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Slaves of God: Augustine and Other Romans on Religion and Politics

Alimi, Olaoluwatoni

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SLAVES OF GOD:
AUGUSTINE AND OTHER ROMANS ON RELIGION AND POLITICS

Olaoluwatoni A. Alimi

A DISSERTATION
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OF PRINCETON UNIVERSITY
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OF DOCTOR OF PHILOSOPHY

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Advisor: Eric Gregory

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Abstract

Augustine wrongly believed that slavery is permissible. *Slaves of God* argues that Augustine's account of slavery was deeply connected to his broader ethical and political thought. It first explains why Augustine judged slavery permissible. It also demonstrates the close connections between Augustine's permission of slavery and his broader ethics and politics, focusing on slavery's relationships to religion, law, and citizenship.

This is an essay in the history of ideas. It situates Augustine in his intellectual context. The presentation of each concept begins with the intellectual backdrop against which Augustine developed his views. Four crucial figures for Augustine were Cicero, Varro, Seneca, and Lactantius.

Despite the vast secondary literature on Augustine's thought, his views on slavery have not been well-studied. This is even more surprising considering how often Augustine discusses slavery. One reason that scholars have not attended to Augustine's views on slavery is that it is easy to treat his use of the term 'slave' as metaphorical or rhetorical. However, Augustine had a lot to say about the institution of chattel slavery. Moreover, even when he used 'slave' in a way we might today call metaphorical, it was still substantively important. As an educated Roman, Augustine was steeped in a tradition of thought where the concept of slavery was compared with, contrasted against, and relativized to core moral and political concepts. As is true for his Roman interlocutors, Augustine's views on slavery are closely connected to his ethics and politics.

Slaves of God shows that Augustine's latter-day defenders, religious and secular, may not be able to disentangle his views on slavery from his broader thought so easily. It also suggests, given Augustine's outsized influence in the Western Christian tradition, that his views on slavery influenced medieval and modern Christian thought and thereby continues to shape our world.

For Martha

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Acknowledgments

Though not the first to notice that our achievements are due in part to the help of others, Augustine may have been the first to offer the now-ubiquitous formulation: 'the best of this endeavor is due to others; its failings are my own.'[1] Though this formulation has become a cliché, I cherish it because it gives me a chance to acknowledge my many debts.

I have been blessed with a fantastic committee of advisors. Eric Gregory introduced me to the study of religion when I was an undergraduate. At the time, I could not have imagined working on a dissertation, let alone that he would advise it. He often sees the implications of what I'm saying before I do and reminds me to always keep in view the questions that drew me to the study of religion in the first place.

Jeff Stout first showed me that academic work worth doing is almost always difficult. This makes it more worthwhile, not less. He spies out weaknesses – fallacy, anachronism, unclarity – always in a way that makes my work better. As a scholar, I have benefited from his keenness. As a person, I have benefited even more from his friendship. There are few people I'd rather talk philosophy with; fewer still, soccer or film.

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[1] Augustine, *ver. rel.,* 9.17: "Quidquid in his litteris erroris inveniri poterit, hoc solum mihi esse tribuendum; quidquid autem verum et convenienter expositum, uni omnium bonorum munerum largitori Deo." ("Whatever error can be found in this book is solely to be attributed to me; whatever is true and well put, I owe wholly to God, the giver of all goods.")

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I have long struggled to find the right words to express my gratitude to and for Martha, my wife and best friend. Each day I am overjoyed to have so much of our life together in front of us: perhaps one day, I will find them. For now, an imperfect token will have to do – I dedicate this dissertation to her.

Translations and Abbreviations

Unless otherwise noted, translations of Latin texts are my own. I have checked my translations against others. The English translations that I have relied on are given in full detail in the bibliography. When referring directly to Hebrew and Christian Scriptures, I typically rely on the New Revised Standard Version (NRSV). Occasionally, I make minor departures from the NRSV and have noted and explained all such cases.

When Augustine read Christian Scriptures, he read from a set of (sometimes incomplete) manuscripts called the *Vetus Latina* (Old Latin). There was no single standard *Vetus Latina*. Neither do we know which manuscripts in particular Augustine used. On the occasions that I make a claim about what Augustine's *Vetus Latina* may have said, I have referred to various extant *Vetus Latina* versions.

