

Numa's Dangerous Books

The Exegetic History of a Roman Forgery

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In the recent discussion about orality and literacy in Roman religion it has been shown that writing is more than just an ideal means of preserving the past and projecting it through the present act of writing into the future. Writing can also represent power in the hands of those to whom the 'secret' knowledge is accessible, in particular during the transition from an oral to a literate society¹. As soon as writing becomes available, its attraction may, therefore, quickly challenge previous traditions of orality and open new forms of cultural expression². One should not expect, however, that the transition will not entail serious resistance³. And yet, this resistance and its later interpretation in the construction of history is what allows us most fascinating insights into the functioning of cultural change.

In the sixth and seventh book of his *City of God*, Augustine addresses those pagans who expect the remuneration of their fulfilled religious duties in an eternal life⁴. He proposes to prove the incompetence of the pagan gods for

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1 M. Beard, "Writing and Religion: *Ancient Literacy* and the Function of the Written Word in Roman Religion. Question: What Was the Rôle of Writing in Graeco-Roman Paganism?", in: M. Beard/A. K. Bowman/M. Corbier/T. Cornell/J. L. Franklin, Jr./A. Hanson/K. Hopkins/N. Horsfall, *Literacy in the Roman World*, JRA Supplement 3 (Ann Arbor 1991) 54; R. Gordon, "From Republic to Principate: Priesthood, Religion and Ideology", in: M. Beard/J. North (eds.), *Pagan Priests. Religion and Power in the Ancient World* (Ithaca 1990) 191; also W. V. Harris, *Ancient Literacy* (Cambridge, Mass./London 1989) 154, to which the article by Beard is an answer. – For the link between literacy and power in other contexts and cultures of antiquity see the contributions in A. K. Bowman/G. Woolf (eds.), *Literacy and Power in the Ancient World* (Cambridge 1994).

2 Cf. A. and J. Assmann, "Kanon und Zensur", in: A. and J. Assmann (eds.), *Kanon und Zensur. Beiträge zur Archäologie der literarischen Kommunikation 2* (München 1987) 13: "Ein allgemeines Gesetz der Überlieferung lautet: Je fester der Buchstabe, desto gefährdeter der Geist."

3 Such as book-burning, censorship, etc.: cf. A. K. Bowman/G. Woolf, "Literacy and Power in the Ancient World", in: Bowman/Woolf (n. 1 above) 8.

4 Thus, books 6 and 7 open the second circle of argumentation in the *City of God*, which follows

giving what they are supposed to give by revealing their true nature. His point is not to show that they do not exist, but that they are neither gods nor almighty, which makes the fundamental difference between them and the Christian God⁵. The pagan divinities are demons and it is the Christian religion, with Augustine as its spokesman, that is able to expose for the first time the deceit and the tissue of lies woven by those malignant spirits⁶.

The diversity of pagan religious beliefs and the almost impenetrable system of the pagan universe did not make Augustine's task a simple one. He had to choose a point of reference against which he could direct his attacks, and by which the completely unhomogeneous pagan world could feel represented⁷. As far as the traditional Roman religion was concerned, the scholar Marcus Terentius Varro and his work *Antiquitates rerum humanarum et divinarum* were the ideal target⁸. If Augustine succeeded in convicting Varro of impiety, he had won the cause. Therefore his strategy was clear: he had to show that Varro himself unconsciously attacked and confuted the Roman religious system⁹. At the end of book 7 Augustine is convinced that he has reached his goal¹⁰.

through to book 10; on the development of the argument see J.-C. Guy, *Unité et structure logique de la "Cité de Dieu" de Saint Augustin* (Paris 1961) 49–61.

5 See A. Mandouze, "Saint Augustin et la religion romaine", *Rech. Aug.* 1 (1958) 200–210; cf. also Guy (n. 4 above) 58–59.

6 August. *C.D.* 7.33.

7 Guy (n. 4 above) 49, shows that the systematic view of pagan theology, as it is presented in the second five books of the *City of God*, makes the main difference between this and the first pentad. Thus, Augustine clearly stands in line with those Latin apologists who, as J.-M. Vermander, "La polémique des Apologistes latins contre les Dieux du paganisme", *Rech. Aug.* 17 (1982) 101, puts it, "ne songèrent qu'à déceler dans le Panthéon une sorte de 'système' inverse de celui qu'ils croyaient le bon".

8 Varro's power of argument may be inferior to Cicero's antiquarian digressions, as E. Rawson, *Intellectual Life in the Late Roman Republic* (London 1985) 247, remarks, but no Hellenistic antiquarian seems to have been as systematic and to have read as widely as Varro; see A. Momigliano, "Ancient History and the Antiquarian", in: A. Momigliano, *Studies in Historiography* (New York/Evanston 1966; first published in: *Journal of the Warburg and Courtauld Institutes* 13, 1950) 4–5. A less nationalist and philosophical work about the pagan divinities would have been Nigidius Figulus' *On the Gods*, which was soon eclipsed by Varro's *Antiquities*; on Nigidius see Rawson, 309–312. – Augustine himself opposes Varro and Cicero as representatives of learning (*res*) and eloquence (*verba*), cf. M. Testard, *Saint Augustin et Cicéron. I: Cicéron dans la formation et dans l'œuvre de Saint Augustin* (Paris 1958) 242; on Augustine's ambiguous attitude towards authors like Varro or Cicero, disapproval combined with admiration, see H. Hagedahl, *Von Tertullian zu Cassiodor. Die profane literarische Tradition in dem lateinischen christlichen Schrifttum*, *Studia Graeca et Latina Gothoburgensia* 44 (Göteborg 1983) 87.

9 Cf. August. *C.D.* 6.2: *iste, inquam, vir tantus ingenio tantusque doctrina, si rerum velut divinarum, de quibus scribit, oppugnator esset atque destructor easque non ad religionem, sed ad superstitionem diceret pertinere, nescio utrum tam multa in eis ridenda contemnenda detestanda conscriberet.*

10 Cf. August. *C.D.* 7.33: *per hanc ergo religionem unam et veram potuit aperiri deos gentium esse immundissimos daemones.*

It is amazing that book 7 does not end with this conclusion. What follows, encompassing only two chapters, seems like an appendix to the whole argument. It is the story of Numa, his books and his hydromancy¹¹. Varro, after all, was only an interpreter of his own cultural values. Numa, the Roman tradition agreed on this point, was the founder of these cultural – and particularly religious – values. Varro was perhaps induced by a human error when he advocated Roman religion, but the founder himself, did he not know that his precepts were false? Augustine's answer is: he did. Certainly, the ancient king suffered from the bad influence of the demons, for it was they who told him by means of hydromancy what he had to do¹². However, they revealed to him not only the *facta* but also the *causae*¹³, which Numa hid because he was afraid of the truth and aware of introducing nothing but lies into the young Roman community.

Augustine bases his theory on some events of the early second century B.C.E. We find them recorded by several pagan and Christian writers who give them altogether different functions and meanings. This interpretive openness allows us to observe how, in one particular but representative case, pagan tradition is transformed by a new, Christian view of the world. Moreover, we can perceive how Augustine's, whether consciously or not, distorting use of Varro works and, even more important, why it works.

Through the pen of Augustine, Varro tells the story as follows:

Terentius quidam cum haberet ad Ianiculum fundum et bubulcus eius iuxta sepulcrum Numa Pompilii traiciens aratrum eruisset ex terra libros eius, ubi sacrorum institutorum scriptae erant causae, in urbem pertulit ad praetorem. at ille cum inspexisset principia, rem tantam detulit ad senatum. ubi cum primores quasdam causas legisent, cur quidque in sacris fuerit institutum, Numa mortuo senatus adsensus est, eosque libros tamquam religiosi patres conscripti, praetor ut combureret, censuerunt¹⁴.

A certain Terentius, who had an estate near the Ianiculum, brought, as his ploughman had driven his plough by the tomb of Numa Pompilius and torn out of the earth Numa's books, in which the reasons for the sacred practices were written, these books into the city to the praetor. When the latter had looked at the first passages, he reported the important affair to the senate. As soon as the leading men had read some of the reasons – why everything had been established in the religious rites –, the senate approvingly agreed with the deceased Numa and the senatorial elders, faithful to the observances of religion, decided that the praetor should burn the books.

Numa had – as Augustine interprets the events: out of unlawful curiosity¹⁵,

11 August. *C.D.* 7.34–35.

12 August. *C.D.* 7.35: *quid in sacris constituere atque observare deberet.*

13 August. *C.D.* 7.35: *his tamen artibus didicit sacra illa Pompilius, quorum sacrorum facta prodidit, causas obruit.*

14 Varro, *Curio de cultu deorum*, fr. 3 Cardauns *apud* August. *C.D.* 7.34.

15 August. *C.D.* 7.34: *curiositate illicita*; *curiositas* is always a negative characteristic in Augustine's work, cf. J. J. O'Donnell, *Augustine, Confessions II: Commentary on Books 1–7* (Oxford 1992)

– detected and, in order not to forget them, written down the secrets of the demons. Those secrets, however, seemed so corrupting to him that he did not want them to be divulged in order not to teach people wicked things – *ne homines nefaria doceret* –, wherefore he buried them near his tomb. No doubt, it would have been safer to destroy the dangerous information, but Numa shrank back from doing so, fearing the demons' wrath. When, by an accident, the writings were discovered some centuries later, they were still considered such explosive material that the senate could not but execute what Numa had not ventured to do: the books were burnt. The senate's approval of Numa's action becomes mere lip-service; the senators do not dare to condemn the *religiones maiorum* and, with them, Numa's institutions, but the writings have to be removed¹⁶.

For Augustine there is an intrinsic contradiction between the burning of the books, *tanta impietas*, as he calls it, and the alleged adherence to Numa's religion. If he is right, our question must be the following: Why did Varro not perceive the contradiction? And why did he even stress it by adding to *patres conscripti* the apparently unnecessary words *tamquam religiosi*?

It has been argued that *tamquam religiosi* is an ironical comment by Augustine, and that the whole story is not a literal quotation from Varro, but rather Augustine's summary of Varro's account¹⁷. But the comment 'as if they were motivated by religious considerations' would imply that the burning of the books and the display of religiousness are not inevitably contradictory. We will see that this may well be true for Varro, but Augustine does not read the story this way. He would not invent a psychological reason for the senate's approval of the former king – i.e. the senators' fear –, if he could explain both the burning and the approval by one and the same will of deceit. Apart from this, the stylistic value of *tamquam*, which is, when used without a verb, unclassical, points rather

150–151, and J. J. O'Donnell, *Augustine, Confessions III: Commentary on Books 8–13, Indexes* (Oxford 1992) 223–224. O'Donnell shows that for Augustine *curiositas* is directly linked with the demons (cf. August. *In epist. Ioh.* 2.13: *desiderium oculorum dicit omnem curiositatem. iam quam late patet curiositas? ipsa in spectaculis, in theatris, in sacramentis diaboli, in magicis artibus, in maleficiis ipsa est curiositas. aliquando tentat etiam servos Dei, ut velint quasi miraculum facere, tentare utrum exaudiat illos Deus in miraculis; curiositas est, hoc est desiderium oculorum; non est a Patre*). – For the history of the term, which is first attested in a letter by Cicero (*Att.* 2.12.2), see A. Labhardt, "Curiositas. Notes sur l'histoire d'un mot et d'une notion", *MusHelv* 17 (1960) 206–224. R. Joly, "Curiositas", *AC* 30 (1961) 33–42, traces Augustine's concept back to Seneca and Roman stoicism; cf. also H. Blumenberg, "Augustins Anteil an der Geschichte des Begriffs der theoretischen Neugierde", *REAug* 7 (1961) 35–70. O'Donnell, III.223, gives further bibliography.

16 August. *C.D.* 7.34.

17 B. Cardauns, *Varros Logistoricus über die Götterverehrung (Curio de cultu deorum). Ausgabe und Erklärung der Fragmente* (Würzburg 1960) 19–20. – H. Hagendahl, *Latin Fathers and the Classics. A Study on the Apologists, Jerome and Other Christian Writers*. Acta Universitatis Gothoburgensis 56.2 (Göteborg 1958) 96, underlines that Jerome and Augustine made use of literal quotations, not paraphrases. "to an extent not customary among Christian writers".

at Varro's unevenness of expression than at Augustine's plain language¹⁸. It is much more likely that *tamquam religiosi* is Varro's wording and that the antiquarian writer really saw the burning of the books as a religious act, and not even in contradiction with the previous approval of Numa. It must therefore be the interpretation of people like Varro which Augustine calls frenzied quarrelsomeness, *vesana contentio*¹⁹.

Thus, Augustine's reading appears as an unfair mutilation of Varro's text. And that it is, but it is not an unfair mutilation of the story itself. Augustine's interpretation seems to be built not only on Varro, but also on the tradition present in other versions of pre-Augustinian authors, which suggest that Numa's books were indeed a potential danger for Numa's religion. A comparison of these other accounts will corroborate my conclusion that Augustine quotes, and does not summarize, Varro literally. The résumé of the Varronian passage would be more than wretched if Augustine had lost some of the most vulnerable points in his source.

Before examining the exegetic history of the story of Numa's books, we should try to figure out which were the actual facts as far as they can be reconstructed from the more or less common agreement of the sources²⁰. In 181 B.C.E., on the farm of a Roman scribe at the foot of the Janiculum hill near Rome, the empty coffin of Numa Pompilius is, allegedly, found, Numa's body having been dissolved by the ages. In a second chest, or in the very coffin, there are fourteen or twenty-four quite well-conserved books written by the ancient king. Half of them are about pontifical law and are in Latin; the other half concern philosophical themes and are in Greek. The scribe brings the books to the praetor Q. Petilius who reads a part of the text and decides to report the affair to the senate. The latter equally has a look at the old documents, or just trusts the praetor's affirmations about them, and deems it necessary to destroy the books by fire, in order to prevent a possible questioning of the ancestral religion which

18 The *Oxford Latin Dictionary*, s.v. *tamquam* 5, refers to passages from Livy, Pliny, Tacitus, and Suetonius. E. Norden, *Die antike Kunstprosa vom VI. Jahrhundert v. Chr. bis in die Zeit der Renaissance* (Leipzig⁴1923) I.195, remarks in his paragraph about Varro: "Wenn ihn Remmius Palaemon ... ein 'Schwein' nannte (Suet. de gr. 23), so dürfte er damit den Stilisten haben bezeichnen wollen."

