Rafał Toczko: Crimen Obicere. Forensic Rhetoric and Augustine's anti-Donatist Correspondence. Göttingen: Vandenhoeck & Ruprecht 2020 (Forschungen zur Kirchen- und Dogmengeschichte 120). 232 p. € 75.00. ISBN: 978-3-525-56722-7.

The Donatist grammarian Cresconius famously accused Augustine of relying excessively on rhetorical "eloquence," citing a verse from Proverbs to support his claim: "In much eloquence you will not avoid sin" (Prov. 10.19, cited in Aug. c. Cresc. 1.1.2). Cresconius's critique and Augustine's subsequent defense of the use of "eloquence" by Christian polemicists is a rare acknowledgement of the critical role that formal rhetoric played in the controversy between Donatists and Caecilianists. In his case study of Augustine's anti-Donatist letters, Rafał Toczko admirably demonstrates just how much Augustine's polemic is actively shaped by the theory and practice of ancient rhetoric.

Fittingly, I suppose, given its subject matter, I found the monograph both well-organized and engaging. This is also a study with a polemical point: as he states in his conclusion, Toczko has three problematic assumptions about the nature of ancient rhetoric and Augustine's use of it in his sights (p. 211). The first is that classical rhetoric was a mere "stimulus to stylistic ornamentation": rather, as Toczko makes clear throughout the monograph, it materially affected both the structure and quality of Augustine's arguments. Second, that after having achieved the pinnacle of success in his career as a professional orator in Milan, Augustine abandoned the practice of rhetoric during his years as a bishop. This thesis has always been rather far-fetched, and Toczko's case study rightly puts it to rest. Thirdly, the author positions his work as a supplement to Jennifer Ebbeler's thesis in her 2012 book[1] regarding Augustine's "corrective correspondence" – in particular Chapter 4 of that work, in which Ebbeler analyzes the same anti-Donatist letters found in the present monograph from the perspective of ancient epistolary theory and practice.

These are excellent goals, and by and large the book bears them out. The subject matter is closely defined: Augustine's polemical letters against the

1 J. V. Ebbeler: Disciplining Christians. Correction and Community in Augustine's Letters. Oxford/New York 2012 (Oxford Studies in Late Antiquity).

Donatists, which include the first book of *Contra litteras Petiliani* and *Ad Catholicos fratres*. There are thirty-six of these sources all told (listed, with names and addressees, in Appendix 1), and together they form the largest bloc of polemical writings in Augustine's letters. The author's decision to limit his analysis to Augustine's letters rather than incorporating other polemical writings has the advantage of streamlining the case study, though I do wonder if a broader analysis of at least those anti-Donatist writings which, despite their larger size, are clearly modeled on an epistolographic format (such as Aug. c. Cresc., Aug. c. Parm., or the third book of Aug. c. Petil.) might have had the effect of strengthening his conclusions.

The book is divided into three (but really two) major parts. In Part 1 (Chapters 1 and 2), Toczko provides us with much-needed context for the genre and function of ancient epistolography and introduces the rhetorical terminology that he will be interacting with in the rest of the book. Parts 2 (Chapters 3 and 4) and 3 (Chapters 5 and 6) then apply these insights to the main areas under dispute in Augustine's anti-Donatist letters in order to demonstrate how the bishop of Hippo's polemic is shaped by formal rhetorical strategies.

In what follows, I would like to offer a brief summary of each chapter alongside my own commentary in order to highlight the book's unique contributions to the field. Toczko starts out in Chapter 1 ("Approaching Augustine's Anti-Donatist letters", pp. 17–48) by analyzing the letters themselves, classifying and reclassifying them according to their intended addressee, function, and chronology. Along the way, he makes several important observations. Augustine's polemic, for instance, tends to revolve around a set of core arguments that remains remarkably stable throughout the twenty-odd years represented in his anti-Donatist letters. Such sameness tends to irritate the modern reader. For Augustine, however, it is a deliberate strategy: by reiterating an identical core of arguments again and again, he can reify the basic stereotype of 'the recalcitrant Donatist' in the minds of his audience. Such rhetoric, in other words, is often directed more towards the eavesdropping audience than its ostensible recipient.