For Latin texts, I have used the following abbreviations:

AUGUSTINE

beat. vit.	*De Beata Vita* *The Happy Life*
bon. con.	*De Bono Coniugali* *The Good of Marriage*
civ. Dei	*De Civitate Dei contra Paganos* *The City of God, against the Pagans*
conf.	*Confessiones* *Confessions*
con. faust.	*Contra Faustum Manichaeum* *Reply to Faustus the Manichean*
con. jul.	*Contra Julianum* *Against Julian*
corr. et grat.	*De Correptione et Gratia* *Rebuke and Grace*
doct. christ.	*De Doctrina Christiana* *Christian Teaching*
ench.	*Enchiridion de Fide, Spe, et Charitate* *Enchiridion (Handbook) on Faith, Hope, and Love*
en. ps.	*Enarrationes in Psalmos* *Expositions of the Psalms*
ep.	*Epistulae* *Letters*
in evang.	*In Evangelium Ioannis Tractatus* *Tractates on the Gospel of John*
lib. arb.	*De Libero Arbitrio* *The Free Choice of the Will*
mus.	*De Musica*

	On Music
nat. bon.	*De Natura Boni*
	On the Nature of the Good
nat. et grat.	*De Natura et Gratia contra Pelagium*
	On Nature and Grace, against Pelagius
ord.	*De Ordine*
	On Order
quaest. evang.	*Quaestiones Evangeliorum*
	Questions on the Gospels
retr.	*Retractiones*
	Reconsiderations
serm.	*Sermones*
	Sermons
serm. dom.	*De Sermone Domini in Monte*
	The Lord's Sermon on the Mount
spir.	*De Spiritu et Littera*
	On the Spirit and the Letter
trin.	*De Trinitate*
	The Trinity
ver. rel.	*De Vera Religione*
	On True Religion

AQUINAS

reg.	*De Regno ad Regem Cypri (sometimes De Regimine Principium)*
	On Kingship, to the King of Cyprus (On the Governance of Rulers)
ST	*Summa Theologiae*

CAESAR

bell. gall.	*Commentarii de Bello Gallico*
	Commentaries on the Gallic War

CICERO

acad.	*Academica*
	On Academic Skepticism
amic.	*De Amicitia*
	On Friendship
dom. sua	*De Domo Sua*
	On His House
div.	*De Divinatione*
	On Divination
fin.	*De Finibus Bonorum et Malorum*
	The Ends of Goods and Evils
inv.	*De Inventione*
	On Invention

leg.	*De Legibus* *On the Laws*
nat. deor.	*De Natura Deorum* *On the Nature of the Gods*
off.	*De Officiis* *On Duties*
orat.	*Orator* *The Orator*
rep.	*De Re Publica* *On the Commonwealth*
verr.	*In Verrem* *Against Verres*
GAIUS	
inst.	*Institutiones* *Institutes*
IRENAEUS	
adv. haer.	*Adversus Haereses* *Against Heresies*
JEROME	
ep.	*Epistolae* *Letters*
JUSTINIAN	
dig.	*Digesta seu Pandectae* *Digests, or Pandects*
inst.	*Institutiones* *Institutes*
LACTANTIUS	
div. inst.	*Divinae Institutiones* *The Divine Institutes*
mort. persec.	*De mortibus persecutorum* *The Deaths of the Persecutors*
op.	*De Opificio Dei* *The Works of God*
SENECA	
ben.	*De Beneficiis* *On Benefits*
clem.	*De Clementia* *On Mercy*
ep.	*Epistulae Morales ad Lucilium* *Moral Letters, to Lucilius*

prov.	*De Providentia* *On Providence*
vit. beat.	*De Vita Beata* *Of a Happy Life*

TERTULLIAN

adv. iud.	*Adversus Iudaeos* *Against the Jews*
ap.	*Apologeticus* *Apology*

VARRO

ant.	*Antiquitates Rerum Humanum et Divinarum* *Divine and Human Antiquities*

Introduction

One night in 427 or 428, a group of men broke into the home of a tenant farming family. Believing the men to be Vandals, the family hid. The invaders took advantage of the family's fear and confusion and seized the young daughter. They were not Vandals, but slave traders.

Unbeknownst to the girl and her family, they had fallen victim to a scheme that the slave traders had practically perfected into a science. They had carried out similar plots many times across North Africa. Their number was so large that they could overwhelm a small village and capture its inhabitants. They often dressed as soldiers or Vandals in order to terrorize and trick the villagers. Then they would sell their captives to seafaring Galatian slave merchants, who in turn re-sold the captives as slaves all over the world. And so, the young girl found herself, along with hundreds of other captives, in the possession of these international slave merchants.