19 August. *C.D.* 7.34: *credat quisque quod putat; immo vero dicat, quod dicendum suggesserit vesana contentio, quilibet tantae impietatis defensor egregius.*

20 August. *C.D.* 7.34; Liv. 40.29.3–14; Val. Max. 1.1.12; Plin. *N.H.* 13.84–87; Plut. *Numa* 22.2–5; Lact. *Inst.* 1.22.5–8; ps.-Aur. Vict. *De vir. ill.* 3. Festus 178.19–22 (Lindsay) is too lacunary to be of any help: *Numam Pompilium Ianicul<o in monte situm esse> ferunt, in quo arcam eius in ... nominis, a Terentio ... te agrum.* –For the reconstruction of the facts cf. also G. Dumézil, *Archaic Roman Religion. With an Appendix on the Religion of the Etruscans*, transl. by P. Kapp, vol. 2 (Chicago/London 1970) 521–523; K. Rosen, "Die falschen Numabücher. Politik, Religion und Literatur in Rom 181 v. Chr.," *Chiron* 15 (1985) 65–90; J.-M. Pailler, *Bacchanalia. La répression de 186 av. J.-C. à Rome et en Italie: vestiges, images, tradition*, BEFAR 270 (Rome 1988) 625–626.

could result from the knowledge of the contents among a broader public. The books then are burnt on the *comitium*, the place of the people's assembly in Rome, by official sacrifice specialists, the *victimarii*. Not all the versions agree in every detail, but the essential facts remain the same – or are eventually omitted²¹.

In order to understand the importance of the event, one has to remember that Rome had been severely shaken by the scandal of the *Bacchanalia* only five years earlier. In mystery circles of the god Bacchus, Roman values seemed to be undermined; there were reports of orgies, false evidence, false signatures, false wills, slanderous denunciations, murders and secret poisonings. The affair appeared as one huge conspiracy against the Roman traditions and authorities. Consequently, the senate took it to heart and ordered highly repressive measures; countless persons were beheaded or imprisoned²².

In the light of this collective panic and neurosis, the history of the books of Numa represents a less violent, but still significant, episode in the same struggle between tradition and innovation²³. The cult of Dionysus-Bacchus had spread from the Greek world and finally affected Rome itself²⁴. Besides Greek religious influence, Greek philosophy could have an equally dangerous impact on the Roman state.

Although several Latin authors protest against it, the opinion that Numa had been a disciple of Pythagoras was widespread. The historian Valerius Antias, one of Livy's sources, came to the conclusion, therefore, that Numa's philosophical books were Pythagorean²⁵. Since this ancient link between Greece and

21 F. Della Corte, "Numa e le streghe", *Maia* 26 (1974) 8–10, gives a useful overview of the minor divergences.

22 Cf. Liv. 39.8–19, as well as e.g. Dumézil (n. 20 above) 515–521; J. Scheid, *Religion et piété à Rome* (Paris 1985) 20–21; the *Bacchanalia* affair is exhaustively explored by Pailler (n. 20 above). – W. H. C. Frend, *Martyrdom and Persecution in the Early Church. A Study of a Conflict from the Maccabees to Donatus* (Oxford 1965) 104–126, especially 109–111, explains the phenomenon as just one symptom of the persistent problem of how far harmonization between the Roman deities and those of conquered or allied peoples could be carried; thus, these early events can be seen in the larger context of the later struggle between paganism and Christianity; cf. also R. Muth, "Vom Wesen römischer 'religio'", *ANRW* 2.16.1 (1978) 301–315.

23 Dumézil (n. 20 above) 521; Pailler (n. 20 above) 669–703; K. R. Prowse, "Numa and the Pythagoreans: A Curious Incident", *G&R* 11 (1964) 41, even suggests a direct relation between the *Bacchanalia* affair and the intrusion of Pythagoreanism. Scheid (n. 22 above) 103–111, underlines the importance of the lost socio-economic balance as the underlying cause for the attempted innovations.

24 The precise point of origin or way of transmission of the Bacchic mysteries in Italy is unknown, but they are certainly Greek; cf. M. P. Nilsson, *Geschichte der griechischen Religion*, 2. Band: *Die hellenistische und römische Zeit*, *Handbuch der Altertumswissenschaft* 5.2.2 (München 1974) 365; on the role of Etruria as mediator see Pailler (n. 20 above) 467–521.

25 Liv. 40.29.8; for the ancient discussion about Numa as a Pythagorean cf. Cic. *Rep.* 2.15.28 and K. Glaser, "Numa Pompilius", *RE* 17.1 (1936) 1245–1252; E. Gabba, "Considerazioni sulla tradizione letteraria sulle origini della repubblica", in: *Les origines de la république romaine. Neuf exposés suivis de discussions*, *Entretiens sur l'antiquité classique* 13 (Vandœuvres-Genève 1966) 156–163. – Livy (40.29.8) calls the link between Numa and Pythagoras a *volgata opinio*.

Rome, between wisdom and politics, was probably older than the certainly forged documents from Numa's tomb²⁶, the philosophic treatises ascribed to Numa may indeed have been influenced by the neo-Pythagorean school, which perhaps tried to find official support by producing the forgeries²⁷.

In itself, a Pythagorean way of life with all its rigid regulations hardly posed any threat to Roman society. The threat came rather from the sudden availability of philosophic writings which could stir up the religious emotions of the masses by means of their sensational discovery; so they had to be put under control²⁸. Given that the Pythagorean philosophy was originally rather aristocratic and addressed the élite²⁹, one might speculate about the involvement of more popular, and thus more dangerous, ideas from the somewhat related Orphic movement in South Italy, but there is no evidence to confirm the hypothesis³⁰.

thereby stressing the unreliability of this tradition: cf. G. B. Miles, *Livy. Reconstructing Early Rome* (Ithaca/London 1995) 35, on Livy's use of the expression *volgata fama*.

26 Dumézil (n. 20 above) 523. – Cf. also R. M. Ogilvie, *A Commentary on Livy. Books 1–5* (Oxford 1965) 89. P. Panitschek, "Numa Pompilius als Schüler des Pythagoras", *GrBtr* 17 (1990) 49–65, wants to see, against Ogilvie and Gabba (n. 25 above) 157–158, the origin of the Numa-Pythagoras tradition in Roman antiquarian writings.

27 Cf. A. Delatte, "Les doctrines pythagoriciennes des livres de Numa", *BAB* (1936) 19–40; Prowse (n. 23 above) 41–42; W. Speyer, *Bücherfunde in der Glaubenswerbung der Antike. Mit einem Ausblick auf Mittelalter und Neuzeit*, Hypomnemata 24 (Göttingen 1970) 54. Pailler (n. 20 above) 639–649, suggests that even the alleged circumstances of the finding corresponded with Pythagorean ideas such as metempsychosis. – Rosen (n. 20 above) 75–77, thinks that the ancient link between Numa and Pythagoras was stressed by Piso for personal reasons; however, there is nothing to prove the further hypothesis that the burning of Numa's books was not directed against real philosophical thoughts but rather against tendencies of stylizing P. Cornelius Scipio Africanus as θεῖος ἀνήρ and 'second' Numa. A similar view is advocated by A. Grilli, "Numa, Pitagora e la politica antiscipionica", *ContrIstStorAnt* 8 (1982) 195–197, who suspects a political opposition against the family of Scipio, disguised as opposition against Pythagoreanism, as well as by M.-J. Pena, "La tumba y los libros de Numa", *Faventia* 1 (1979) 225, who asks if "todo fuera un montaje ... para asestar premeditadamente un golpe al pitagorismo y a las corrientes filosófico-religiosas griegas". – Even in the late first century B.C.E. some literary essays on philosophical subjects, ascribed to the Tarentine Pythagorean Archytas and written in an artificial Doric dialect, were circulating; see Rawson (n. 8 above) 31; cf. for the whole tradition W. Burkert, "Hellenistische Pseudopythagorica", *Philologus* 105 (1961) 16–43 and 226–246, who discusses (241–243) the possible identification of a pythagorizing quotation from M. Fulvius Nobilior (?), given by Iohannes Lydus (*De ost.* 16) and introduced by the ascription Φούλβιος, ἐκ τῶν Νουμῶν, as a passage from the discovery of 181 B.C.E.: on this point see also Pailler, 695–696, who wants to see in M. Fulvius Nobilior the leader of a modernist (Pythagorean) faction (699).

28 Dumézil (n. 20 above) 524–525.

29 Cf. K. v. Fritz, "Pythagoras. 1B. Pythagoreer", *RE* 24 (1963) 244.

30 For a discussion of the link between Pythagoreanism and the Orphic movement cf. v. Fritz (n. 29 above) 244–246; W. Burkert, *Ancient Mystery Cults* (Cambridge, Mass./London 1987) 87–88; W. Burkert, *Greek Religion*, transl. by John Raffan (Cambridge, Mass. 1985) 296–301, discusses the relation of the Orphic and the Pythagorean movements with the cult of Bacchus, i.e. the cult that had just been suppressed in Rome. – Other suggestions are those by E. Zeller, *Die Philosophie der Griechen in ihrer geschichtlichen Entwicklung*, III.2: *Die nacharistotelische*

In any case, the burning of Numa's books looks like a reaction, not so much against the philosophic thoughts they exposed, but rather against their written form, since, at some point in the future, this could allow claims to canonical authority, thereby threatening the conventional religion that was without a written foundation.

The action of the forgers was quite clever: in order to integrate the new philosophy into a traditional framework, they ascribed the books to the most lawful ancient king and, particularly, they added writings about pontifical law which could be of great help if the authenticity of the books should not be questioned³¹. And it remains one of the most remarkable features of the episode that the senate took Numa's authorship for granted³².

Even more astonishing, then, is the official response to the finding of the king's books. The burning by the *victimarii* on the *comitium*, that is, not secretly but under the very eyes of the body of all Roman citizens, appears as a formal act of sacrifice³³. In such a time of collective crisis, the annihilation of the potential source of social unrest was the best way to prevent the 'crimes' that are supposedly provoked by introducing the new doctrines and by bringing together Roman traditions and foreign elements. The books of Numa are perhaps not so much a real danger than rather an ideal 'victim': the association of the Roman king with foreign philosophy clearly marked a first step towards the feared effacement of identity boundaries. It is not the philosophical content that is dangerous, but its intrusion into the Roman religious system³⁴.

Philosophie, 2. Hälfte (Hildesheim 1963 = Leipzig 1923) 102–103, who suspects Stoic influences in the neo-Pythagorean books, and by Della Corte (n. 21 above) 19, who sees in Numa the symbol of a social and economic program directed towards a redistribution of the *ager publicus*.

31 The forgery is thus an attempt of introducing a 'Kanon von unten': on this phenomenon see Assmann/Assmann (n. 2 above) 22–23. – Given the practical usefulness of adding some less 'dangerous' Latin writings, it is not necessary to see in the division into Greek and Latin books a later invention by Piso, as Rosen (n. 20 above) 74, suggests. N. Berti, "La decadenza morale di Roma e i *virii antiqui*: Riflessioni su alcuni frammenti degli *annali* di L. Calpurnio Pisone Frugi", *Prometheus* 15 (1989) 53, adopts the same idea, but there is no indication that the books about pontifical law were not burned in Piso's account; one may wonder whether the attempt to "ribadire la 'bontà' della dottrina pitagorica, ancora scossa dallo scandalo dei Baccanali, riproponendo il legame Numa-Pitagora e connettendo i precetti del filosofo con lo *ius pontificium* patrio" would not have implied a silent criticism of the action of the senate, the representative of the Roman tradition, to which belonged also the pontifical law.

32 But cf. below on Plin. *N.H.* 13.86.

33 See the note on page 93 of *Livy*, transl. by E. T. Sage and A. C. Schlesinger, Vol. XII: *Books XL–XLII* (Cambridge, Mass./London 1948); the place of the action is another indication of its ritual character, cf. Scheid (n. 22 above) 33: "Le sacrifice et la prière, la prise d'auspices et l'inauguration, tout se fait devant un temple, sur une place publique, dans un bâtiment public." – The fact that the burning by sacrificial specialists could be ordered by the senate corresponds to the senate's role as the "principal focus of mediation between gods and men in Republican Rome": on the function of Roman priests and the senate cf. M. Beard, "Priesthood in the Roman Republic", in: Beard/North (n. 1 above) 17–48, especially 26 and 30–34, and Scheid, 49.

34 Scheid (n. 22 above) 20, underlines the exclusion of foreigners from the cult in Rome. One

Collective polarization facilitates the expulsion of evil³⁵. This explains why Numa's books had to be burnt in front of the assembly. Since some people had already taken notice of the existence of the documents³⁶, it had become impossible to hide them. The only way out of the dilemma was to construct the necessary collective polarisation. Evidently, its consequence, the incrimination of Numa's renown, was regarded as less harmful than the explosive force of the text. As understandable as that may have been in those years of identity neurosis in the Roman Republic, the senate thereby opened a gap between a positive national character³⁷ and what was considered his negative work. This gap should become a serious problem of identity itself in later years, when the crisis was over and the literary creation of the national past demanded a coherent view of the ancestors' behavior. We will now examine how several Roman authors tried to get rid of the contradiction, and how their final failure smoothed the way for the Christian attacks by Lactantius and, with particular skill, by Augustine.

The first pagan writer whose account of the events in 181 B.C.E. has survived is Varro. We have already seen that he effaces the symbolic character of the book-burning in order to reconcile it with the outspoken adherence of the senate to Numa's authority, which is found only in Varro. But we have not yet seen by which means the antiquarian can give the destruction of the books this positive, or at least harmless, appearance. Later accounts, especially those by Plutarch and by the author of the biographical work *De viris illustribus*, Pseudo-Aurelius Victor, will provide us with the clue.