Chapter 2 ("The forensic correspondence", pp. 49–82) makes the case that Augustine's anti-Donatist letters are primarily examples of forensic rhetoric: rhetoric, in other words, that is judicial in orientation. Augustine, Toczko argues, approaches the letters as a prosecutor whose task is to both accuse his opponents of a crime (above all, the 'crime' of schism) and defend his

own side from a like charge. We delve deeply into the technical terminology of ancient forensic rhetoric in this chapter, particularly as it manifests in the theory of *staseis*. First codified by Hermagoras of Temnos in the second century BC, it would have been transmitted to Augustine primarily through Cicero and Quintilian as well as anonymous handbooks like the *Rhetorica ad Herennium*. Toczko first defines the five main types of *staseis* used in forensic rhetoric, then proceeds to show how Augustine consistently shapes his polemical letters according to the contours of a legal case with the Donatists as the defendants, his audience as the jury, and the Christian scriptures as the legal *testimonia*.

A particularly fascinating observation that emerges out of Part 1 is how little interest Augustine actually has in staging verbal debates with his opponents, versus how much interest he has in making it *seem* like he desires them. To quote the author: "Augustine was always eager to provoke debates with the Donatists, in one form or another. It is hard to tell whether it had always been his wish that the Donatist rise to the challenge" (p. 51). Live audiences were messy: on the one occasion he did engage in a live debate (with the Donatist bishop Fortunius of Thiave in 396/397), the result was inconclusive. Epistolary debates, often mimicking the style of live ones by creating a simulated dialogue between an opponent's quoted material and Augustine's response, could accomplish the same goals for a wider audience and with far greater control of the narrative.

Chapters 3 ("The charge of schism", pp. 85–137) and 4 ("The charge of rebaptism", pp. 139–154) place Augustine's two most commonly used *accusatio* arguments, schism and rebaptism, within the context of forensic rhetoric. The term 'schism,' as ably demonstrated in a list of qualifying adjectives on p. 93, is usually accompanied by legal terminology, whether *crimen*, *scelus*, or *sacrilegium*. This is a judicial argument, in other words, and is prosecuted accordingly: Donatists separated from Caecilian for the wrong motives of pride or a faulty understanding of scripture (*status qualitatis*), and err when they define their own schismatic communion as the true Church in Africa (*status definitionis*). Likewise, they fail to recognize the validity of Caecilianist baptisms despite the abundant evidence of scripture and their own inconsistency in accepting their own Maximianist schismatics back into the fold without requiring rebaptism (*status definitionis*), and the people they rebaptize are often criminals themselves eager to escape punishment for their crimes (*status coniecturalis*).

In Chapters 5 ("The charge of persecution", pp. 157–192) and 6 ("The charge of *traditio*", pp. 193–209), on the other hand, we see how Augustine responds to the accusations of his opponents. Two charges rise to the top: the Donatist claim that their opponents are *traditores* and thus constitute a false Church, and that theirs is the true Church precisely because they are being persecuted by the *traditores*. Against these accusations Augustine creates what Toczko calls a "multifaceted defensive strategy" (p. 157): the Donatists are being 'persecuted' for their own good using laws that they themselves once appealed to (*status qualitatis*), for instance, or that the Donatists have mischaracterized the meaning of 'persecution' (*status definitionis*, undergirding the famous Augustinian dictum "martyres non facit poena, sed causa"[2]). The true persecutors are the Donatists, who to hide their own acts of *traditio* persecuted Caecilian in his church and whose descendants brutally attack both Catholic clergy and their own Maximianist schismatics (*status coniecturalis*). These four chapters, which together make up Parts 2 and 3 of the book, incisively uncover the rhetorical scaffolding undergirding Augustine's polemic against his opponents. Augustine did not utilize classical rhetorical techniques as mere 'stylistic ornamentation': rather, the theory and practice of forensic rhetoric underlies the structure of his anti-Donatist tactics.

I did have three minor quibbles with the author's arguments which I will briefly mention below, with the caveat that they do not substantively undermine the genuine merits of Toczko's thesis. The first has to do with one of the author's conclusions: on p. 213, Toczko states that "Augustine very seldom uses the language of invective and refrains from employing the (most vulgar) arguments drawn from the appearances or social backgrounds of his opponents." Based on the preceding chapters, this is a fair assessment of Augustinian rhetoric against his more socially-respectable Donatist opponents. However, I would argue that it does not hold true when Augustine turns to the Circumcellions, who are integral members of the Donatist communion in his eyes. Here, we see multiple examples of the more 'vulgar' arguments often deployed by Jerome or Cicero: Circumcellions are portrayed as "proudly exulting in orgies of detestable drunkenness"; they in-

