



On Christian Asylum in Augustine's *Sermones*¹

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Abstract: In the late 4th century, bishops utilized the so-called *ius intercessionis* right to intervene in order to help those in need, be they the persecuted, the accused or the convicted. These actions of a bishop were rooted foremost in the idea of mercy and it was also due to this right that a bishop became the one to decide about the granting of the right to asylum – a right which was gradually extended to Christian churches at the time. St. Augustine encounters the issue of Christian asylum as the bishop of Hippo Regius in Africa mainly in his preserved correspondence, but he talks about seeking sanctuary in Christian churches also in one of his sermons, specifically in *Sermo 302* delivered on the feast of St. Lawrence. This paper focuses on presenting the circumstances of a violent act in Hippo Regius and its implications to potentially sanctuary seeking in local Christian church, particularly on the ground of analysis of *post sermonem* to *Sermo 302*.

Keywords: St. Augustine; *Sermo 302*; sanctuary; ecclesiastical asylum

The beginnings of Christian asylum in late antiquity have been a subject of ongoing scholarly research. Much attention has been dedicated to the issue of the continuity and discontinuity of asylum in Christian and pagan churches and temples³. There are several theories aiming to identify the extent to which asylum provided by pagan temples was transformed to Christian churches; and whether and to what extent church asylum developed independently under the influence of consuetude or

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³ For a brief overview of several approaches see: D. Hrnčiarová *Právo cirkevného azylu – otázka kontinuity a diskontinuity v neskoréj antike. Stav súčasného bádania*, "Kultúrne dejiny" 11 (2020) p. 127-141.

perhaps other institutions of the Christian Church⁴. The elaborate system of state-guaranteed protection was developing over centuries in ancient Greece and in modified ways also during the Roman Empire⁵. However, it is difficult to posit a direct continuity between pagan and Christian practice of asylum beyond the most general religious sentiment of appreciation for the purity of holy places. Christian asylum differed from the pagan practice in that it was supposed to apply to all churches, not just to specifically designated sites⁶.

Roman law allowed bishops to intervene on behalf of those in need or those who were persecuted by applying the so-called *ius intercessionis*. Church officials acted above all based on compassion (*misericordia*) and Christian charity (*caritas*), and to these, penance was added (*poenitentia*). For this reason, representatives of the church were ready to act also on behalf of criminals, mainly those sentenced to death. The church did not wish for their death but rather wanted them to reform. That is why the bishop's priority was to save such a criminal from physical death and offer him the possibility to atone for his sin, repent and so, eventually, achieve salvation⁷. In "fleeing to the church" (*ad ecclesiam confugere*) in the late 4th century, refugees would not have been guaranteed safety by the mere fact of being within the walls of a holy site. They had to seek out the bishop or his clergy, who had to intervene on behalf of sanctuary seekers with the responsible officials. There was no guarantee for success, it was usually a test of the degree of authority and diplomatic skill of the relevant clergyman⁸. Increased influence of an intercession on behalf of those in need also resulted from the fact that the position of bishops was, at the time, also occupied by rec-

⁴ For a brief overview of supporters of individual theories and a critical depiction of strong points and weak points of these theories see Christian Traulsen, *Das sakrale Asyl in der Alten Welt*, Tübingen 2004, p. 293-300.

⁵ Eilhard Schlesinger paid detailed attention to this phenomenon in ancient Greece (E. Schlesinger, *Griechische Asylie*, Giessen 1933), and Kent J. Rigsby (K. Rigsby, *Asylia. Territorial Inviolability in Hellenistic World*, Berkley 1996). Richard Gamauf focused on a similar phenomenon in the Roman Empire during the Principate (R. Gamauf, *Ad statum licet confugere. Untersuchungen zum Asylrecht im römischen Prinzipat*, Frankfurt am Main – Berlin – Bern – New York – Paris – Wien 1999).

⁶ C. Rapp, *Holy Bishops in Late Antiquity. The Nature of Christian Leadership in an Age of Transition*, Berkley – Los Angeles 2005, p. 253.

⁷ M. Babo, *Kirchenasyl – Kirchenhikesie, Zur Relevanz eines historischen Modells im Hinblick auf das Asylrecht der Bundesrepublik Deutschland*, Münster 2003, p. 68.