But before that, Livy had to face the difficulty in his work. His version reads as follows:

eodem anno in agro L. Petilii scribae sub laniculo, dum cultores agri altius moliuntur terram, duae lapideae arcae, octonos ferme pedes longae, quaternos latae, inventae

might therefore try to explain the senate's reaction as what has been labeled a 'scapegoat ritual', on the characteristic features of which see R. Girard, *Le bouc émissaire* (Paris 1982) 37. The point of these rituals is precisely the elimination of a foreign intrusion into a closed system: cf. Girard, 36. – C. A. Forbes, "Books for the Burning", *TAPA* 67 (1936) 118, compares previous burnings of books of soothsaying, but the difference of content between these documents and Numa's books should prevent us from equating the two phenomena too easily.

35 Cf. Girard (n. 34 above) 60. Such a psychological appeal to the public was all the more necessary since, as A. W. Lintott, *Violence in Republican Rome* (Oxford²1972) 89–106, shows, the lack of a proper police force was a major defect of the political system in Rome.

36 Cf. especially Liv. 40.29.9.

37 Numa as a highly respectable positive figure of the past appears not only in literature, on which see C. J. Classen, "Die Königszeit im Spiegel der Literatur der römischen Republik", *Historia* 14 (1965) 385–403. The representations of Numa on coins, where there is a 'sabinizing' trend, are perhaps even more significant for the popular views on the ancient king; see J.-P. Morel, "Thèmes sabin et thèmes numaiques dans le monnayage de la république romaine", *Mélanges d'archéologie et d'histoire de l'école française de Rome* 74 (1962) 7–59. On the two 'faces' of Numa (a 'positive' and a 'negative' one) cf. also Pailler (n. 20 above) 655–663.

sunt, operculis plumbo devinctis. litteris Latinis Graecisque utraque arca inscripta erat, in altera Numam Pompilium Pomponis filium, regem Romanorum, sepultum esse, in altera libros Numae Pompilii inesse. eas arcas cum ex amicorum sententia dominus aperuisset, quae titulum sepulti regis habuerat, inanis inventa, sine vestigio ullo corporis humani aut ullius rei, per tabem tot annorum omnibus absumptis. in altera duo fascēs candelis involuti septenos habuere libros, non integros modo sed recentissima specie. septem Latini de iure pontificum erant, septem Graeci de disciplina sapientiae quae illius aetatis esse potuit. adicit Antias Valerius Pythagoricos fuisse, volgatae opinioni, qua creditur Pythagorae auditorem fuisse Numam, mendacio probabili accomodata fide. primo ab amicis qui in re praesenti fuerunt libri lecti; mox pluribus legentibus cum volgarentur. Q. Petilius praetor urbanus studiosus legendi libros eos a L. Petilio sumpsit: et erat familiaris usus, quod scribam quaestor Q. Petilius in decuriam legerat. lectis rerum summis cum animadvertisset pleraque dissolvendarum religionum esse, L. Petilio dixit sese libros eos in ignem coniecturum esse; priusquam id faceret, se ei permittere uti, si quod seu ius seu auxilium se habere ad eos libros repetendos existimaret, experiretur: id integra sua gratia eum facturum. scriba tribunos plebis adit, ab tribunis ad senatum res est reiecta. praetor se iusiurandum dare paratum esse aiebat, libros eos legi servarique non oportere. senatus censuit satis habendum quod praetor iusiurandum polliceretur: libros primo quoque tempore in comitio cremandos esse; pretium pro libris quantum Q. Petilio praetori maiori que parti tribunorum plebis videretur, domino solvendum esse. id scriba non accepit. libri in comitio igne a victimariis facto in conspectu populi cremati sunt³⁸.

In the same year two chests of stone, each about eight feet long and four feet wide, with the lids fastened with lead, were found on the land of the scribe L. Petilius at the foot of the Ianiculum when the fieldworkers turned over the earth at some depth. Both chests were labeled with Latin and Greek letters: the first that Numa Pompilius son of Pompo, the king of the Romans, was buried in it, the second that it contained the books of Numa Pompilius. When the land-owner had opened these chests on the advice of his friends, the one which had had the label about the buried king was found empty without any trace of a human corpse or anything else – as everything had been destroyed by the decay of so many years. In the other, two bundles wrapped up with waxed cord contained seven books each, not intact though, and yet of a very fresh appearance. Seven dealt in Latin with pontifical law, seven in Greek with a philosophical system that might have been from those early times. Valerius Antias adds that they were Pythagorean, thus giving credence to the widespread view which holds that Numa had been a student of Pythagoras – a credible lie. First, the books were read by the friends who were on the spot; soon, when they became widely known as more people read them, the *praetor urbanus* Q. Petilius, eager to read them, took them away from L. Petilius: they were close acquaintances because, as quaestor, Q. Petilius had selected the scribe for his political club. When, after reading the general purport of the contents, he had realized that most of them were such as to demolish religiousness, he told L. Petilius that he would throw the books into the fire; before he would do so, however, he would allow him to try in case he thought he had any right to, or support for, demanding the books back; he might do that without losing his favor. The scribe turned to the tribunes of the people, and the affair was taken to the senate by the tribunes. The praetor declared that he was ready to swear that the books must not be read and kept. The senate considered it sufficient that the praetor offered the vow: at the first opportunity, the books should be burnt on the *comitium*, and as much as the praetor Q. Petilius and the majority of the tribunes of the people would decide should be paid to the owner as a compensa-

38 Liv. 40.29.3–14.

tion for them. This, the scribe did not accept. The books were burnt on the *comitium* in front of the people in a fire, which had been kindled by the *victimarii*.

Livy's text distinguishes itself by its great precision and objectivity. There is no explicit comment on how we have to assess the burning of the books. But the fact that the senate credits the praetor with the Roman virtue of *fides*³⁹, and that the praetor acts with much circumspection and proposes the oath before he knows what the senate will decide suggests that the sacrificial destruction at the end is not seen as contrary to Roman values.

What does that mean for our judgment of Numa? A modern scholar has emphasized how extraordinary the uncritical belief in the authenticity of the forgery was throughout antiquity⁴⁰. Livy is neutral enough not to openly contradict this belief, but there are some hints that a silent scepticism lurks behind his neutrality. Unlike Varro, Livy never speaks of 'Numa's books'. To be sure, there is, on one of the chests, the inscription that Numa's books are inside, but Livy is not responsible for that. In order to identify the coffin of Numa, Livy says (*arca quae titulum sepulti regis habuerat*, not *in qua rex sepultus erat*). The excellent preservation of the books was a recurrent element in the tradition of the story, but, unlike at least one earlier (and now lost) writer⁴¹, Livy does not give a physical explanation. His *recentissima specie* contrasts with the previous *tabem tot annorum* so strikingly that an attentive reader had to grow suspicious⁴². Finally, there is the mention of the contents of the Greek books: *de disciplina sapientiae quae illius aetatis esse potuit*. If, with this, Livy had intended to say unambiguously, 'about that kind of philosophy which feasibly could have existed at the time of Numa', alluding to a certain imperfection of earlier philosophical thought⁴³, he would have had to replace *illius aetatis* by *illa aetate*. *Illius aetatis esse* does not mean 'exist at that time', it means 'belong to that time'. Thus *potuit* receives a more unreal aspect: 'the philosophy which might have belonged to the time of Numa' – although, we understand, there is no proof for this assumption⁴⁴.

39 *Fides* is a key word in Livy's history, describing one of the cornerstones of early, morally unaffected, Roman society; cf. P. G. Walsh, *Livy. His Historical Aims and Methods* (Cambridge 1961) 66. – For the term *fides* as a religious and moral concept of the Roman world, as well as an attribute of the Roman magistrate, see G. Freyburger, *Fides. Étude sémantique et religieuse depuis les origines jusqu'à l'époque augustéenne* (Paris 1986), especially 206–212.

40 Carleaux (n. 17 above) 27. – When Ogilvie (n. 26 above) 90, hopes "that chronological considerations affected the decision" (to burn the books), he is probably too confident about the critical attitude of the senate in 181 B.C.E. As he writes himself (89), the first explicit awareness of the anachronism in the link between Numa and Pythagoras is found only in Cicero's source in *Rep.* 2.29.

41 Cassius Hemina *apud* Plin. *N.H.* 13.86.

42 Rosen (n. 20 above) 69, suggests that Livy's source is Claudius Quadrigarius, whose sceptical remark would be *recentissima specie*; cf. also Pailler (n. 20 above) 625 and 632.

43 Cf. *Livius. Ab urbe condita libri*, hrsg. v. W. Weissenborn, neu bearb. von H. J. Müller, 9. Bd., Heft 1: *Buch 39 und 40* (Berlin 1909) 177 ad loc.

44 It should also be noted that Livy ignores the story of Numa's books in his section on Numa, al-

There is no difficulty in finding the reason for Livy's ambiguity. In his *History of Rome*, he tends to portray schematized characters: Romulus is the militarist; Numa, the peace-loving, religious ruler⁴⁵. Although Numa's institutions were not introduced without conscious manipulation⁴⁶, the fact that they resulted in the creation of the Roman nation justified the means⁴⁷. The well-articulated nationalization of the Roman past expresses itself not only in episodes like that of the Bacchanalian affair, where Livy is at pains to emphasize the foreign origin and alien nature of the rites⁴⁸. It also becomes obvious in our short passage, when Livy rejects the possibility of a Greek – Pythagorean – influence on one of the founders of Rome. Rome's simple native tradition was sufficient to explain the king's wisdom⁴⁹.

Now, if Numa was the exemplary founder of Roman religion, the emperor under whose reign Livy is writing, Augustus could be seen as a reincarnation of Numa since he was keen on restoring the cultural values of ancient Rome⁵⁰. The authorship of the alleged books of Numa had not been questioned in 181 B.C.E. Almost two centuries later, under the early empire, it might nevertheless have

though his probable source, Valerius Antias, relates the full version; see Ogilvie (n. 26 above) 90. Dionysius of Halicarnassus, who likewise wrote his *Roman Antiquities* under the rule of Augustus, does not mention any writings by Numa either, though he speaks of some regulations of Numa, which are comprehended in written laws (2.74.1: τὰ μὲν ἐγγράφοις περιληφθέντα νόμοις), and refers to Numa's tomb on the Janiculum (2.76.6).

45 Cf. T. J. Luce, *Livy. The Composition of His History* (Princeton 1977) 234–235, and Ogilvie (n. 26 above) 88. Thus Romulus and Numa each represent one particular aspect of the foundation of Rome, and belong to an entire succession of *conditores* in Livy's view, as Miles (n. 25 above) 119–131, argues.

46 Cf. Liv. 1.19.5; 1.21.3.

47 Cf. Luce (n. 45 above) 244. – Such critical insights into the use of religion do not seem to have reached a broader public in the age of Augustus, but were limited to a small intellectual élite; cf. W. Speyer, “Das Verhältnis des Augustus zur Religion”, *ANRW* 2.16.3 (1986) 1794.

48 Luce (n. 45 above) 260.

49 In 1.18.2 Livy explicitly states that Numa and Pythagoras could not have been contemporaries; cf. also Luce (n. 45 above) 246; Miles (n. 25 above) 149–150.

50 For the evocation of Numa's activity as a religious founder by Augustus' own revival of Roman public religion see Gordon (n. 1 above) 183–184. – H.-G. Nesselrath, “Die *gens Iulia* und Romulus bei Livius”, *WJA* 16 (1990) 166, argues that it is Numa, not the Caesar-like Romulus, who is portrayed by Livy as a “explizite Parallele zu Augustus”; cf. also Miles (n. 25 above) 92. It should be noted, however, that Romulus, like Aeneas, is a central part of the Augustan propaganda as it appears in the imagery of the Forum of Augustus, whereas Numa is absent; on this imagery and the choice of the represented *summi viri*, see the fundamental work by P. Zanker, *The Power of Images in the Age of Augustus*, transl. by Alan Shapiro (Ann Arbor 1988), especially 201–215. T. J. Luce, “Livy, Augustus, and the Forum Augustum”, in: K. A. Raaflaub/M. Toher (eds.), *Between Republic and Empire. Interpretations of Augustus and His Principate* (Berkeley/Los Angeles 1990) 123–138, suggests that Augustus deliberately chose a view of Roman history which differed from Livy's, namely that of the *Annales Maximi*, when he selected the *summi viri*. – On Augustus' religious restoration, see e.g. F. Jacques/J. Scheid, *Rome et l'intégration de l'Empire (44 av. J.-C.–260 ap. J.-C.)*, Tome 1: *Les structures de l'Empire romain* (Paris 1990) 117 and 121–122, and Speyer (n. 47 above) 1787–1800.

been, at best, undiplomatic to credit the legendary king with destructive machinations against the foundations of Roman society⁵¹. Livy was a historian, and he did not distort the transmitted facts. But his absolute objectivity in this case equaled a silent defence of Numa as a religious ruler; a defence that should in the end prove to be as inefficient against Christian attacks as Varro's positive reinterpretation of the act of burning.

Our next source is the rhetor Valerius Maximus. Though not very distant from the time of Augustus, Valerius' age is a new one. Thus, while Augustan writers serve as models, the imperial literature under the subsequent emperors strives to maintain an allegiance and continuity with the republican past⁵². Valerius Maximus' collection of classified and categorized rhetorical *exempla* reflects the earlier oral culture which now, for the first time, is preserved in a comprehensive written form⁵³. If we bear this in mind, our understanding of Valerius' account of the story of Numa's books receives a particularly interesting dimension. In his category of examples for *religio conservata*, Valerius relates:

magna conservandae religionis etiam P. Cornelio Baebio Tamphilo consulibus apud maiores nostros acta cura est. si quidem in agro L. Petili scribae sub Ianiculo cultoribus terram altius versantibus, duabus arcis lapideis repertis, quarum in altera scriptura indicabat corpus Numae Pompili fuisse, in altera libri reconditi erant Latini septem de iure pontificum totidemque Graeci de disciplina sapientiae, Latinos magna diligentia adservandos curaverunt, Graecos, quia aliqua ex parte ad solvendam religionem pertinere existimabantur; Q. Petilius praetor urbanus ex auctoritate senatus per victimarios facto igni in conspectu populi cremavit: noluerunt enim prisci viri quidquam in hac adservari civitate, quo animi hominum a deorum cultu avocarentur⁵⁴.