2 For the ubiquity of this phrase in Augustine's polemical writings, see A. Ployd: *Non poena sed causa*. Augustine's Anti-Donatist Rhetoric of Martyrdom. In: AugStud 49.1, 2018, pp. 25-44, esp. fn. 6, and W. Lazewski: La sentenza agostiniana martyrem facit non poena sed causa. PhD diss., Pontificia Universitas Lateranensis, Rome 1987.

clude "roving bands of women who have shamelessly refused to have husbands for fear of having any discipline."[3] In Letter 108.18, Augustine snidely emphasizes their lower social status: Circumcellions are "farmhands" who "rise up against their bosses," "fugitive servants" who "not only abandon their masters but even threaten their masters."[4] In Letter 185.4.15, Augustine's description is so searing that it was often used by earlier scholars as proof that Donatism was a social movement in disguise: "Who was able to demand a reckoning from a slave who consumed his provisions or from a debtor who asked the Donatists for help and defense? Out of a fear of clubs and fires and imminent death the records of the worst slaves were destroyed so that they might go free."[5] I submit, therefore, that Augustine's rhetorical characterization of the Circumcellions marks a notable departure from his usually more restrained use of invective.

My second critique concerns the author's approach to the theological dimensions of the controversy. Toczko is probably correct to note on p. 81 that "the theological weight of most of the Donatist polemics is comparatively light" in comparison to the Arian, Nestorian, or Pelagian debates, at least if we define "theological weight" in terms of what we might call 'high theology': contemplations of the nature of Christ or the trinity, etc. However, caution is warranted here. The scholarship of previous generations generally danced too lightly over the theological dimension of the Donatist controversy, often viewing it as a mere cloak for deeper social or ethnic agitation. Part of the difficulty is that while the Donatist controversy is indeed oriented around very real theological concerns, as ably demonstrated by Maureen Tilley and others,[6] they tend to be questions of orthopraxis. 'Where is the

3 Aug. epist. 35.2 (The Works of Saint Augustine. A Translation for the 21st Century. Pt. 2: Letters. Vol. 1: Letters 1–99. Translation and Notes by R. Teske. Ed. by J. E. Rotelle. Hyde Park, NY 2001, p. 123).

4 The Works of Saint Augustine. A Translation for the 21st Century. Pt. 2: Letters. Vol. 2: Letters 100–155. Translation and Notes by R. Teske. Ed. by B. Ramsey. Hyde Park, NY 2003, p. 82.

5 The Works of Saint Augustine. A Translation for the 21st Century. Pt. 2: Letters. Vol. 3: Letters 156–210. Translation and Notes by R. Teske. Ed. by B. Ramsey. Hyde Park, NY 2004, p. 189.

6 Cf. M. A. Tilley: The Bible in Christian North Africa: The Donatist World. Minneapolis, MN 1997, J. Alexander: The Donatist Case at the Conference of Carthage of A.D. 411. PhD diss., University of St. Andrews, 1970, and more recently M. Edwards:

Church?' or 'What constitutes a valid baptism?' were not theoretical questions for the Donatists or their Caecilianist opponents: they were wrapped around very real differences between the two communities. My concern here is that the author sometimes seems to minimize these theological elements in favor of forensic rhetoric: how else can we interpret statements like "It is in this context that he develops what modern scholarship commonly reads as a theological argument about the Church being a community of both good and bad Christians, rather than as a piece of rhetoric conditioned by the pattern of *infermatio rationis*" (p. 102) or "Hence, 'Where is the Church?' is not really a question opening a theological or deliberative issue, but one arising within a legal issue" (p. 124). Toczko is by no means incorrect to identify a deliberate rhetorical strategy in both of these cases, but I suspect a better answer would be to acknowledge both the theological *and* rhetorical elements that inhabit Augustine's argument rather than minimizing the former in favor of the latter.

Finally – and this is genuinely more of a quibble than a substantial critique – I feel that I should respond to the author's argument on pp. 132–134 against my interpretation of the Donatist use of Song 1.7 in my 2018 book[7] (the verse in question: "Where do you pasture your flocks, where do you lie down? In the south [*in meridie*]"). Toczko is skeptical that this verse was widely used by Donatists to prove their status as the true church, because a) only one other source besides Augustine mentions it (namely Tyconius) and b) "most of his audience did not know the Donatist writings better than we do, so he could have safely 'presented' the statistical regularities concerning their texts, even if he made them up" (p. 132). Toczko's point is that this argument is exaggerated for rhetorical effect: confronted by the myriad passages in Scripture that explicitly state that the Church will spread throughout the world, all the Donatists can come up with in response is a single passage restricting it to "the south."