⁸ P. Brown, *Power and Persuasion in the Late Antiquity Towards a Christian Empire*, Madison 1992, p. 146.

ognized figures with high moral credit who used their authority and influence in society⁹. Exercising *ius intercessionis* by a bishop is considered to be one of the important factors without which Christian asylum could not exist or would have been used in a different way.

It is not always clear from the sources whether sanctuary in a Christian church was sought in an effort to get the support of a church official or to have the protection of the four walls of a church. At that time, the help or appeal of a church representative did not necessarily go hand in hand with residing at a Christian church. The Council of Sardica (343) pronounced that help was to be offered to those who, suffering injustice or being condemned to exile or another penalty, appealed to the Church for help, which should not be refused and that intercession should be made. Although it is questionable whether the text of the canon¹⁰ only covers intercession by the bishop or also refers to the protective effects of the Church building¹¹. The connection of the church as a place where it was possible to request a bishop's intercession on one's behalf and its sacred nature was a gradual process. The sanctity and inviolability of the space of the Christian church also applied for pagan temples. If a pagan shrine was violated, a vindictive, punishing deity would act, while the Christian church referred to so-called *reverentia loci*, sacred reverence that people expressed towards this place¹². The resolution of the council at Orange in 441 referred to *reverentia loci*, that is the respect paid to God's church, and the bishop's *intercessio* as the reason why those who sought sanctuary in the church should not be removed from there¹³.

⁹ Babo, *Kirchenasyl – Kirchenhikesie*, p. 63.

¹⁰ Council of Serdica, canon 8, "Sed quoniam saepe contigit ut ad misericordiam ecclesiae confugiant qui iniuriam patiuntur et qui peccantes in exilium uel insulam damnantur aut certe quaecumque sententiam excipiunt; subueniendum est et sine dubitatione petendum indulgentiam".

¹¹ J. Hallebeek, *Church Asylum in Late Antiquity, Concession by the Emperor or Competence of the Church?*, in: *Secundum Ius. Opstellen aan-geboden aan prof. mr. P.L. Nève (Rechtshistorische reeks van het Gerard Noodt Instituut; No. 49)*, ed. E.C. Coppens, Gerard Noodt Instituut 2005, p. 164.

¹² Ch. Traulsen, *Barmherzigkeit und Buße – Zur christlichen Gehalt des spätantiken Kirchenasyls*, „Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abt” 93 (2007) p. 140.

¹³ Council of Orange, canon 5, "Eos qui ad ecclesiam confugerint tradi non oportere, sed loci reverentia et intercessione defendi. Si autem mancipia clericorum pro suis mancipiis ad ecclesiam confugientibus crediderit occupanda, per omnes ecclesias districtissima damnatione feriat".

The writings of Augustine, bishop of Hyppo, became an important source of information about the late 4th and early 5th centuries. Thanks to his position as a high-ranking church official, his preserved works give us a unique opportunity to discover a bishop's activities in the quite turbulent period of the Roman Empire in northern Africa in late antiquity. We learn about the circumstances in which Augustine encountered asylum in Christian churches mainly from his preserved correspondence¹⁴. Augustine's letters¹⁵ allow a partial reconstruction of who and in what circumstances sought sanctuary in the church or to what extent was a church official able to secure aid or provide protection. A number of authors over several decades conducted detailed analyses of Augustine's letters. Some of these scholars reacted¹⁶ to the findings of their colleagues, while others focused more on working out their own, and in many respects, breakthrough theories about the use of church asylum in this transitory period¹⁷. A closer study of older works¹⁸ could lead even to major reassessment of the original

¹⁴ In addition to the provision of asylum in Christian churches, in his writings Augustine also discussed asylum in pagan temples, consistently using the term *asylum* for asylum in pagan shrines (Augustinus, *De civitate Dei* I 4, 34; II 29; V 17; Augustinus, *De consensu euangelistarum* I 12; Augustinus, *Contra Cresconium* II 13; Augustinus, *Contra Iulianum opus imperfectum* I). For the seeking sanctuary in a Christian church Augustine uses the variations of the verb *fugere*, *confugere*, or *refugere*. See G. Franke, *Das Kirchenasyl im Kontext sakraler Zufluchtnahmen der Antike*, Frankfurt am Main 2003, p. 400-401. A brief overview of specific passages with the subject of provision of asylum in pagan temples is given by Jean Guadet in an encyclopaedia entry: J. Guadet, *Asylum*, AL I 491-493.