Much care in preserving religiousness was also taken among our ancestors under the consulate of P. Cornelius and Baebius Tamphilus. For when on the land of the scribe L. Petilius at the foot of the Ianiculum, as the fieldworkers turned over the earth at some depth, two chests of stone were found, in the first of which had been the corpse of Numa Pompilius, as an inscription indicated, and in the other were hidden seven Latin books about pontifical law and just as many Greek books about a philosophical system, they saw to it that the Latin ones be kept very carefully, and the praetor

51 The result would be similar to that of stylizing Romulus as a primitive militarist, which would be equivalent to an implicit criticism of the *princeps* as S. Hindle, "Arma in Ovid's *Fasti*. Part 2: Genre, Romulean Rome and Augustan Ideology", *Arethusa* 25 (1992) 131, points out in an analysis of *Ov. Fast.* 3. – Miles (n. 25 above) 47–54, underlines the social and political pressures that may have borne on Livy.

52 W. M. Bloomer, *Valerius Maximus & the Rhetoric of the New Nobility* (Chapel Hill/London 1992) 3; for the problem of the exact date of Valerius' work (certainly under the reign of Tiberius) see C. J. Carter, "Valerius Maximus", in: T. A. Dorey (ed.), *Empire and Aftermath. Silver Latin* 2 (London/Boston 1975) 31–34.

53 Bloomer (n. 52 above) 8. This transition has certainly facilitated the emergence of a new style in Roman rhetoric, on which see Norden (n. 18 above) I.270–273.

54 Val. Max. 1.1.12.

Q. Petilius burnt the Greek ones by order of the senate in a fire kindled by the *victimarii* in front of the people because they seemed in a certain part to be conducive to demolishing religiousness: the ancients obviously did not want that something be kept in this state by which the minds of the people might be alienated from worshipping the gods.

Valerius' account is probably based on Livy⁵⁵. Here again, we do not find an explicit inculpation of Numa by the ascription of the books. But it seems as if Valerius was looking for another way out of the dilemma between a good king and his bad writings.

The idea that the Latin books about pontifical law are carefully conserved whereas the Greek philosophical treatises are burnt is unique. We cannot exclude with certainty that Valerius Maximus did not find it in an earlier version⁵⁶, but it seems more likely that this is his personal attempt at a positive reintegration of Numa into Roman, and only Roman, history and tradition. Valerius is not concerned with the king at all. He focuses on the noble action of the senate that eliminates foreign intrusion. However, it is not only the Latin language that makes the books on religious law sacrosanct. These, unlike the Greek books, deal with a Roman institution, that is, they fix the earlier oral tradition of pontifical law by means of the written word. The parallel to what Valerius Maximus himself is doing with rhetorical tradition is evident. The Greek writings, on the other hand, do not represent a new stage of an oral past; the written text here tries to establish something altogether new and that comes from outside⁵⁷.

To Varro the burning of the books on sacrificial law had not meant a danger for the continued existence of Numa's legislation. In Livy, on the other hand, the burning did imply the ultimate and intentional destruction of at least the contents of the Greek books by means of a sacrificial act; thus, Livy had been subliminally dictated a new solution to the apparent contradiction. With Valerius Maximus this more recent view becomes undeniable. Oral tradition is now gravely endangered without a written record; hence, the written record of a good oral tradition has to be rescued if a glorious past is to be constructed by the rhetor.

We will see that the difference between an oral and a written religious culture explains the interpretations too consistently to be a mere accident in the comparison of our three earliest sources. Moreover, this approach is not, as it

55 Cf. M. Fleck, *Untersuchungen zu den Exempla des Valerius Maximus* (Diss. Marburg/Lahn 1974) 119, and Bloomer (n. 52 above) 138.

56 Cf. the general statement about Valerius' fidelity to his sources in Fleck (n. 55 above) 122; but the suggestion by Rosen (n. 20 above) 70, that Valerius Antias corrected the original version by Piso because the *pontifices* attributed many cultic preceptions to Numa is no more than a guess.

57 In analyzing the different fates of the Greek and Latin books in Valerius' version, one is strangely reminded of the tendencies towards irrationality under the beginning authoritarianism of the principate. Valerius' entire work is, as G. W. Williams, *Change and Decline. Roman Literature in the Early Empire* (Berkeley/Los Angeles/London 1978) 191, convincingly argues, a representative of this "flight from reason".

might first seem, just a projection of a modern way of conceptualizing; it is deeply rooted in Graeco-Roman thinking, as our next major source, Plutarch, proves.

Before Plutarch, however, Pliny mentioned the event in his *Natural History*⁵⁸. For the present discussion, this passage is less important since Pliny's interest lies entirely on the chemical reason for the preservation of Numa's books. Pliny quotes the account of the early historian Cassius Hemina⁵⁹, for whom all of the books were concerned with the philosophical doctrine of Pythagoras, but Pliny also knows the versions of Calpurnius Piso, Sempronius Tuditanus, Varro, and Valerius Antias⁶⁰. One information in Cassius Hemina's text deserves our special attention:

*mirabantur alii quomodo illi libri durare possent; ille [sc. Terentius] ita rationem reddebat: lapidem fuisse quadratum circiter in media arca vinctum candelis quoquo-versus; in eo lapide insuper libros III sitos fuisse: se propterea arbitrarier non computruisse; et libros citratos fuisse; propterea arbitrarier tineas non tetigisse*⁶¹.

Some other people wondered how those books could have lasted; he, Terentius, explained it this way: there had been a squared stone about in the middle of the chest, fastened by waxed cord on every side; on the top of this stone the three books had been placed: he thought they had not decayed for this reason; moreover, the books had been treated with citron-wood oil: therefore, he thought, the maggots had not touched them.

The forger had foreseen that the authenticity of the books might be questioned, and he had carefully prepared an explanation. Some senators, on the other hand, did not believe the story of the finding as easily as Livy's and Varro's treatments suggest. What could have been a simple solution to the dilemma the 'immoral' Numa posed – arguing that it was technically impossible to preserve books over 500 years and that the find therefore had to be a forgery – was completely dismissed by these later versions. Of course, we do not know how widely Cassius Hemina was read, but if Pliny quoted him, at least Varro should have been acquainted with him, too. The fact that Varro prefers, as far as we see, his own elimination of the problem is all the more remarkable.

Plutarch is somehow an exception. He is a Greek and writes in Greek⁶². Whether the principal aim of his *Parallel Lives* was presenting Roman culture as equal to a Greek audience or showing the Romans the benefits they were

58 Plin. *N.H.* 13.84–87.

59 Hem. fr. 37 Peter *apud* Plin. *N.H.* 13.84–86.

60 Calp. fr. 11 Peter, Sempr. Tud. fr. 3 Peter, Val. Ant. fr. 8 and fr. 15 Peter *apud* Plin. *N.H.* 13.87.

61 Plin. *N.H.* 13.86.

62 Cf. for the Hellenistic background of Plutarchian biography A. Momigliano, *The Development of Greek Biography* (Cambridge, Mass. 1971) 77–89, and, with a focus on the influence of Peripatetic doctrine, A. Dihle, *Studien zur griechischen Biographie*, AGAW, Phil.-hist. 3.37 (Göttingen 1956) 57–87.

provided with by Hellenic culture⁶³, his, as we would call it, structuralist view is revolutionary⁶⁴. The main question is no longer: ‘Do the Romans depend on Greece or not?’, but: ‘In what way do both the Greek and the Roman culture display similar features, the knowledge of which may improve the moral quality of both Greek and Roman readers?’⁶⁵

Numa’s counterpart in Plutarch is the Spartan legislator Lycurgus. But throughout the *Life of Numa*, Plutarch has in mind yet another parallel, that of Numa and Pythagoras⁶⁶. Again, there is no genealogical reason for this, and Plutarch merely claims indulgence for those who want to establish that Numa depended on Pythagoras⁶⁷. The resemblance of Numa and Pythagoras is rather a typological one. After Numa’s death, Plutarch writes,

... πυρὶ μὲν οὖν οὐκ ἔδοσαν τὸν νεκρὸν αὐτοῦ κωλύσαντος, ὡς λέγεται, δύο δὲ ποιησάμενοι λιθίνας σορούς ὑπὸ τὸ Ἰάνοκλον ἔθηκαν, τὴν μὲν ἑτέραν ἔχουσαν τὸ σῶμα, τὴν δὲ ἑτέραν τὰς ἱερῶν βίβλους ἃς ἐγράψατο μὲν αὐτός, ὡσπερ οἱ τῶν Ἑλλήνων νομοθέται τοὺς κύρβεις, ἐκδιδάξας δὲ τοὺς ἱερεῖς ἐτιζῶν τὰ γεγραμμένα καὶ πάντων ἕξιν τε καὶ γνώμην ἐνεργασάμενος αὐτοῖς, ἐκέλευσε συνταφῆναι μετὰ τοῦ σώματος, ὡς οὐ καλῶς ἐν ἀψύχοις γραμμασι φρουρουμένων τῶν ἀπορρήτων. ᾧ λογιμῶ φασὶ μηδὲ τοὺς Πυθαγορικοὺς εἰς γραφὴν κατατίθεσθαι τὰ συντάγματα, μνήμην δὲ καὶ παιδευσιν αὐτῶν ἄγραφον ἐμποιεῖν τοῖς ἀξίοις⁶⁸.

... they **did** not commit his **body** to the fire since he **had** **forbid**den it, as it is **tol**d, but **made** two coffins of stone and **burie**d them at the foot of the Ianiculum, the one containing the corpse, the other the holy books he **had** written himself, just as the Greek lawgivers wrote their law-tablets: having taught however, while he was yet alive, the contents to the priests and **having imbue**d them with the entire system and **its pur**-

63 For the **d**iscussion of Plutarch’s purpose see e.g. C. P. Jones, *Plutarch and Rome* (Oxford 1971) 103–109.

64 The function of Plutarch’s parallels is **d**iscussed in P. Desideri, “La formazione **d**elle coppie nelle ‘Vite’ plutarchee”, *ANRW* 2.33.6 (1992) 4470–4486.

65 Cf. e.g. K. Ziegler, “Plutarchos. 2”, *RE* 21.1 (1951) 904–905, and S. C. R. Swain, “Hellenic Culture and the Roman Heroes of Plutarch”, in: B. Scardigli (ed.), *Essays on Plutarch’s Lives* (Oxford 1995; first published in: *JHS* 100, 1990) 264; A. Wardman, *Plutarch’s Lives* (London 1974) 236.

66 The parallel between Numa and Pythagoras is, of course, of another order than that between Numa and Lycurgus. F. Frazier, “A propos **d**e la composition **d**es couples **d**ans les ‘Vies parallèles’ **d**e Plutarque”, *RPh* 61 (1987) 71, analyzes the ‘political type incarnated by Numa and Lycurgus’ as “**d**eux législateurs philosophes”. Thus the comparison of Numa with Pythagoras establishes the philosophical quality of Numa’s achievements which is necessary to match Lycurgus’ work.

67 Plut. *Numa* 22.4. Plutarch has therefore not really “accepted the tradition that Numa was a pupil of Pythagoras”, as Wardman (n. 65 above) 203, writes; Plut. *Numa* 8.4 (ἐξ ὧν καὶ μάλιστα λόγον ἔσχεν ἢ σοφία καὶ ἢ παιδεία τοῦ ἀνδρός, ὡς Πυθαγόρου συγγεγονότος) **d**oes not necessarily imply that the author shares this opinion and, in 8.10, Plutarch even calls the belief in Numa’s acquaintance with Pythagoras (or, if Reiske’s conjecture should be correct, the attempt to win belief for it) μειρακιδιώδης φιλονεικία. Swain (n. 65 above) 247, remarks that Plutarch sees the failure of Numa’s system in its lack of the cohesive force of Hellenic παιδεία.

68 Plut. *Numa* 22.2–3.

pose, he ordered the books to be buried with the body as it would not be right that the ineffable secrets be guarded by lifeless writings. For the same reason, they say, the Pythagoreans do not set down in writing their doctrine either but instil its unwritten transmission and instruction into those worthy of it.

Plutarch is the first pagan author who tries to construct a really coherent story. Like Augustine three centuries later, he does not overlook that an interpreter has to give a reason, not only for the senate's burning of Numa's books, but also for Numa's own attempt of hiding them. Indeed, in Plutarch as in Augustine, the senate just repeats in a more definite manner what the ancient king had undertaken:

τετρακοσίων δέ που διαγενομένων ἐτῶν ὕπατοι μὲν ἦσαν Πόπλιος Κορνήλιος καὶ Μάρκος Βαίβιος· ὄμβρων δὲ μεγάλων ἐπιπεσόντων καὶ χώματος περιωραγέντος ἐξέωσε τὰς σοροὺς τὸ ῥεῦμα· καὶ τῶν ἐπιθημάτων ἀποπεσόντων ἢ μὲν ἑτέρα κενὴ παντάπασιν ὤφθη καὶ μέρος οὐδὲν οὐδὲ λείψανον ἔχουσα τοῦ σώματος, ἐν δὲ τῇ ἑτέρᾳ τῶν γραμμῶν εὐρεθέντων ἀναγνῶναι μὲν αὐτὰ λέγεται Πετίλιος στρατηγῶν τότε, πρὸς δὲ τὴν σύγκλητον κομίσει, μὴ δοκεῖν αὐτῷ θεμιτὸν εἶναι λέγων μηδὲ ὅσιον ἔκπυστα πολλοῖς τὰ γεγραμμένα γενέσθαι· διὸ καὶ κομισθείσας εἰς τὸ Κομίτιον τὰς βίβλους κατακαῆνα⁶⁹.

After about 400 years Publius Cornelius and Marcus Baebius were consuls. As a result of heavy rains the sepulchral mound broke open, and the current washed out the coffins. When the lids had fallen down, the first was found altogether empty – not containing any piece nor any trace of the body –, but in the other the writings were discovered, and Petilius, who was praetor at the time, is said to have read them, brought them to the senate, and stated that he did not deem it righteous nor lawful that the writings become known to everybody; therefore the books were brought to the *comitium* and burnt.

By relating Numa's order to bury the books and by having them discovered by heavy rains, not by human intervention, Plutarch does not allow any doubt about the authorship. Numa's books have definitely become *Numa's*⁷⁰.

