 79, 30). For Jerome's legal concepts see: V. Giacomo, *Il Pensiero Giuridico di San Girolamo*, 1937. However, Giacomo does no more than mention Jerome's use of *postliminium*.

<sup>28</sup> Ammianus *Hist.* 19, 9, 6-8.

<sup>29</sup> In his discussion of this episode in "Captives, refugees and exiles: A study of cross-frontier civilian movements and contacts between Rome and Persia from Valerian to Jovinian", *The Defence of the Roman and Byzantine East*, edd. P. Freeman and D. Kennedy, 1986, 496, S.N.C. Lieu notes that 'the fact that such a lowly person was accorded this privilege [scil. *postliminium*] implies that the practice of *postliminium* was widespread in a region where captivity was a constant reality'.

<sup>30</sup> See n. 12 above.

<sup>31</sup> This is pointed out by F. Cavallera, *Saint Jérôme: sa vie et son oeuvre* I, 87: "Les circonstances du départ de Rome" where in commenting on *Cum in Babylonem versarer... illico ego velut postliminio Jerosolymam sum reversus* (In Did.

celestial Jerusalem, to which Jerome returns after his spiritual 'captivity' in Rome. This is underlined by the quotations he uses from Psalm 137 [136] '*Super flumina Babylonis*': he is, he says, now able to sing '*canticum quod cantare non potui in terra aliena*', almost a word for word quotation of the psalm's '*quomodo cantabimus canticum Domini in terra aliena*'.<sup>32</sup> If we look at the beginning of verse 3 of the Psalm we see that it refers to the children of Israel as '*captivos*'. The image is of captured Jerome escaping from Rome, the purple whore, to reclaim his spiritual heritage, the celestial Jerusalem, by right of *postliminium*.

If we return to the *vita Malchi*, we note that it too, being written at about the same time, begins with a preface mentioning Jerome's flight from Rome. The use of *postliminium* here too can be seen as a **metaphor**, which fits very neatly in the context, functioning as part of the literary structure. (We have already noted how Jerome uses references to the story of Joseph as a metaphor of chastity.) Malchus, desiring to claim his earthly inheritance, falls into the power of the Devil, the Arch-Enemy — his abbot says he is '*notatum cauterium filii Satanae*' — he is captured and branded by the Devil. The abbot further escorts him from the monastery as if he were escorting his corpse at his funeral: Malchus is now spiritually dead. But when he repents on his physical capture by the Saracens he paradoxically returns to true spiritual freedom and by exercising his right of *postliminium* comes into his true inheritance, eternal life.

Jerome was to use the metaphor of *postliminium* three more times in his works, each time referring to himself, but never again is it quite so clearly worked out.<sup>33</sup> In the preface to his commentary on Jonah [396 CE] he refers to his return 'by right of *postliminium*' to his true vocation after three years of enforced silence — which had included violent controversies leading to his excommunication, and the threat of invasion by the Huns.<sup>34</sup> The other two occasions when he refers to his return by right of *postliminium* to his spiritual vocation of work on the scriptures refer to work resumed after periods when he was captive to depression. In 404, after the death of Paula, he uses this image in the

---

Praef., *PL* 23,101) he notes 'les deux mots sont symboliques, car il n'avait pas encore été à Jérusalem', and see Nautin (n.2), 340 n. 24. Cf. also Origen's *Hom. in Ier. L.*, 1, [3] 2, (SC 238), 314-6, translated by Jerome before this stay in Rome. (For the date of the homily, see P. Nautin ed., *Origène: Homélie sur Jérémie I*, (SC 232), 33.

<sup>32</sup> The wording is identical in both Latin versions of the Psalm. Compare too, *ep.* 45, 6 (CSEL 54,327), where he also uses the image of returning to Jerusalem *patriam meam*, as opposed to Babylon, where he was stupid — *stultus* — enough to wish to sing the Lord's song in a strange land — *cantare canticum Domini in terra aliena*.

<sup>33</sup> These references are all noted by Y.-M. Duval, *Jérôme: Commentaire sur Jonas*, (SC 323, 1985), 321, who points out the use of the term *postliminium* 'au sens propre' in the *vita Malchi*.

<sup>34</sup> See G. Gruetzmacher, *Hieronymus: eine biographische Studie* III, 1908, 11f.; Kelly (n.8), 198-207.

preface to his translation of the book of Joshua.<sup>35</sup> The seriousness of his depression on this occasion can be seen from his description of it in another work from the same year, the preface to his translation of the *Regulae Pachomii*,<sup>36</sup> where he incidentally re-uses the same image of rubbing rust from his tongue that we found in the preface to the *vita Malchi* to describe his return to work. Finally, in *ep.* 128, 5,<sup>37</sup> written after 410, we find him returning to work by right of *postliminium* after the debilitating depression caused by the news of the fall of Rome. In describing his feelings at this catastrophe in his commentary on Ezekiel he actually tells us that he imagined himself in captivity: *atque ita consternatus obstupui ut ...meque in captivitate sanctorum putarem esse captivum*.<sup>38</sup>

This paper began by discussing Jerome's flight from Rome, and continued with the flight of Malchus. There are many parallels between Malchus and Jerome. Jerome describes Malchus as a *colonus* of Nisibis, and calls himself a *colonus* of Rome. Both of them were monks in the desert of Chalcis, and both lived afterwards with a woman in chastity, Malchus with his wife, Jerome and Paula in Bethlehem, their two monasteries side by side. Jerome clearly identifies with the hero of his story, so that to explain the transformation of the legal term *postliminium* into a Christian metaphor in the *vita Malchi*, we have had recourse to an episode in the life of Jerome himself.

Jerome, moving from Rome to Jerusalem, has translated the Roman legal term into Christian metaphor; the life of Malchus has become a metaphor for the life of Jerome, and by combining images from his classical and Christian sources Jerome has created a new Christian discourse.

Tel Aviv University

<sup>35</sup> R. Weber ed., *Biblia Sacra Vulgata*, repr. 1983, 286.

<sup>36</sup> *PL* 23, 61f.

<sup>37</sup> *CSEL* 56,162.

<sup>38</sup> *Com. in Hiez.* Praef. (*CCSL* 75,3).