¹⁵ Augustinus, *Ep.* 113-116; 151, 3; CSEL 34/2, 250/250A; 268; 1*; 28*.

¹⁶ Here we should include above all the German author Gerhard Franke, who in his work closely analyzes several forms of providing refuge and gave a critical view of the interpretation of the opinions of several authors about Augustine's sources on church asylum. He also paid special attention to Augustine's correspondence. See Franke, *Das Kirchenasyl im Kontext*, p. 354-370.

¹⁷ This group includes French author Anne Ducloux, who mainly due to her meticulous work with Augustine's writings presented several, to this unquestioned and generally accepted theories about the functioning of church asylum in the late 4th and early 5th centuries. She dedicated a part of her work to analyzing Augustine's letters. See A. Ducloux, *Ad ecclesiam confugere. Naissance du droit d'asile dans les église (IV^e- milieu V^e p.)*, Paris 1994, p. 145-159 and 190-206.

¹⁸ There is also an unorthodox approach to church asylum based on Augustine's correspondence by Hans Langenfeld in the 1970s. For him, a division line was drawn by the law of Emperor Theodosius II from the year 431. Langenfeld did not consider as real church asylums any cases documented before the release of this decree on asylum and

outcomes¹⁹. The discovery and publication of the so-called Divjak Collection of Augustine's letters gave the authors of newer works an advantage. To some of the published letters thus fragmentary information of the original correspondence was added²⁰.

In addition to his letters, Augustine talked about sanctuary in Christian churches also in one of his sermons, specifically in *Sermo 302*²¹. This sermon belongs among the so-called *sermones de sanctis*, since it was delivered on the feast day of the Roman martyr, St. Lawrence²² on August 10th, the day of his martyrdom. Originally, Augustine was not interested in the subject of martyrdom. The very popular veneration of the martyrs led him to address the topic. Augustine attempted to direct the enthusiasm of his flock related to the veneration of martyrs towards God and Christ. He wanted first and foremost to prevent the martyr cults replacing the worship of Christ, considering martyrdom to be an imitation of Christ and a testimony of love for Christ²³.

he saw similarly the cases identified in Augustine's correspondence. Cf. H. Langenfeld, *Christianisierungspolitik und Sklavengesetzgebung der römischen Kaiser von Konstantin bis Theodosius II*, Bonn 1977, p. 172-189.

¹⁹ After studying Langenfeld's work, German historian of antiquity, Martin Dreher, re-evaluated some of his statements related to the development of church asylum in late antiquity. See M. Dreher, *Die Ursprünge des Kirchenasyls und die Gesetzgebung Theodosius' II*, in: *Staatlichkeit und politisches Handeln in der römischen Kaiserzeit*, ed. H-U. Weimer, Berlin 2006, p. 154, n. 10. Cf. also D. Hrnčiarová, *Právo cirkevného azylu – otázka kontinuity a diskontinuity v neskorej antike. Stav súčasného bádania*, „Kultúrne dejiny” 11 (2020) p. 136.

²⁰ This involves a letter written by Augustine to his friend Classicianus. Only a fragment of the original letter remains (Augustinus, *Ep.* 250A). In Divjak's Collection, the complete letter was identified (Augustinus, *Ep.* 1*). The letters deal with the issue whether armed soldiers could enter a Christian shrine in order to force to leave those perjurers who fled to the protection of the church in hope of escaping punishment. Anne Ducloux analyzed both letters closely (Ducloux, *Ad ecclesiam confugere*, p. 196-201) as well as Gerhard Franke (Franke, *Das Kirchenasyl im Kontext*, p. 364-367).

²¹ The latest critical edition of this sermon, its translation and commentary was authored by B. Pietri, *Aureli Augusti Sermo CCCII. Testo, traduzione e commento*, Bologna 1998 and I refer to her text with Latin quotations since I did not have at my disposal an edition from which this sermon is usually cited. Cf. *Sancti Aurelii Augustini Sermones selecti duoviginti*, ed. D.C. Lambot, Bruxeles 1950, p. 100-111.