Yet, Numa's religion is transformed; it has assumed some features of a Hellenistic mystery cult, where initiation is restricted to a narrow circle of priests. Plutarch's idea is less eccentric than it first appears to be. Even in Livy, Numa

69 Plut. *Numa* 22.4–5.

70 The new version of the circumstances of the discovery and the explanation of the imposed secrecy make it difficult to establish Plutarch's source, which is not necessarily a literary one as L. Piccirilli, "Cronologia relativa e fonti delle *Vitae Lycurgi et Numa* di Plutarco", in: *φιλικὰς χάρις. Miscellanea di studi classici in onore di Eugenio Manni*, tomo V (Roma 1980) 1764, observes. C. B. R. Pelling, "Plutarch's Method in the Roman Lives", in: Scardigli (n. 65 above; first published in: *JHS* 99, 1979) 296, argues that "in Plutarch's treatment of earlier Roman history, it is likely enough that he knew Livy's accounts at first hand"; that Plutarch used Latin works more or less like "a modern scholar who reads works in both native and foreign languages" has become widely accepted according to B. Scardigli, "Introduction", in: Scardigli (n. 65 above) 18 (with literature). For a detailed discussion of the sources of the *Lives* see R. H. Barrow, *Plutarch and his Times* (Bloomington/London 1967) 150–161.

had deceived the people⁷¹ – or, according to Plutarch, the uninitiated – in order not to betray the very reasons of his sacral institutions. Nevertheless, we may ask what circumstances brought along Plutarch's association.

As in the previous cases, the gulf between a written and an oral culture is the crucial point. Roman civilisation had been more and more 'textualized' under the late Republic and the early Empire, as we have seen with Valerius Maximus. The same, of course, was true in Greece. One of the last refuges where the written word had no important function was precisely the mystery cults⁷². Here, the oral transmission of the cultic truth was a guarantee for the necessary secrecy. So, if the founder of a religion intended to hide his writings but was, at the same time, interested in the continuation of established rites through spoken teaching from one generation of priests to the next, a typologist like Plutarch could not but conclude that he was dealing with some kind of a mystery cult⁷³.

One might object that this explanation of Plutarch's thought is inconsistent insofar as Numa did write his books while the mystery cults should rather renounce the written word, as in the case of the Eleusinian mysteries, which do not use any text at all⁷⁴. Consequently, Plutarch could not have seen in Numa the founder of such a type of religious observance. And yet, there is a highly interesting instance of the (re)establishment of a mystery cult in Greece where books play an essential part. The parallel to our story is most striking.

Pausanias⁷⁵ relates that, after the Spartan defeat in Leuktra in 371 B.C.E., the Messenian Epameinondas and his Argive friend Epiteles were ordered by a dream to dig on the mountain Ithome. Doing so, they found a tablet of tin into which the mysteries of the Great Goddess of Andania were engraved. Allegedly, it was the ancient hero Aristomenes who had buried it a long time ago, before the fall of Messenia in its battle against Sparta. The finding was clearly a pious fraud intended to unify the Peloponnesian cities against the weakened

71 Cf. Liv. 1.19.5; 1.21.3. – Wardman (n. 65 above) 88, remarks that Plutarch's portrait of Numa is exceptional inasmuch as his political use of religious deception and superstition is explicable and justified; for Plutarch's usual negative judgment on superstitiousness see P. Geigenmüller, "Plutarchs Stellung zur Religion und Philosophie seiner Zeit", *NJbb* 24 (1921) 260–261.

72 But cf. below on the mysteries of Andania.

73 This conclusion must have been even more tempting as it was the mystery cults that linked philosophical thinking with religious practice for the first time in a more than ephemere way; cf. Jacques/Scheid (n. 50 above) 115; E. Norden, *Agnostos Theos. Untersuchungen zur Formengeschichte religiöser Rede* (Leipzig/Berlin 1913) 108–109. – Plutarch's approval of the senate's action can, on a more general level, be related to his ultimate preference of faith over reason; cf. E. Valgiglio, *Divinità e religione in Plutarco* (Genova 1988) 69–70 and 95.

74 At least as far as we know: cf. Burkert 1987 (n. 30 above) 70.

75 Paus. 4.26.6–8; cf. R. J. Müller, "Tradierung religiösen Wissens in den Mysterienkulten am Beispiel von Andania", in: W. Kullmann/J. Althoff (eds.), *Vermittlung und Tradierung von Wissen in der griechischen Kultur*, *ScriptaOralia* 61 (Tübingen 1993) 308–309.

power of Sparta⁷⁶. The mystery cult of Andania had to be refounded in order to give the allies a spiritual center.

In our context, it is essential to note that the existence of a text which helps to introduce a mystery cult does not contradict the Greek concept of the cult itself. Whatever the contents of the tin-tablet were, an aetiological myth or a set of ritual instructions⁷⁷, as Plutarch assumes it for Numa's books, the written word was not unacceptable. That the text did not, and could not, transmit the actual mystery secret, the ἄρρητον, goes without saying⁷⁸. Once the rites were fixed, it was virtually useless, and its further existence neither necessary nor, because of the importance of secrecy, desirable⁷⁹.

When Plutarch associates Numa's religion with a Greek type of religious observance, he does so because he has this Greek background⁸⁰. Can the Roman scholar Varro then be credited with the same idea that a written religious text is, if not dangerous, at least superfluous? Would not the philosophic discussion of his time have made impossible such an unliterary view? After all, Varro's own exegesis of the Roman divinities in his *Antiquitates rerum humanarum et divinarum* is mainly philosophical⁸¹, and Varro sees himself, according to Cicero, as an Academic philosopher⁸².

But Varro's work is first of all a reaction against the degradation of the religious inheritance of Rome in a time when unscrupulous Roman leaders sacrifice tradition to the unholy ends of domination⁸³. Varro operates with the Stoic division of theology into civic, mythological, and physical – i.e. philosophical –

76 Müller (n. 75 above) 309.

77 Cf. Müller (n. 75 above) 313–314.

78 Cf. Burkert 1987 (n. 30 above) 69; Müller (n. 75 above) 315. – On the reading and use of ('holy') books in mystery religions see Burkert, 69–72, and also J. Leipoldt/S. Morenz, *Heilige Schriften. Betrachtungen zur Religionsgeschichte der antiken Mittelmeerwelt* (Leipzig 1953) 97–99.

79 Cf. Burkert 1987 (n. 30 above) 71: "In fact, the magical or even religious effect is possible without antecedent conceptual clarification", although an explanatory *logos* may be developed at times; yet, "there was no organization to control a *logos*". This does, of course, not exclude occasional 'accidents'; cf. Müller (n. 75 above) 315: "Sind diese schriftlich fixierten Texte aber erst einmal etabliert, so können sie zu einem unabdingbaren Bestandteil des Kultes werden."

80 Cf. Ziegler (n. 65 above) 940–941: "Die Schweigepflicht über das Heilige hat P., hierin besonders deutlich pythagoreisierend, sehr ernst genommen."

81 P. Boyancé, "Sur la théologie de Varron", *REA* 55 (1957) 67.

82 Cic. *Acad.* 1.12; *Ad fam.* 9.8.1, where Cicero refers to Varro's preference for the philosophy of Antiochus of Ascalon.

83 Y. Lehmann, "Religion et politique. Autour des *Antiquités Divines* de Varron", *REL* 64 (1986) 92. – M. Beard/M. Crawford, *Rome in the Late Republic* (Ithaca 1985) 37, explain the tendency of monopolizing the links with the divine in the hands of powerful individuals under the late Republic as a necessary adaptation of the changing character of political competition in the city since religion had always been bound up with the political system. Whether that is true or not, Varro's reaction shows that the relation between religion and politics had become too narrow to be looked at silently.

types⁸⁴. Civic theology is a compromise between the fictitious mythology of the poets, which is best grasped by the masses, and the highly intellectual reflections of the philosophers, which are beyond the mental faculties of a normal citizen⁸⁵. It is less a matter of truth than of civic cohesion⁸⁶. Varro's *Antiquities* are a plea for compromise, the efficacy of which is proven by the great achievements of Rome; thus, Varro forcefully reacts to attacks on religious tradition from both the contemporary political situation and from contemporary philosophical doctrines. The integration of philosophic arguments is, therefore, just a means of rescuing the ancient system of beliefs⁸⁷. Varro's action has become necessary exactly because Rome's state religion had been oral and an oral culture is powerless if challenged by the written word⁸⁸. To *write* a defence was a concession to historical circumstances. But, if Varro's attempt was successful, the traditional religion would be restored with all its characteristics, and that implied the return to the former orality. So, a written religious text was indeed superfluous before the introduction of Greek philosophy into the Roman community, a fact of which Varro was well aware when he distinguished civic from philosophic religion⁸⁹. The latter may be more 'correct', but the former ensures

84 Cf. Boyancé (n. 81 above) 58; on the *theologia tripertita* in general, and against its attribution to a particular philosophical school, see G. Lieberg, "Die 'theologia tripertita' in Forschung und Bezeugung", *ANRW* 1.4 (1973) 63–115.

85 Cf. August. *C.D.* 6.6: *denique cum memoratus auctor [sc. Varro] civilem theologian a fabulosa et naturali tertiam quandam sui generis distinguere conaretur, magis eam ex utraque temperatam quam ab utraque separatam intellegi voluit. ait enim ea, quae scribunt poetae, minus esse quam ut populi sequi debeant; quae autem philosophi, plus quam ut ea vulgum scrutari expediat.* – The difference between Varro's and Augustine's position is discussed by M. J. Hollerich, "Augustine as a Civil Theologian?", in: J. T. Lienhard/E. C. Muller/R. J. Teske (eds.), *Augustine. Presbyter Factus Sum* (New York etc. 1993) 57–69; cf. also G. Lieberg, "Varros Theologie im Urteil Augustins", in: *Studi classici in onore di Quintino Cataudella*, tomo III (Catania 1972) 185–201.

86 A. Momigliano, "The Theological Efforts of the Roman Upper Class in the First Century B.C.", in: A. Momigliano, *On Pagans, Jews, and Christians* (Middletown, Conn. 1987; first published in: *CP* 79, 1984) 63. – The idea that superstition (δεισιδαιμονία) and religion grant the Roman state its cohesion appears already in Polybius (6.56.6–15), and seems to be quite common; cf. Muth (n. 22 above) 291–298.

87 Cf. Boyancé (n. 81 above) 83–84; Scheid (n. 22 above) 115.

88 Cf. Beard (n. 1 above) 39: "once a small group of individuals has chosen to use writing to define religious practice, custom or 'truth', the previous 'oral' character of that religion is irrevocably changed".

89 That is, of course, not to say that there had not been any written religious texts at all: books of priestly *Annales*, collections of pontifical and augural law, and the oracular *libri Sibyllini* all represent different aspects of literacy in Roman religion, with different grades of holiness or secrecy, as J. Linderski, "The *Libri Reconditi*", *HSCP* 89 (1985) 212 (= *Roman Questions*, Stuttgart 1995, 501), argues. But even if Beard (n. 1 above) 53, is right in suggesting that the Sibylline books belong to a group of written oracular responses which effected that "for literate and illiterate alike, pagan communications with the divine could be seen as embedded in, or formed by, written texts", one must not forget the fundamental difference between religious texts as a universal phenomenon and their actual function within the framework of the religious performances of beliefs. H. W. Parke, *Sibyls and Sibylline Prophecy in Classical Antiquity*, ed. by B. C.

the good functioning of the state. What counts, in practical terms, is not what people *think* about religion but what they *do*⁹⁰.

Two hundred years of silence follow Plutarch's explanation of the story of Numa's books. The pagan tradition had proposed a broad variety of ways to keep control of the disturbing find, but none of them had been canonized, and as soon as somebody wanted to go against the grain, the field was still as open as in the beginning. Gaining more and more self-confidence, Christianity could not fail to discover the anti-pagan potential. It was Lactantius who, before Augustine, first took advantage of it.

The fundamental idea of Lactantius' *Divine Institutions* is not entirely different from that of Augustine's *City of God*. The author demonstrates the evident falsity of the pagan religion in the first three books, and then presents, from the fourth book onwards, the true wisdom and the true religion⁹¹. Lactan-

McGing (London/New York 1988) 191, shows that the purpose of consultation of the Sibylline books was generally "to strengthen or re-establish the *pax deorum*"; thus, these 'most holy' books of Roman religion are essentially a manual of first aid for times of crisis. The continued existence of the Sibylline books is necessary solely with regard to future moments of crisis, not as a religious condition in itself. Parke, 206, stresses the fact that Sulla, after the books had been destroyed in 83 B.C.E. in the burning of the temple of Iuppiter Optimus Maximus on the Capitol, did not even feel the need of restoring them. Since the new collection of Sibylline oracles, according to Parke, 207–209, was often exploited merely for party political ends under the late Republic, a feeling that these religious texts were not crucial to the very issues of religion may well have been corroborated by the time when Varro wrote the *Antiquities*. Nonetheless, one may see here, with C. Colpe, "Sakralisierung von Texten und Filiationen von Kanons", in: Assmann/Assmann (n. 2 above) 83, one of two exceptions where Roman religion shows the phenomenon of a 'Holy Scripture' (the other being some of the *Arval Acts* which seem to have been used within the cult performance; on the function of writing in the *Arval Acts* see the important article by M. Beard, "Writing and Ritual. A Study of Diversity and Expansion in the *Arval Acta*", *PBSR* 53, 1985, 114–162). – Much less clearly linked to religion were the priestly *Annales*; whether the pontifical chronicle on the yearly erected *tabula* was originally predominantly religious cannot be proven; see B. W. Frier, *Libri Annales Pontificum Maximorum: The Origins of the Annalistic Tradition* (Rome 1979) 96. – Finally, there are the books of augural and pontifical law, the precise content of which is very difficult to establish due to their being partially kept secret; see Linderski, 214–234 (= 503–523). But again, these books are by no means 'holy' books if we adopt the useful distinction between 'Holy Scriptures' and 'religious texts' made by C. Colpe, "Heilige Schriften", *RAC* 14 (1988) 190. The augural books seem to have been rather some kind of a 'Handbook for the Augur', including, for example, the collected augural *decreta* of former times; on these books see J. Linderski, "The Augural Law", *ANRW* 2.16.3 (1986) 2241–2256. – Harris (n. 1 above) 218–221 and 298–306, remains therefore right with his sharp contrast between the functions of writing in paganism and Christianity despite the efforts of Beard (n. 1 above) 58, to show that "even for those who were completely illiterate, the existence of a written tradition ... determined the nature of their religious experience and their perception of religious power"; cf. also the general judgment of Bowman/Woolf (n. 3 above) 13.