I agree in large part with Toczko's rhetorical analysis of this passage: Augustine is clearly utilizing a polemical strategy to minimize the effectiveness of

The Donatist Schism and Theology. In: R. Miles (ed.): The Donatist Schism: Controversy and Contrasts. Liverpool 2016 (Translated Texts for Historians. Contexts 2), pp. 101–119.

7 J. A. Hoover: The Donatist Church in an Apocalyptic Age. Oxford 2018 (Oxford Early Christian Studies), pp. 155–159.

the Donatist appeal to Song 1.7. It is also fair to argue that this particular exegetical strategy was not necessarily employed by all Donatists. Donatist attitudes regarding the validity of overseas Churches were complex, and as I mention on p. 123 of my book, "Augustine clearly wishes to oversimplify the issue and create an impression of a single overriding Donatist position, an ideal type which can then be manipulated and undermined." However, the author's suspicion that this particular strategy may have simply been "made up" by Augustine or (as in p. 133 n. 177) "fabricated" seems unwarranted. As Toczko admits, the appeal to Song 1.7 is a relatively common trope in Augustine's extant writings, appearing also in Letter 93.8.24, Sermon 46.33, Sermon 138.9, and Sermon 147A.3. Contrary to the author's claims that "most of his audience did not know the Donatist writings better than we do," Letter 93 is written directly to the leader of a Donatist splintergroup who, presumably, would have been quite familiar with his own side's exegetical arguments. I would also note that such an interpretation of Song 1.7 is not entirely without precedent in the wider early Christian community. Writing in the 350s, the Spanish bishop Gregory of Elvira already associates "the south" in Song 1.7 with Africa: "*Make known to me, you who love my soul, where do you graze? Where do you abide in the south?* Surely this is said about the Church, which, as if it did not know, it asks of him. Surely no one may doubt that 'the south' [*meridianum*] refers to Egypt, and parts of Africa, since there the infant Christ was taken when Herod sought to kill him" (Greg. Ilib. in cant. 2.5). Gregory is no Donatist, of course: here, he takes *meridianum* to mean Egypt, not Roman North Africa. Nevertheless, the exegetical strategy underlying the alleged Donatist interpretation of Song 1.7 is clearly not unique to the dissident communion, making it more likely that Augustine is transmitting a genuinely Donatist defense.

Finally, I think that Toczko treats the corroborating evidence of Tyconius too lightly. Tyconius does not, as the author claims (p. 132), "use" the verse to defend his communion: rather, like Augustine, he is writing in *opposition* to a Donatist group that was utilizing Song 1.7 to argue that the true Church was confined to Africa. In reg. 7.4.3, for instance, Tyconius allows that "The southern part, certainly, is the Lord's, as it is also written in Job: *From the southern part will your life sprout fourth*," but immediately qualifies to counter his

opponents: "And *both* parts appear in all the world."[8] In other words, we have evidence that at least some Donatists were already appealing to Song 1.7 and related texts by the late 370s, and that their parochial interpretation of that verse was influential enough to provoke opposition by a member of their own communion.

I hope that I have stressed enough, however, that the preceding criticisms are on the whole minor: they do not undermine the central claims of Toczko's excellent book. *Crimen Obicere* serves as a necessary reminder that Augustine's polemic – and interestingly, that of his Donatist opponents as well – is heavily indebted to the Hermagorean theory of forensic rhetoric represented in the Latin west by Cicero, Quintilian, and the anonymous *Rhetorica ad Herennium*. "Christian doctrine has never feared this art which is called 'dialectic,'" Augustine argues in response to Cresconius's criticisms of pagan "eloquence" (c. Cresc. 1.20.25). In his study of the bishop of Hippo's anti-Donatist letters, Toczko demonstrates just how true this was.

8 Tyconius: The Book of Rules. Translated, with an Introduction by W. S. Babcock. Atlanta, GA 1989 (Texts and Translations 31. Early Christian Literature Series 7), p. 123.

Jesse Hoover, Baylor University, Waco, TX
Baylor Interdisciplinary Core Department
Jesse_Hoover@baylor.edu

www.plekos.de

Empfohlene Zitierweise

Jesse Hoover: Rezension zu: Rafał Toczko: Crimen Obicere. Forensic Rhetoric and Augustine's anti-Donatist Correspondence. Göttingen: Vandenhoeck & Ruprecht 2020 (Forschungen zur Kirchen- und Dogmengeschichte 120). In: Plekos 23, 2021, S. 367–374 (URL: http://www.plekos.uni-muenchen.de/2021/r-toczko.pdf).