²² Lawrence (*Laurentius*) was one of the seven Roman deacons named by Pope Sixtus II, who became a victim of the persecution of Christians under the rule of Emperor Valerian in 268. Cf. Pietri, *Aureli Augusti Sermo CCCII*, p. 23.

²³ A. Dupont, *Preacher of Grace. A Critical Reappraisal of Augustine's Doctrine of Grace in His Sermones ad Populum on Liturgical Feasts and During the Donatist Controversy*, Leiden 2014, p. 138.

The sermon delivered on the feast of St. Lawrence is not a typical sermon about the life and death of a martyr²⁴. The theme of Christian non-violence is thus skillfully interwoven into Augustine's representation of Lawrence as a martyr who resisted unjust civil authorities by verbal, rather than physical, means²⁵. The sermon was given shortly after the killing of an imperial official in August of 409/412²⁶. Augustine's sermons are remarkably consistent in style and form, which makes them hard to date. Relatively few Augustinian sermons can be plausibly dated by means of persons or events mentioned in them. Augustine rarely alludes to living persons and hardly ever refers directly to the economic, political, cultural, or social situation²⁷. On the other hand, many of the original sermons were cut down by medieval copyists, who were only interested in certain parts of them. They wanted to know about the theology of Augustine and not about the Africa of Augustine. They often found that many of these sermons were too full of local color to be of interest to persons who now read them many centuries later²⁸.

In this sermon Augustine once again does not go into detail – he had no reason because the members of the community were familiar with what happened. An imperial clerk was murdered and his body was mutilated; in the sermon he is simply referred to as *miles*. Several historians have contemplated his identity and position. They reached the conclusion that most

²⁴ Concerning the feast day of St. Lawrence there are two more separate sermons preserved, Sermo 303 and 304 from a later date and Sermo 305A from an earlier period. See Augustinus, *Sermons (273 – 305A) on the Saints*, tr. E. Hill, WSA 3/8, New York 1994, p. 313–320, 324–334. Suzanne Poque describes the way in which Augustine of Hippo commemorated the feast days of martyrs. In the case of Lawrence and Sermon 303 she only has a brief note that there were no so-called *passiones martyrorum* that were to be read on the day of the martyr's death anniversary. As a possible reason, she writes that Lawrence as a Roman deacon was not considered an African martyr. See S. Poque, *Spectacles et festins offerts par Augustin d'Hippone pour les fêtes de martyrs*, "Pallas" 15 (1968) p. 108.

²⁵ Sermo 302, note 1, in: *Augustine political writings*, ed. E.M. Atkins – R.J. Dorado, Cambridge 2001, p. 273.

²⁶ J.C. Magalhães de Oliveira, *Le "Pouvoir de Peuple": Une émuete à Hippone au début du Ve siècle connue par le Sermon 302 de Saint Augustine pour la fête de Saint Laurent*, „Antiquité Tardive” 12 (2004) p. 310.

²⁷ H. Müller, *Preacher Augustine and His Congregation*, in: *A Companion of Augustine*, ed. M. Vessey – Sh. Reid, Oxford – Chichester 2012, p. 301.

²⁸ P. Brown, *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350–550 AD*, Princeton 2012, p. 460.

probably, he was a clerk of the harbor authority *custos litorum*²⁹. He carried out his activities at the harbor and he could have been responsible for the inadequate increase of import duty on goods that were sold at the market in Hippo Regius. That probably caused excessive increase of prices at the marketplace – increased fees financially harmed a number of tradesmen even to the point of ruining some of them³⁰.

Júlio César Magalhães de Oliveira decided to closely analyze the reasons for the actions of Hippo residents that lead to violence, focusing above all on the social and political dimension of these events³¹. But the brevity of provided information and suggestions does not allow to reconstruct the events at Hippo Regius reliably and allows several possible interpretations. For us, these interpretations are interesting in the context of providing church asylum at the basilica in Hippo Regius. Before discussing who and under what circumstances could seek shelter at the Hippo church, we take a look at the text of the sermon.