90 Cf. Jacques/Scheid (n. 50 above) 114; Scheid (n. 22 above) 13: "Un ensemble de rites soigneusement codifiés, pratiqués sur un plan strictement communautaire, traduisant et suscitant une vision globale du monde, voilà ce qu'est la religion romaine traditionnelle."

91 On the dichotomy of the *Divine Institutions* see Hagendahl (n. 8 above) 40.

tius' work, however, is characterized by an effort to show sympathy towards the misguided pagans, and a serious interest in the sociological conditions in which the pagan cults have developed. Unlike Augustine, the Lactantius of the first three books of the *Divine Institutions* is not only a polemicist, but also a 'historian of religion'⁹². While Augustine laughs at the ancients, Lactantius tries to understand them, though of course not feeling obliged to agree with their concepts and values. Augustine is the prosecuting attorney, Lactantius the pagans' psychiatrist⁹³.

As a Christian, Lactantius had no interest in retrieving the status of Roman legend by backing the action of Numa with a valid purpose. Hence, as Lactantius viewed matters, this king abused the simple minds of his subjects and entangled them in superstitious beliefs, *novis superstitionibus implicavit*⁹⁴. As in Augustine's version, Numa is shown to be perfectly conscious of what he did:

sed cum alios falleret, se ipsum tamen non fefellit. nam post annos plurimos, Cornelio et Baebio consulibus, in agro scribae Petili sub laniculo arcae duae lapideae sunt repertae a fossoribus, quarum in altera corpus Numae fuit⁹⁵, in altera septem Latini libri de iure pontificio, item Graeci totidem de disciplina sapientiae scripti, quibus religiones non eas modo quas ipse instituerat, sed omnes praeterea dissolvit. qua re ad senatum delata decretum est ut hi libri abolerentur. ita eos Quintus Petilius praetor urbanus in contione populi concremavit. insipienter id quidem: quid enim profuit libros esse combustos, cum hoc ipsum quod sunt ideo combusti quia religionibus derogabant, memoriae sit traditum? nemo ergo tunc in senatu non stultissimus: potuerunt enim et libri aboleri et tamen res in memoriam non exire. ita dum volunt etiam posteris approbare quanta pietate defenderint religiones, auctoritatem religionum ipsarum testando minuerunt⁹⁶.

92 J.-C. Fredouille, "Lactance historien des religions", in: J. Fontaine/M. Perrin (eds.), *Lactance et son temps. Recherches actuelles. Actes du IV^e Colloque d'Etudes Historiques et Patristiques Chantilly 21–23 septembre 1976*, Théologie historique 48 (Paris 1978) 240–241.

93 On Lactantius' idea that the knowledge of truth is impossible without the help of God see A. Bender, *Die natürliche Gotteserkenntnis bei Laktanz und seinen apologetischen Vorgängern* (Frankfurt a.M./Bern/New York 1983), especially 20–54, who underlines (23) that for Lactantius the pagan thinkers are nevertheless guilty since they have actively despised the truth. – Lactantius' rather tolerant attitude is paralleled by his acceptance of the 'pagan' *eloquentia* and literature, as well as his comprehension of poetic adaptation in pagan literature; see P. G. Van der Nat, "Zu den Voraussetzungen der christlichen lateinischen Literatur: Die Zeugnisse von Minucius Felix und Laktanz", in: *Christianisme et formes littéraires de l'antiquité tardive en occident. Huit exposés suivis de discussions*, Entretiens sur l'antiquité classique 23 (Vandoeuvres-Genève 1976) 191–225; Hagendahl (n. 17 above) 48–76; Hagendahl (n. 8 above) 44–47; also A. Goulon, "Les citations des poètes latins dans l'œuvre de Lactance", in: Fontaine/Perrin (n. 92 above) 107–156, especially 147–152. – Norden (n. 18 above) II.582, acknowledges that Lactantius wrote "in wahrhaft klassischem Stil".

94 *Lact. Inst.* 1.22.1.

95 Interestingly, Lactantius removes the detail of the disappearance of Numa's body – probably because it might suggest to the reader some supernatural quality of the king –, although, in general, he readily accepts the idea of *dissolutio* of the human body after death: on this aspect of Lactantius' anthropology see M. Perrin, *L'homme antique et chrétien. L'anthropologie de Lactance 250–325*, préf. de J. Fontaine, Théologie historique 59 (Paris 1981) 499 and 518–519.

96 *Lact. Inst.* 1.22.5–8.

But whereas he deceived other people, he did not deceive himself. For many years later, under the consulate of Cornelius and Baebius, two chests of stone were found by fieldworkers on the land of the scribe Petilius at the foot of the Ianiculum, the first of which contained the body of Numa, the second seven Latin books on pontifical law and the same number of Greek books on a philosophical system, by which he did not only demolish the religious customs he had introduced himself but all the rest as well. When the affair had been taken to the senate, it was decided that these books should be destroyed. Thus Quintus Petilius, the *praetor urbanus*, burnt them in public. Foolishly, though: for what was the use of having burnt the books if the very reason for which they were burnt – because they detracted from religiousness – was committed to memory? Nobody who was in the senate at that time was not most stupid: the books could have been destroyed and the affair not remembered nonetheless. So, while they wanted to prove even to posterity with how much respect they had defended religiousness, they diminished the reputation of religiousness itself by their demonstration.

I have argued that the senate probably burnt the books in public because the news of the find had already circulated too widely to be kept secret. It may be due to the sources he used⁹⁷ that Lactantius had no interest in the fact that the books had become generally known already before the praetor intervened⁹⁸; in the present context, however, this is of secondary importance. It is noteworthy that Lactantius wondered how sensible the public act was. Whereas Augustine was ready to perceive the hand of God in the rediscovery of Numa's books and in Varro's dissemination of the story⁹⁹, Lactantius detected only the stupidity of some Roman senators¹⁰⁰. He put himself into their place and asked: 'What would I have done in this situation?' Such a historical perspective is completely alien to Augustine.

On the other hand, Lactantius' approach is less historical than Augustine's as far as the contradiction of Numa as a good ruler and his books as a destructive force is concerned. It is easy to see why. Augustine has chosen a pagan

97 Cf. R. M. Ogilvie, *The Library of Lactantius* (Oxford 1978) 44: "Lactantius' account echoes Valerius' language ... and omits many of the Livian details." After his career as a rhetor Lactantius certainly knew an edition of Valerius Maximus' important collection, although he may not have consulted the original version but a 'Mittelquelle' as Fleck (n. 55 above) 22–37, suggests.

98 Liv. 40.29.9.

99 August. *C.D.* 7.35: *sed occulta Dei veri providentia factum est, ut et Pompilio amico suo illis conciliati artibus, quibus hydromantia fieri potuit, cuncta illa confiteri permetterentur, et tamen, ut moriturus incenderet ea potius quam obrueret, admonere non permetterentur [sc. daemones]; qui ne innotescerent nec aratro, quo sunt eruta, obsistere potuerunt, nec stilo Varronis, quo ea, quae de hac re gesta sunt, in nostram memoriam pervenerunt.*

100 The negative judgment *insipienter* is significant: *sapientia*, a key term in Lactantius' *Divine Institutions*, designates the knowledge of God that had been lacking in the pagan tradition; cf. Bender (n. 93 above) 50–52 (who also refers to a study by L. Thomas, *Die sapientia als Schlüsselbegriff zu den Divinae Institutiones des Laktanz*. Diss. Fribourg 1959), and for the biblical and theological background behind Lactantius' idea V. Buchheit, "Scientia boni et mali bei Laktanz", *GrBtr* 8 (1979) 243–258; on the reproach of stupidity in Lactantius and other apologists cf. I. Opelt, *Die Polemik in der christlichen lateinischen Literatur von Tertullian bis Augustin* (Heidelberg 1980) 239–241.

author – Varro – as a partner in some kind of a ‘literary dialogue’. Lactantius composes his own account, picking up those details which seem relevant to him. Whatever version he uses as his source, most likely Valerius’, he probably did not read Varro’s text. As a consequence, he could not utilize the sentence *Numae mortuo senatus adsensus est*¹⁰¹ in order to stress the apparently unreasonable action of the senate. Instead, Lactantius brands Numa not only as defrauder, but also as obsessed since he attacks more than just his own institutions: *religiones non eas modo quas ipse instituerat, sed omnes praeterea dissolvit*. Senators who would under these circumstances agree with the dead king are hardly conceivable, even if they were as *stultissimi* as Lactantius claims.

Yet – though neglecting the positive renown of Numa¹⁰² – in his judgment of the central issue, Lactantius is closer to Varro than Augustine. The burning of the books certainly diminishes the *auctoritas religionum*, but it is at the same time an attempt at defending the religious customs. Unlike Augustine, Lactantius did not sense any hypocrisy in the destruction. Instead, he viewed the sacrificial annihilation of the books as an expression of loyalty to the traditional system. This observation allows us to detect the most revolutionary idea in Augustine’s interpretation, which is his suggestion that the senate commits a crime of *impietas*. Numa was considered guilty also by Lactantius and, at least with regard to the Greek writings, even by the pagan author Valerius Maximus. But the senate had always acted correctly. How shall we explain this shift away from Lactantius’ point of view?

Once again, Lactantius’ historical tendency is the clue. When Numa wrote his books and revealed the falsity of Roman religious beliefs, he essentially did the same thing as, much later, the two Christian writers. Numa is a swindler, but the books contain the truth. Lactantius, of course, acknowledges that this truth does not correspond to the admittedly false truth of Roman religion. Augustine likewise knows this, but he is not interested in it. The point that matters to him is: who burns the truth is a criminal, even if he has good and logical reasons¹⁰³.

Nevertheless, one question remains. Having read Varro, why does Augustine construct his own version of the event instead of following his source, which – we must not forget – did not mention the corrosive power of Numa’s books? If Augustine’s judgment on the contents of the writings, unlike his judgment on the author, is implicitly positive because of their truthfulness,

101 Varro *apud* August. *C.D.* 7.34.

102 On the somewhat changed but still positive image of Numa in late antiquity, see H. Brandt, “König Numa in der Spätantike. Zur Bedeutung eines frühchristlichen *exemplum* in der spät-römischen Literatur”, *MusHelv* 45 (1988) 98–110.

103 On a general level, and despite the apologetic aim of the *City of God*, we may detect in Augustine’s greater rigidity a consequence of the growing self-assurance of Christianity in the time that separates Lactantius and Augustine; on this development see H. Marrou, in: J. Daniélou/H. Marrou, *Nouvelle histoire de l’Eglise. I: Des origines à Saint Grégoire le Grand*, introduction de R. Aubert (Paris 1963) 333.

so is Varro's. All the same, Augustine ignores Varro's opinion about the correctness of the act of burning. It looks as if he was not able to make sense of it. Does this lack of understanding result from some act of bad faith by Augustine the apologist? I shall argue that we should rather see it as a sign of the change of ideas brought about by Christianity¹⁰⁴.

In Varro and Plutarch, the burning of the books did not at all affect what Numa wanted to transmit to posterity. In Livy and Valerius Maximus too, Numa's institutions could continue to exist because they were not related to a written text. Even the conservation of the Latin books in Valerius is not a necessary condition but an assurance, just as the old tradition of rhetoric did not continue because of Valerius' work, but with the help of it. The late antique pagan biographies *De viris illustribus*, ascribed to Aurelius Victor, follow along the same lines; at the end of the chapter on Numa, the author writes:

*morbo solutus, in Ianiculo sepultus est, ubi, post multos annos, arcula cum libris a Terentio quodam exarata: qui libri, quia leves quasdam sacrorum causas continebant, ex auctoritate patrum cremati sunt*¹⁰⁵.

Passed away after a disease, he was buried on the Ianiculum, where, after many years, a small chest with books was ploughed up by a certain Terentius: as these books contained some unimportant reasons of religious rites, they were burnt by order of the senate.

The unimportance of the *causae sacrorum* justifies the burning, the institutions themselves are left aside. Although the author obviously feels a need to play down the scene¹⁰⁶, which shows his distance to the entirely oral religion of the ancients, he is still aware of the difference between the religious act and the text that explains it¹⁰⁷.

Augustine, who, roughly speaking, belongs to the same age, overlooks this difference. We cannot but detect here the influence of his own Christian religion¹⁰⁸. Augustine has read Varro with the eyes of someone who is inspired and

104 Thus I agree with Vermander (n. 7 above) 99–101, who, concerning the tradition of Christian apology as a whole, puts forth the question, “si, plutôt que de parler de mauvaise foi, il ne faudrait pas employer le terme d’incompréhension”. – On the fundamental break between the earlier Christian fathers and Augustine see H.-I. Marrou, *Saint Augustin et la fin de la culture antique*, BEFAR 145 (Paris 1938) 352–356.

105 Ps.-Aur. Vict. *De vir. ill.* 3.

106 This is perhaps due to the increasing use of writing in pagan religion under the influence of Christianity in late antiquity, on which see Harris (n. 1 above) 298–299.

107 However, one should not therefore make the author of this late antique pagan work a fighter against Christianity: A. Cameron, “Paganism and Literature in Late Fourth Century Rome”, in: *Christianisme et formes littéraires* (n. 93 above) 8–13, convincingly argues that pagan historiography was far less anti-Christian than is often assumed.

108 Originally, the idea that books are an essential part of religion is, of course, inherited from Judaism, but the link between the scripture and the word Jesus had spoken was present in Christian literature from the very beginning; cf. C. H. Roberts, “Books in the Graeco-Roman World and in the New Testament”, in: P. R. Ackroyd/C. F. Evans (eds.), *The Cambridge History of the Bible. I: From the Beginnings to Jerome* (Cambridge 1970) 51–52.

led by the truth of the Bible. Where Varro contradicts the Holy Scripture, he is considered wrong¹⁰⁹. And that is what Varro does in the story of Numa's books, for Augustine knows the following story from *Jeremiah*¹¹⁰.