The sermon consists of two parts. The first part, *Sermo 302*, was delivered on the feast day of St. Lawrence. The opening section deals with love for eternal life. Later, Augustine arrives at the delicate subject: the murder and lynching of the imperial official³². Based on Augustine's initial hesitation to address the committed crime, some historians assumed that some Christians may have been directly involved in the incident. This point of view should be supported by the fact that Augustine talks about the whole incident very carefully by which he tries to make the impression that Christians were innocent. But the repeated emphasis on the Christians' innocence may seem suspicious. He himself warns Christians not to take justice into their own hands³³. Another hypothesis relates to the lack of action on

²⁹ R. Delmaire, *Largesses sacrées et res privata: l'aerarium impérial et son administration du IV^e au VI^e siècle*, Rome 1989, p. 287-288.

³⁰ *Augustine: Political Writing*, ed. E.M. Atkins – R.J. Dorado, Cambridge 2001, p. 273.

³¹ Magalhães de Oliveira, *Le "Pouvoir de Peuple"*, p. 309-324.

³² Edmund Hill offers a different explanation of the incongruity of the two parts. He writes that *Sermo 302* is divided into a section where Augustine preached on the superiority of heavenly over earthly desires (Sections 1 – 9). Sections 10 to 21, with the appendix of 22, seem definitely to come from another sermon, the beginning of which has been lost. Both sections, however, refer to Saint Lawrence, so both were definitely delivered on his feast day; so, they cannot have been given in the same year. See Augustinus, *Sermons (273 – 305A) on the Saints*, p. 311, n. 1.

³³ J.C. Magalhães de Oliveira, *Le "Pouvoir de Peuple"*, p. 311; A. Ducloux, *Ad ecclesiam confugere*, p. 176-177; Pietri, *Aureli Augusti Sermo CCCII*, p. 250.

the part of Christians. Although they may have not participated directly in the murder, their inaction allowed it and they also did not prevent it³⁴.

Anne Ducloux subjected the sermon to a thorough analysis. According to her, in his sermon Augustine suggests that there was certain formal investigation being carried out of the official who was overstepping his competence. But there are no details there about which authority carried it out or how far the investigation proceeded. It is possible, however, that the official was lynched before the conviction³⁵. In his sermon, Augustine mentioned “a condemned criminal sentenced to death, with the sword hanging over him, even then no one is allowed to strike him except the person who holds the appropriate office”³⁶. The French author presents a hypothesis that the accused official could have hidden in the church of Hippo and there apply for a bishop’s intervention. But she does not think that the official was sentenced for his actions and so his reason for seeking sanctuary could not have been his fear of punishment³⁷. She considers it more probable that *custos litorum* hid in the church from the disgruntled crowd that got hold of him by violent force and lynched him³⁸. Bruna Pietri similarly sides with the opinion that the imperial official sought sanctuary in the church of Hippo, was dragged out in a violent manner and then murdered³⁹. Similarly is the event presented by Peter Brown when *populus* of Hippo dragged an imperial official out of the sanctuary in Augustine’s own basilica and lynched him⁴⁰. Ducloux’s interpretation about the violation of ecclesiastical asylum is accepted also by J.C. Magalhães de Oliveira⁴¹ and Brent D. Shaw⁴². But Gerhard Franke does not see in the whole sermon any convincing evidence of an imperial official seeking sanctuary in a Christian church⁴³.

³⁴ Franke, *Das Kirchenasyl im Kontext*, p. 347; Ducloux, *Ad ecclesiam confugere*, p. 177.

³⁵ Ducloux, *Ad ecclesiam confugere*, p. 176.

³⁶ Augustinus, *Sermo* 302, 13: “Considerate in ipsis ordinibus potestatum destinatum supplicio et damnatum cui gladius imminet non licere feriri nisi ab illo qui hoc militat”, tr. *Sermon 302 At the feast of St. Lawrence*, in: *Augustine political writings*, ed. E.M. Atkins – R.J. Dorado, Cambridge 2001, p. 114.

³⁷ Ducloux, *Ad ecclesiam confugere*, p. 176.

³⁸ Ducloux, *Ad ecclesiam confugere*, p. 180.

³⁹ Pietri, *Aureli Augusti Sermo CCCII*, p. 249-250.

⁴⁰ Brown, *Through the Eye of a Needle*, p. 465.

⁴¹ Magalhães de Oliveira, *Le “Pouvoir de Peuple”*, p. 317.

⁴² B. Shaw, *Sacred Violence. African Christians and Sectarian Hatred in the Age of Augustine*, Cambridge 2011, p. 30.

⁴³ Franke, *Das Kirchenasyl im Kontext*, p. 348.

One of the arguments based on which we could assume it happened so, is a mention about interventions in the sermon. Augustine expresses his view on a bishop's *ius intercessionis*. But he reveals the negative side of such an intercession while staying in a general context without detailing any specific cases⁴⁴. J.C. Magalhães de Oliveira thinks that the inhabitants of Hippo expected Augustine to intervene with the authorities due to the imperial official's offences. He understands the term *potestas* as a higher judicial institution that could ban the imperial official from continuing to carry out his duties or inflict punishment⁴⁵. Anne Ducloux claims that perhaps it was not about an intervention with the Roman authorities on behalf of one particular person. According to her, Augustine intervenes before the tragic escalation of the situation, he probably reproaches and warns the imperial official, but without success⁴⁶. Franke proposes another possibility: due to his murder, the colleagues or subordinates of the imperial official may have feared a similar attack against themselves and could have sought sanctuary in the Christian church – even though Augustine does not mention such a group of people at all. Franke adds that the situation at Hippo, that is the consequences of malpractices for the population, obviously were not caused by the actions of a single individual. We can suppose that further subordinates of the killed official could have been afraid of being considered responsible and there was a threat of a similarly gruesome death⁴⁷. Magalhães de Oliveira, just like Ducloux and Franke, refute the theory that the bishop's intervention was sought by those who participated in the official's murder⁴⁸.

However, according to those agreeing with this theory, important arguments supporting the violation of church asylum are not directly in the text of the sermon but in its conclusion, the so-called *post sermonem* or *post tractatum*, separately titled *Sermo Morin Guelferbytanus* 25. Although these two parts (*Sermo* 302 and *Post sermonem*) are traditionally presented

⁴⁴ Augustinus, *Sermo* 302, 17: "Quare it ad illam potestatem? Et quid quaerit episcopus cum illa potestate? Et tamen omnes nostis quia vestrae necessitates nos cogunt venire quo nolumus: observare, ante ostium stare, intransibus dignis et indignis expectare nuntiari, vix aliquando admitti, ferre humilitates, rogare, aliquando impetrare, aliquando tristes abscedere".

⁴⁵ Magalhães de Oliveira, *Le "Pouvoir de Peuple"*, p. 320.

⁴⁶ Ducloux, *Ad ecclesiam confugere*, p. 179. See Augustinus, *Sermo* 302, 18: "Tamen fratres mei obsecro vos de potestatibus potest mihi dici: meneret illum et bone faceret. Et respondeo: ego monui sed non me audivit et ibi monui ubi tu non audisti".

⁴⁷ Franke, *Das Kirchenasyl im Kontext*, p. 349, n. 183.

⁴⁸ Magalhães de Oliveira, *Le "Pouvoir de Peuple"*, p. 320; Ducloux, *Ad ecclesiam confugere*, p. 179; Franke, *Das Kirchenasyl im Kontext*, p. 349.

together, it is not impossible that they do not, in fact, belong together⁴⁹. The *Post sermonem* have been preserved only with a small number of sermons. It seems that, when Augustine actually did address the current problems of his church, he would do so not in the sermon itself but in a separate passage, usually labeled *Post tractatum* in the manuscript⁵⁰. And it is just in this epilogue that Augustine talks about the seeking of sanctuary in Christian churches, that is, about ecclesiastical asylum.

In the *post sermonem* Augustine states that “the Church is a mother that provides sanctuary to those who seek it and that it is a refuge shared by everyone”⁵¹. In the very beginning, Augustine used the a phrase with the verb *confugere*. But it was not the usual phrase *ad ecclesiam confugere*, which has its analogy in Roman law: a portrait or a sculpture of an emperor provided certain protection (*ad imagines confugere*, *ad statuas confugere*)⁵² and in late antiquity, it was possible to find shelter and help with powerful people (*ad patrocina confugere*) or imperial authorities (*ad militiam confugere*)⁵³. The use of the phrase *confugere ad munimentum matris ecclesiae* (seek refuge with mother church) is comparable with the decree of the afore-mentioned canon of the council at Sardica. There, some of the historians interpret *ecclesia* in the phrase *ad misericordiam ecclesiae confugiant* not as the building of the church but the institution⁵⁴.