Under the reign of Jehoiakim, the son of Josiah, God orders Jeremiah to take a scroll and write down the words with which the people of Judah shall be called to turn from their evil ways. Jeremiah dictates these words to his scribe Baruch and sends him to Jerusalem. During a fast, the large audience is told what God has to say. The king's secretary hears of Baruch's performance and summons him. Baruch has to read the scroll again. After having done so, he is given the advice to hide himself and Jeremiah, for now the critical phase begins. The king has to be informed. Jerome's translation reads as follows¹¹¹:

et ingressi sunt ad regem in atrium; porro volumen commendaverunt in gazophylacio Elisamae scribae et nuntiaverunt, audiente rege, omnes sermones. misitque rex Iudi ut sumeret volumen, qui tollens illud de gazophylacio Elisamae scribae legit, audiente rege et universis principibus qui stabant circa regem. rex autem sedebat in domo hiemali in mense nono, et posita erat arula coram eo plena prunis. cumque legisset Iudi tres pagellas vel quattuor, scidit illud scalpello scribae et proiecit in ignem qui erat super arulam, donec consumeretur omne volumen igni qui erat in arula. et non timuerunt neque sciderunt vestimenta sua rex et omnes servi eius, qui audierunt universos sermones istos. verumtamen Elnathan et Dalaias et Gamarias contradixerunt regi, ne combureret librum, et non audivit eos. et praecepit Ieremiel filio Amelech et Saraiae filio Ezriel et Selemiae, filio Abdeel, ut comprehenderent Baruch scribam et Ieremiam prophetam. abscondit autem eos Dominus¹¹².

And they went into the hall to the king; beforehand, they entrusted the scroll to the scribe Elisama in the treasure-chamber, and then they reported all the words in the presence of the king. The king sent Iudi forth to fetch the scroll. Iudi took it out of the treasure-chamber of the scribe Elisama and read it in front of the king and all the dignitaries who stood around the king. The king was sitting in the winter house – in the ninth month –, and a small altar full of charcoals was placed near him. When Iudi had read three or four pages, he cut the scroll up with the knife of the scribe and threw it into the fire on the altar, until the entire scroll had been consumed by the fire on the altar. And the king and all his servants who heard all the words were not frightened, nor did they rend their clothes. Still, Elnathan and Dalaias and Gamarias

109 Marrou (n. 104 above) 370–373, shows that Augustine does not attack the concept of *scientia* altogether. – H. von Campenhausen, *Lateinische Kirchenväter* (Stuttgart 1960) 217, remarks that the methodological consistency of the perception of the Biblical truth as the centre and basis of knowledge makes Augustine seem like a first 'medieval' thinker.

110 Jer 36.1–32. – Comparisons of enemies with heretic kings of the Old Testament were introduced into Christian polemic literature around 360 by Lucifer of Calaris; see Opelt (n. 100 above) 100–101.

111 It is, of course, uncertain, but also unimportant in this context, whether Augustine used Jerome's translation or not: for a discussion see A.-M. la Bonnardière, "Augustin a-t-il utilisé la 'Vulgate' de Jérôme?", in: A.-M. la Bonnardière (ed.), *Saint Augustin et la Bible* (Paris 1986) 303–312.

112 Jer 36.20–26, according to the *Bibliorum Sacrorum iuxta Vulgatam Clementinam nova editio*, cur. Aloisius Gramatica (Mediolani 1914). In the translation I follow the Latin original also in the form of the proper names.

contradicted the king, saying that he must not burn the book, but he did not heed them. He ordered Jeremiel son of Amelech, Saraias son of Ezriel and Selemias son of Abdeel, to arrest Baruch, the scribe, and Jeremias, the prophet. But God hid them.

There are several points of contact between the biblical and the Roman stories.

1. The writings contain the truth: In the Bible, Jeremiah and Baruch have to write and to read the word of God. Numa writes down the secrets and deceits of the demons. Put differently, he discovered what, a thousand years later, Christianity, through Augustine, was going to discover once again, but this time with the help of God; both Jeremiah's scroll *and* Numa's books are therefore testimonies of the same divine truth.

2. The writings are potentially dangerous: The word of God in the story of Jeremiah was intended to turn the people of Judah away from their evil ways, and the scroll consequently represented a danger for the traditional life of the community; when the secretary of the king heard about the message of God, he felt obliged to report the affair to the court. The parallel to the praetor's reaction, after he had taken notice of the book-finding, is evident.

3. The authorities react in similar ways: At the end, the uppermost authority, the king, learns what happened and burns the destructive document in a symbolic act¹¹³; in Rome, where there is no king, the senate, as the supreme political power, assumes the task of restoring peace and quiet, which had been disturbed by the writings.

The most significant difference is the fact that Jeremiah's scroll is read in public; everybody knows what God had to say. The same may have been true in the case of Numa's books, as Livy's account and the burning on the *comitium* suggest, but none of the authors, and certainly not Varro, attaches any importance to that point. Nevertheless, Jeremiah, on the order of God, has to write again on another scroll everything that had been destroyed in the fire:

et factum est verbum Domini ad Ieremiam prophetam, postquam combusserat rex volumen et sermones, quos scripserat Baruch ex ore Ieremiae, dicens: rursus tolle volumen aliud et scribe in eo omnes sermones priores, qui erant in primo volumine quod combussit Ioaquim rex Iuda ... Ieremias autem tulit volumen aliud et dedit Baruch filio Neriae scribae, qui scripsit in eo ex ore Ieremiae omnes sermones libri, quem combusserat Ioaquim rex Iuda igni; et insuper additi sunt sermones multo plures quam antea fuerant¹¹⁴.

And the word of God was issued to Jeremias, the prophet, after the king had burnt the scroll and the words, which Baruch had written down from the mouth of Jeremias, as follows: 'Take again another scroll and write on it all the earlier

113 Just as the senate's destruction of Numa's books has been analyzed as a symbolic action, Jehoiaquim's behavior has to be understood as an apotropaic attempt to remove the imminent danger; cf. R. P. Carroll, *Jeremiah. A Commentary* (London 1986) 663.

114 Jer 36.27–32.

words that had been on the first scroll, which Ioakim, the king of Iuda, has burnt ...? So Jeremias took another scroll and gave it to the scribe Baruch, the son of Nerias, who wrote down on it from the mouth of Jeremias all the words of the book Ioakim, the king of Iuda, had burnt in the fire; moreover, many more words than those which had been there before were added.

Evidently, although all of the addressees had already heard the admonitions, it was crucial that a written record of God's word should exist¹¹⁵. Historically, this perception articulated the transition from an oral stage of prophecy to its literary expression. From now on, the word of God was to become ever more a written word; in a way, the epoch of the Holy Scripture begins¹¹⁶. Consequently, whoever burnt a divine prophecy did more than make ashes out of a papyrus scroll. Not shrinking back from the symbolic act, Jehoiakim had no excuse, and his action of burning prophetic books declared more explicitly than any of the other actions Jeremiah censored that Jehoiakim was a bad king. In short, by knowing this episode from Jeremiah, Augustine knew the value and the vulnerability of the Holy Scripture¹¹⁷.

It is most likely that the account from Jeremiah was ultimately composed as a negative contrast to another story, which is told in the second book of *Kings*¹¹⁸. The exemplary behavior of Josiah, the father of the unrepentant king, clearly shows in a similar case how the Roman senate, had it been an assembly of pious men, should have acted when confronted with the unpleasant discovery. Certainly, we do not know whether Augustine was aware of the fact that the two biblical passages belong together; but since he does refer in his writings

115 Carroll (n. 113 above) 663, sees the rewriting as a further symbolic act of weakening the king's power.

116 The change from the spoken to the written word will finally lead to the death of prophecy: see I. Willi-Plein, "Spuren der Unterscheidung von mündlichem und schriftlichem Wort im Alten Testament", in: G. Sellin/F. Vouga (eds.), *Logos und Buchstabe. Mündlichkeit und Schriftlichkeit im Judentum und Christentum der Antike*, TANZ 20 (Tübingen/Basel 1997) 83. Thus we may perceive here a first step towards 'canonization'. – The collection of prophetic messages was perhaps a reaction to the threat of Judah by the newly victorious power of Babylon: see P. R. Ackroyd, "The Old Testament in the Making", in: Ackroyd/Evans (n. 108 above) 97.

117 The fact that the king burned prophetic books was probably of minor importance for Augustine since, by the time when he wrote the *City of God*, history and prophecy had become almost synonymous for him. The entire Bible, not only the books of the prophets, was prophecy: see G. Bonner, "Augustine as a Biblical Scholar", in: Ackroyd/Evans (n. 108 above) 554. R. L. Fox, "Literacy and Power in Early Christianity", in: Bowman/Woolf (n. 1 above) 129, stresses the unimportance of the fact "that, by origin, the Jews' sacred texts were all the work of human authors".

118 Cf. Carroll (n. 113 above) 663. For a discussion of the similarities and differences see C. D. Isbell, "2 Kings 22:3–23:24 and Jeremiah 36: A Stylistic Comparison", *JournStOTest* 8 (1978) 33–45.

to Josiah as a king who was rewarded for his noble reaction¹¹⁹, we can be sure that he acknowledged the moral insights given by the following narrative:

*anno autem octavo decimo regis Iosiae misit rex Saphan filium Aslia filii Messulam scribam templi Domini dicens ei: vade ad Helciam sacerdotem magnum, ut conflatur pecunia, quae illata est in templum Domini, quam collegerunt ianitores templi a populo ... dixit autem Helcias pontifex ad Saphan scribam: librum legis reperi in domo Domini: Deditque Helcias volumen Saphan, qui et legit illud. venit quoque Saphan scriba ad regem et renuntiavit ei quod praeceperat et ait: conflaverunt servi tui pecuniam, quae reperta est in domo Domini, et dederunt ut distribueretur fabris a praefectis operum templi Domini. narravit quoque Saphan scriba regi dicens: librum mihi dedit Helcias sacerdos. quem cum legisset Saphan coram rege, et audisset rex verba libri legis Domini, scidit vestimenta sua. et praecepit Helciae sacerdoti et Ahicam filio Saphan et Achobor filio Micha et Saphan scribae et Asaiae servo regis dicens: ite et consulite Dominum super me et super populo et super omni Iuda de verbis voluminis istius, quod inventum est; magna enim ira Domini succensa est contra nos, quia non audierunt patres nostri verba libri huius, ut facerent omne quod scriptum est nobis. ... et praecepit rex Helciae pontifici et sacerdotibus secundi ordinis et ianitoribus, ut proicerent de templo Domini omnia vasa, quae facta fuerant Baal et in luco et universae militiae caeli, et combussit ea foris Ierusalem ...*¹²⁰

In the eighteenth year of king Josias, the king sent out Saphan son of Aslia son of Messulam, the scribe of the temple of God, and told him: 'Go to the high priest Helcias in order that the money which has been brought into the temple of God – the money which the gatekeepers of the temple have collected from the people – be melted down ...' And the pontiff Helcias told Saphan, the scribe: 'I have found the book of the law in the house of God.' Helcias gave the scroll to Saphan, who read it. Then Saphan, the scribe, came to the king, gave him a report on what he had ordered, and said: 'Your servants have melted down the money that has been found in the house of God, and they have given it away so that it be distributed to the workmen by the supervisors of the construction works in the temple of God.' Saphan, the scribe, also told the king the following: 'Helcias, the priest, has given me a book.' When Saphan had read it in front of the king and the king had heard the words of the

119 August. *De cura pro mort. ger.* 16 (CSEL 41, 648): *quid est ergo, quod piissimo regi Iosiae pro magno beneficio promisit deus, quod esset ante moriturus, ne videret mala, quae ventura illi loco et populo minabatur?* Referring to 2 Kings 22.18–20, Augustine implicitly alludes to the events described in Jeremiah. Cf. also August. *Epist.* 185.19 (CSEL 57, 17–18): *quo modo ergo reges domino serviunt in timore nisi ea, quae contra iussa domini fiunt, religiosa severitate prohibendo atque plectendo? aliter enim servit, quia homo est, aliter, quia etiam rex est; quia homo est enim, servit vivendo fideliter, quia vero etiam rex est, servit leges iusta praecipientes et contraria prohibentes convenienti vigore sanciendo, sicut servivit Ezechias lucos et templa idolorum et illa excelsa, quae contra dei praecepta fuerant constructa, destruendo, sicut servivit Iosias talia et ipse faciendo ...* – Lucifer of Calaris, having had the idea of contrasting his enemy, the emperor Constantius II, with good old-testamentary kings, quotes in one of his lampoons almost the entire story from the book of Kings and concludes: *quid cognoscis, Constanti, factum esse a rege cultore dei [sc. Iosia]? et nos te idololatriam introducentem in ecclesiam quia verbo percutimus, contumeliam, inquis, mihi facit Lucifer?* (Luc. Calar. *De non parcendo in deum delinquentibus* 7 = CSEL 14, 224).

120 2 Kings 22.3–23.4. – The same story is told in the second book of the *Chronicles* (2 Chr 34.8–33), but the Chronicler's story is strongly dependent on the material of 2 Kings, though introducing some alterations: see S. Japhet, *I & II Chronicles. A Commentary* (London 1993) 1025–1026.

book of the law of God, he rent his clothes. Then he instructed Helcias, the priest, Ahicam son of Saphan, Achobor son of Micha, Saphan, the scribe, and Asaias, the servant of the king: 'Go and consult God about me and the people and about all of Iuda with regard to the words of this scroll, which has been found; for the wrath of God is violently aroused against us because our fathers did not heed the words of this book so that they would have done everything that has been laid down for us.' ... And the king ordered the pontiff Helcias, the priests of the second rank and the gatekeepers to throw out of the temple of God all the vessels that had been made for Baal, and in the grove [i.e.: for Ashera], and for the entire army of Heaven, and burnt them outside Jerusalem ...

In this story, as in the story of Jeremiah's book, the correspondences with the Roman event are significant. A book which reveals the incorrectness of the traditional way of life emerges by accident¹²¹. The place of finding bears the mark of religious nobility, be it the temple or Numa's tomb. The discovery is delivered to the authorities and eventually reaches the sovereign, the king or the senate. Finally, the supreme power approves the words of the book. Even the act of the dénouement is parallel; in both cases, a fire is kindled and an object burnt. But whereas the biblical story has the penitent king remove the utensils of the unlawful cult, the senate destroys the new-found document¹²².