In *post sermonem*, Augustine depicts an atmosphere as if the situation was happening right in front of him. He talks about the crowd that worries the Church because it is hard to control but so far there is no evidence that things would be deteriorating⁵⁵. And so there is a certain contradiction in

⁴⁹ A. Ducloux paid close attention to this issue and presents several opinions. But she herself believes that the two sections belong together. See Ducloux, *Ad ecclesiam confugere*, p. 171, n. 1.

⁵⁰ Müller, *Preacher Augustine and His Congregation*, p. 301.

⁵¹ Augustinus, *Sermo* 302, 22 (*post scriptum*): “Fratres, eos qui confugiunt ad munimentum matris ecclesiae, propter ipsum omnium comune refugium nolite pigri et segnes frequentare matrem vestram et non recedere de ecclesia”, tr. *Postscript*, in: *Augustine political writings*, ed. E.M. Atkins – R.J. Dorado, Cambridge 2001, p. 118.

⁵² R. Gamauf, *Ad statuas confugere in der frühen römischen Kaiserzeit*, in: *Das antike Asyl. Kultische Grundlagen, rechtliche Ausgestaltung und politische Funktion*, ed. M. Dreher, Köln 2003, p. 177-178.

⁵³ J. Derlien, *Asyl. Die religiöse und rechtliche Begründung der Flucht zu sakralen Orten in der griechisch-römischen Antike*, Marburg 2003, p. 343.

⁵⁴ Hallenbeck, *Church Asylum in Late Antiquity*, p. 165-166.

⁵⁵ Augustinus, *Sermo* 302, 22 (*post scriptum*): “Sollicita est enim, ne quid indisciplinata multitudo audeat [...] nec credimus de illis, nec sic videmus”.

terms of time between the events mentioned in the sermon – of which Augustine speaks as if it was the past while he evaluates how the Christian community behaved – and the situation, which seems as if it was happening at the moment. This would support the idea that the epilogue may be a fragment of another sermon. If both events are related, then what is considered as the conclusion of the sermon was written earlier and due to the related content, it was added to it. Or, Augustine could have described a completely different event the historical context of which cannot be identified from the preserved fragment. Another apparent contradiction is the fact that in his sermon, Augustine castigates Christians for their possible part-taking in the killing of the imperial official. On the other hand, in the epilogue, Augustine blames them for their absence in the church, which allowed the entering of an uncontrollable crowd – and Christians should prevent that by their numerous presences⁵⁶.

In this context, perhaps the sermon's epilogue can be seen as a confirmation of Augustine's reproach towards the Christian community who failed to act when they should have, as Christians, prevented violence⁵⁷. Without connecting the epilogue with the rest of the sermon the text does not indicate that anyone sought sanctuary in the church in relation to the attack on and killing of the imperial official⁵⁸. In the epilogue, Augustine further states that "if church protection will not be offered to the wrongdoers and the guilty, or if they should be removed from the church, there will be nowhere for the innocent and those who do good to hide"⁵⁹. The apparently strong emphasis that Augustine puts on the providing of protection for a sinner allowed the proposal of theories according to which the murdered official or his persecutors too, that is the guilty ones, could seek sanctuary at the church in Hippo. However, as it has been shown earlier, the text of the sermon does not suggest these facts.

⁵⁶ Augustinus, *Sermo* 302, 22 (*post scriptum*): "sed ne quid indisciplinata multitudo audeat debetis frequentare matrem vestram: quia sicut dixi non unius aut duorum hoc est commune refugium. Et qui non habet causam timeat ne habeat".

⁵⁷ Augustinus, *Sermo* 302, 22 (*post scriptum*): "Tenete ista, ut sicut dixi, frequentia vestra non saevitia timeatur".

⁵⁸ Ducloux, *Ad ecclesiam confugere*, p. 180; Franke, *Das Kirchenasyl im Kontext*, p. 348.

⁵⁹ Augustinus, *Sermo* 302, 22 (*post scriptum*): "Sed si voluerimus discernere ut tollantur de ecclesia qui male, non erit ubi se abscondant qui bene faciunt; si voluerimus permittere ut hinc tollatur nocentes, non erit quo fugiant innocentes. Melius est ergo ut et nocentes in ecclesia muniantur quam innocentes de ecclesia rapiantur", tr. *Postscript*, in: *Augustine political writings*, ed. E.M. Atkins – R.J. Dorado, Cambridge 2001, p. 119.

Augustine refers to persons seeking sanctuary in the Christian church by the term *fugientes*. The Slovak language does not have a one-word term for this expression. Refugee does not fully capture the essence of the term in the context of ecclesiastical asylum. While the Slovak translation “*azylanti*” (asylum seekers) from the Latin *asylantes*, is more appropriate, Augustine distances himself from the term *asylum*⁶⁰. He uses it to refer to the asylum of pagan temples, for example at the temple of Juno⁶¹ at Troy or in connection with the asylum of Romulus⁶² at Rome.

Augustine distinguishes “three categories of refugees: the unjust who flee from the presence of the just; the just who flee from the unjust; and the unjust who flee from the unjust”⁶³.

Although Augustine this way defines the general principle of providing refuge, we cannot agree without reservations with Anne Ducloux’s opinion that this way he creates the theoretical basis for church asylum. Christian Traulsen believes that the Church did not intend to create an abstract principle of the inviolability of ecclesiastical asylum. It was every priest’s duty to help a person in need in the name of Christian charity. Traulsen rejects Ducloux’s effort at presenting Augustine as a theoretician of church asylum based on the analysis of Sermon 302’s epilogue. He thinks that Augustine reacts to a concrete current situation and based on it, he adapts also his own statements addressed to specific listeners. He presents arguments rooted in Christian faith, which can be applied in a specific case⁶⁴. He assumes that for patristic authors the seeking of sanctuary in a church was not a theological issue but rather they were dealing with practical problems related to it. Individual mentions that can be connected with church asylum also in a theological context, are related to a specific situation, they are individual and random, mainly in the sermons and the letters⁶⁵.

Augustine’s statement on *refugium commune* is missing one aspect which would become of key importance in the providing of church asylum later on.

⁶⁰ Ducloux, *Ad ecclesiam confugere*, p. 138-139.

⁶¹ Augustinus, *De ciuitate Dei* I 4: “quin etiam Iunonis asylo custodes lecti”.

⁶² Augustinus, *De ciuitate Dei* I 34: “Romulus et Remus asylum constituissse perhibentur”.

⁶³ Augustinus, *Sermo* 302, 22 (*post scriptum*): “Tria sunt genera fugientium. Boni a bonis non fugiunt, soli iusti iustos non fugiunt, sed aut iniusti fugiunt iustos, aut iusti fugiunt iniustos, aut iniusti iniustos”, tr. *Postscript*, in: *Augustine political writings*, ed. E.M. Atkins – R.J. Dorado, Cambridge 2001, p. 119.

⁶⁴ Traulsen, *Das sakrale Asyl*, p. 299.

⁶⁵ Traulsen, *Barmherzigkeit und Buße*, p. 130.

And it is the holy nature of the space of the church. The *post sermonem* clearly suggests that protection for *fugientes* is not provided by the space of the church but rather by the community of Christians who, thanks to their presence and numbers, prevent the disruptors “to attempt anything against their mother that would end in humanity blaming them and God judging them”⁶⁶. Sermon 302, and its conclusion, stays within the framework of Augustine's actions when, in the spirit of compassion and Christian charity, he uses his authority and the dignity of his position to act to the benefit of those seeking sanctuary in a Christian church within *ius intercessionis*. But what helps is not necessarily the sacred character of the Christian church but a strong and determined Christian community. Both of these aspects in a major way aided the general respect for the Christian church and its protection what finally led to the state-approved and guaranteed church asylum.

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⁶⁶ Augustinus, *Sermo* 302, 22 (*post scriptum*): “ut non audeat facere contra matrem [ecclesiam] unde et apud homines culpentur, et apud Deum habent iudicium”, tr. *Postscript*, in: *Augustine political writings*, ed. E.M. Atkins – R.J. Dorado, Cambridge 2001, p. 119.

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