In the partial parallelism of the biblical accounts we observe the construction of a narrative pattern. Yet, we have to ask whether a late antique reader would have done so as well; whether he would have perceived the same feature, the destructive burning or the constructive acceptance of a sacrosanct scripture, as the central issue. Before we credit Augustine with the conception of an unjust attack against the written word as well as its counterpart, i.e. the respect for literary revelation, we should make sure that his age and his culture interpreted the stories from the Old Testament in a similar manner.

Unfortunately, the lack of relevant material does not facilitate our task. The commentary of Gregory the Great on *Kings* limits itself to the first book, and even if Gregory had commented on the second book, the distance from Augustine's time would considerably reduce the legitimacy of the compari-

121 The identification of the discovery in the temple with the nucleus of the Books of *Deuteronomy* was made already in the age of Jerome, but is still disputed; see J. Gray, *I & II Kings. A Commentary* (2nd rev. ed., Philadelphia 1970) 715; Japhet (n. 120 above) 1030. On the complicated discussion about the historicity and stratification of 2 Kings see J. Schreiner, "Jeremia und die joschijanische Reform. Probleme – Fragen – Antworten", in: W. Gross (ed.), *Jeremia und die "deuteronomistische Bewegung"*, Bonner Biblische Beiträge 98 (Weinheim 1995) 17–23.

122 Whereas Numa's books are an unsuccessful attempt at canonization, the story in 2 Kings marks the transition from a pre-canonical state towards the beginning of the definitive canonization; see F. Crüsemann, "Das 'portative Vaterland'. Struktur und Genese des alttestamentlichen Kanons", in: Assmann/Assmann (n. 2 above) 67; on the making of the Old Testament canon in general see e.g. G. W. Anderson, "Canonical and Non-Canonical", in: Ackroyd/Evans (n. 108 above) 113–159.

son¹²³. For Jeremiah, the situation first seems more promising since Augustine's contemporary Jerome worked on it; however, as Jerome had to leave his monastery, driven away by hostile monks, his commentary remained a torso, too. The work of the Greek Church Father Theodoretus of Cyrrhus hardly takes the place of it as far as the Augustinian context is concerned. With regard to the sacrilegious destruction by Jehoiakim and the command of God to write his warnings down again, Theodoretus only remarks that this was possible because the fate of God's word is not linked with that of the scroll¹²⁴. As interesting as Theodoretus' explanation may be in a discussion of the values of orality in Christian thought, first it belongs to the Greek, not Latin, tradition¹²⁵ and second it does not say much about the moral implications of the burning of the Holy Scripture¹²⁶.

Consequently, our information has to come from outside the commentaries on the Bible. The case of the apocryphal *Apocalypse of Paul* gives a hint at the ideas circulating in Augustine's world¹²⁷. The date of composition of the *Apocalypse* is disputed, but the early decades of the fifth century, more or less the time when Augustine was writing the *City of God*, are most probable¹²⁸. A preface to the text relates how it was allegedly discovered. An angel appeared to the inhabitant of the house of the apostle Paul in Tarsus and ordered the owner to break up the foundations. When the man obeyed, he found a case of marble, which contained the *Apocalypse*. He passed it on to a judge, who then decided to transmit the box to Theodosius. The emperor opened it, had a copy written, which he sent to Jerusalem¹²⁹, and kept the original for his own use.

The story is built on the same narrative pattern as the biblical accounts that have been discussed above. The setting is the Greek world but a Latin version

123 For the deep cultural change between the Christian writers of Augustine's age and Gregory cf. Hagendahl (n. 8 above) 113–114.

124 Theodoret. *Cyr. Comm. inler.* 36 (PG 81.684): οὐκ ἠρκεέσθη δὲ τῇ τολμηθείσῃ παρανομίᾳ ὁ δυσσεβῆς βασιλεὺς· ἀλλὰ τὸν Βαρούχ καὶ τὸν Ἰερεμίαν συλληφθῆναι προσέταξεν. ὁ δὲ τῶν ὄλων θεὸς τῷ Ἰερεμίᾳ κελεύει ἐν ἑτέρῳ βιβλίῳ τοὺς προτέρους λόγους συγγράψαι. ὁ μὲν γὰρ χάριτος ἐκαύθη, ὁ δὲ θεῖος νόμος μεμένηκεν ἀβλαβῆς. Theodoretus' judgment is an expression of the obvious truth that, in the words of Fox (n. 117 above) 127, "sacred scriptures did not constitute Christianity, and even if pagans had seized all the copies [sc. of the sacred texts], the religion would not have died".

125 Marrou shows in Daniélou/Marrou (n. 103 above) 376–377, that, since the Latin Church had acquired doctrinal autonomy with the work of Augustine, one has to distinguish two essentially different discourses from that point onwards.

126 One should note in this context that the Roman East had apparently not even seen a religious offence in the *traditio* of the Holy Scriptures during the Great persecution: see G. E. M. de Ste. Croix, "Aspects of the 'Great' Persecution", *HThR* 47 (1954) 84–85; on Augustine's attitude towards the *traditio* of the Bible cf. below.

127 Cf. Speyer (n. 27 above) 60–65, who quotes (61–62) the Latin text of the preface.

128 Speyer (n. 27 above) 60.

129 On the important Christian library in Jerusalem see H. Y. Gamble, *Books and Readers in the Early Church. A History of Early Christian Texts* (New Haven/London 1995) 154.

proves the internationality of the addressees. It does not matter that the authenticity of the *Apocalypse of Paul* was immediately contested¹³⁰. The essential point is that a clear-cut idea existed among Christians as to how a good emperor should act when a text of revelation is brought to his knowledge. Besides, Augustine would hardly have chosen Josiah as a shining exemplar in his works without such a concept.

Yet, we still do not know how the sacrilegious burning of a Holy Scripture was assessed. It is the unhappy age of the persecutions of Christians that helps us along. The pagan authorities under the emperor Diocletian realized what value the Christians attached to their Bible¹³¹. They forced them to hand over the holy books and destroyed them¹³². After the nightmare was over, the question arose in the Christian community how the traitors to God's word, the *traditores*, should be treated¹³³.

The implacable Donatists fought with all their forces against a readmission of these sinners to the Church. One representative of a more merciful fraction was Optatus of Milevis. In a refutation of a Donatist opponent, Optatus brought up the case of king Jehoiakim. He argued that even this wicked ancient king was not punished by God for having burnt Baruch's scroll. The word of God had after all continued to exist in the hearts of the fallen Christians¹³⁴. Optatus' attitude resembles the later interpretation by Theodoretus. But Optatus' argument reaches further. If Jehoiakim did not have to suffer from his act, does the burning of the Holy Scripture have any consequence at all? Although Optatus' opinion is certainly due in part to the aim of his apology, it seems to contradict the thesis of Augustine condemning the burning of Numa's books as *impietas* because of a Christian concept of the holiness of a sacred text.

Writing after Optatus¹³⁵, Augustine himself addresses the Donatists on the same matter. He picks up Optatus' suggestion and equally operates with the

130 Speyer (n. 27 above) 62.

131 Cf. W. Speyer, *Büchervernichtung und Zensur des Geistes bei Heiden, Juden und Christen* (Stuttgart 1981) 76–78; Forbes (n. 34 above) 120–121. – The Christian orientation to texts was remarked already by Lucian of Samosata and other pagan authors; cf. Gamble (n. 129 above) 141–142.

132 At least in the West of the Roman Empire; for the details and a discussion see de Ste. Croix (n. 126 above), especially 84–96.

133 Cf. Speyer (n. 131 above) 128–129; Leopoldt/Morenz (n. 78 above) 194–197.

134 Optat. *Contra Parm. Don.* 7.1 (CSEL 26, 161–163); Optatus writes (162): *ecce nec deus iratus est, nec qui arserat perit, nec Baruch punitus est, nec Hieremias a deo contemptus est; unde apparet, quod in hac re gravis numquam fuerit culpa, quam numquam potuit sequi vindicta.* – Book 7 of Optatus' work is addressed to the Donatists in general as an appendix to the first six books to Parmenianus. More than the earlier books, it is written with a view to seeking peace and unity; see G. G. Willis, *Saint Augustine and the Donatist Controversy* (London 1950) 23–24. – Interestingly, the reproach of *traditio* was directed by Optatus and Augustine against the Donatists themselves; cf. Opelt (n. 100 above) 130 and 225.

135 Optatus' work can be dated to the end of 366 or the first half of 367, Augustine's *De baptismo contra Donatistas* to about 400; see Willis (n. 134 above) 23 and 43.

precedent of the Old Testament king¹³⁶. But the argument takes another turn. In the treatise *De baptismo contra Donatistas*, Augustine writes:

*an, ut dicere coeperam, graviora sunt crimina traditorum quam schismaticorum? non afferamus stateras dolosas, ubi appendamus quod volumus, et quomodo volumus, pro arbitrio nostro dicentes: hoc grave, hoc leve est; sed afferamus divinam stateram de Scripturis sanctis tanquam de thesauris dominicis, et in illa quid sit gravius appendamus; imo non appendamus, sed a Domino appensa recognoscamus. tempore illo quo Dominus priora delicta recentibus poenarum exemplis cavenda monstravit, et idolum fabricatum atque adoratum est, et propheticus liber ira regis contemptoris incensus, et schisma tentatum; idololatria gladio punita est [Exod. 32], exustio libri bellica caede et peregrina captivitate [Jer. 36], schisma hiatu terrae, sepultis auctoribus vivis, et caeteris coelesti igne consumptis [Num. 16]. quis iam dubitaverit hoc esse sceleratius commissum, quod est gravius vindicatum?*¹³⁷

Or, as I started to expose, are the crimes of the *traditores* worse than those of the apostates? Let us not set up deceitful balances, where we can weigh out what we would like and how we would like it, saying as we feel inclined: 'This is heavy, this is light.' Let us rather take the divine balance out of the Holy Scriptures, as if they were the treasure-chambers of our master, and let us weigh out there what is heavier; no, let us not weigh out, let us recognize what is weighed out by God. At the time when God showed by fresh examples of punishments that the former misdeeds have to be avoided, an idol was manufactured and adored, a prophetic book was set on fire because of the anger of a scornful king, and an apostasy was attempted: the idolatry was punished by the sword, the burning of the book by a defeat in war and by captivity abroad, the apostasy by a chasm in the earth, whereby the instigators were buried alive and the rest burnt by a celestial fire. Who would then doubt that the more criminal offence was the one which was punished more severely?

Augustine's point is that the Donatists themselves are the worst sinners, but Jehoiakim is far from being faultless. There is no doubt that the burning of the prophet's book is a crime against God, and that God punished it even harder than Israel's idolatry¹³⁸.

The Donatist controversy shows that Augustine was more sensitive to the holy character of the written record of God's word than some of his contemporaries¹³⁹. With this awareness, he was deeply rooted in the Judaeo-Christian

136 On the importance of Optatus' writings for Augustine, both theologically and in matters of history, see Willis (n. 134 above) 24–25.

137 August. *De bapt. contra Don.* 2.6.9 (PL 43, 132). – On Augustine's central argument against the Donatists, the importance of unity among the Christians, and on his position in the controversy as a whole see e.g. von Campenhausen (n. 109 above) 187–194.

138 The same idea is expressed in August. *Epist.* 76.4 (CSEL 34, 328): *si traditio codicum scelerata est, quia deus in regem, qui Hieremiae librum incendit, morte bellica vindicavit, quanto sceleratius est sacrilegium schismatis, cuius auctores, quibus Maximianistas comparastis, aperta terra vivos absorbit!*; August. *Epist.* 51.1 (CSEL 34, 145): *procul dubio te non fugit prioris populi temporibus et idolatriae sacrilegium fuisse commissum et a rege contemptore librum propheticum incensum; quo utroque crimine schismatis malum non puniretur atrocius, nisi gravius penderetur.*

139 In this context one may also recall a particularity of Augustinian biblical exegesis, namely "his willingness to take the text as it stands and then expound it in a manner which appears to be mere fantasy", as Bonner (n. 117 above) 547, puts it; "it was the voice of God which had inspired

culture, which was, unlike most other religious systems¹⁴⁰, based on a Holy Scripture. Numa's books were a religious text too, but there is a fundamental difference between religious texts in general and the phenomenon of a Holy Scripture¹⁴¹. When Augustine interpreted Roman religion he failed to see the opposition of a religion of action and a religion of thought¹⁴². His semantic key to Rome's traditions was completely un-Roman. In a certain sense, Augustine was the victim of the Christian claim to universality, but he was a voluntary victim.

The senate's silent admission that the religious father of Rome had left an impious legacy had created a serious problem of loyalty for all the pagan writers who set off to provide their nation and society with an immaculate past. They took up the challenge but at the very end failed, and it may just have been the inconsistency of their attempts to exonerate either the senate or the ancient king that ultimately revealed the sore point in Rome's history to those generations who had lost the interest in the glory and nobility of their ancestors. For we must not be fooled by all the inventions: Believing that Numa's books were really Numa's books and yet burning them, the Roman senate in 181 B.C.E. did commit an act of *impietas* against the ancient king in order to maintain peace and quiet. Augustine, with his attacks, is therefore closer to the *truth* than any of the pagan authors. By 'talking' to Varro, however, Augustine does the pagan *tradition* wrong. Whether the author knew it or not, the *City of God* belongs to a new world.

holy scripture that he desired to interpret, rather than apprehend the mind of the men who wrote the biblical text". – On the discussion about allegorical exegesis of the Bible in the early Church see Leipoldt/Morenz (n. 78 above) 145–160.

140 Colpe 1988 (n. 89 above) 190.

141 Colpe 1988 (n. 89 above) 189. – For some possible criteria of distinction (e.g. the degree of secrecy, the degree of canonization) see Colpe 1987 (n. 89 above) 80–81.

142 By the time of Augustine paganism had, of course, become as much a religion of thought as Christianity. R. MacMullen, *Paganism in the Roman Empire* (New Haven/London 1981) 135, draws the useful distinction between two elements in religion, the perceptible, meaning the activities, and the debatable, meaning the feelings and thoughts that accompany a person's acknowledgement of a god. MacMullen's work clearly shows how paganism constructed its own debatable side in addition to the spectacular aspect of the worship performance.