As slaves, she and the other captives would likely serve in the homes of their masters. They would be at risk of physical and sexual abuse. This risk would of course be higher for the girl than for her male fellow captives. None of the slaves would have had any legal recourse to resist their masters' abuse, for slaves lacked the legal right to testify against their masters in courts. Thus, even though the laws prohibited the most brutal levels of abuse, slaves had no legal way to hold masters accountable. Many would die prematurely.

However, this young girl was comparatively lucky. She avoided the fate that befell most people captured by the slave traders. For as the captives were loaded onto the ships and the merchants prepared to set sail, she and 120 other captives were freed.

Their liberators were members of the church in Hippo Regius, a large city on the coast of modern-day Algeria. A parishioner had learned about what was happening and informed his

fellow churchgoers. Upon freeing the captives, they learned that while a small number had been sold into slavery by their parents, most had been forcibly seized.

All of this happened while the bishop of Hippo, Augustine, was away on a trip. Augustine was one of the most well-known churchmen in the Roman Empire and something of a public intellectual. After returning from his trip, he interviewed the girl and her older brother and recorded his conversation with her and her brother in a letter to his childhood friend Alypius, bishop of the nearby Thagaste.[1]

This episode presented Augustine with several legal challenges.[2] Wealthy patrons had brought a lawsuit against the liberators on behalf of the Galatians, claiming that the merchants had been deprived of their rightful property.[3] The legal question turned on whether the Galatians had acquired their captives legally. Roman law prohibited the kidnap of Roman citizens. But the tenant farmers' legal status was ambiguous. By birth they were free but also bound to the land. One law even described them as slaves of the land (*servi terrae*).[4] They were neither fully slaves nor fully free. Augustine interrogated these legal challenges, sought counsel about how to resolve them, and lobbied to change the law so that it would protect tenant farmers and their families.[5]

To be clear, Augustine did not hope to change the law to prohibit slavery or the slave trade altogether. Such a hope would not have occurred to him. This is not primarily because it would have seemed impossible, though it would have: Rome's economy was highly dependent on slave labor. Rather, it is because Augustine in no way believed slavery or the slave trade to be

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[1] The narrative I have just outlined is drawn from Augustine, *ep.* 10* and Elm 2017.
[2] For a more detailed discussion of the legal questions at stake, see Elm 2017, to which my analysis in this paragraph is greatly indebted.
[3] *Ep.* 10*8
[4] Elm 2017, 14
[5] *Ep.* 24*; Shaw 2015; Elm 2017.

wrong. As he interpreted the New Testament, Augustine took it to be the duty of Christian leaders to "command slaves to be subject to their lords."[6] For Augustine, it was morally impermissible to enslave someone who was legally free, but permissible to keep a legal slave enslaved. He seems to have believed that the way Roman law marked persons as slaves and free was a reliable guide to the moral question of who could and who could not permissibly be enslaved. In Chapter One of this dissertation, I will show that Augustine's reasons for believing this are puzzling, given his other commitments.

Notice the way this position mixes Christian and Classical Roman ideas together. Throughout this dissertation, I argue that many of Augustine's commitments resulted from his attempts to bring these traditions together – more than has often been appreciated. However, this should not be surprising: Augustine was born in Roman North Africa. He thought and spoke in Latin. Like his contemporaries, he received a classical Roman education – especially Cicero, Terence, Sallust, and Virgil.[7] He took to this education and eventually became a professor of rhetoric in Milan, the imperial seat of the western half of the empire.

His mother was a Christian; his father was not. In his twenties, he was introduced to Manicheanism to which he soon converted, much to his mother's chagrin: Manicheanism was Christianity's main religious rival in fourth-century Rome. He remained a Manichean for about nine years before converting to Christianity, and eventually embarked on a rapid ascent through the ranks of Catholic hierarchy. He became a priest in 391 and a bishop four years later. Appendix B provides a general timeline of Augustine's life and major works.

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[6] *Ep.* 24*.1 (trans. R. Teske). Titus 2:9, to which Augustine refers, reads, "Tell slaves to be submissive to their masters and to give satisfaction in every respect; they are not to talk back."
[7] Hagendahl 1967, 692; O'Donnell 1980, 164

Augustine's was the Christianity of a convert: passionate, fierce, and often polemical. As a Christian, he often distanced himself from his Roman identity.[8] He occasionally lamented his Roman education and wished and worked for the Christian Scriptures to take root in his heart as deeply as had the Roman ideas of his youth.[9] He "[spoke] of Rome as an outsider."[10] One reason he did so was to distinguish the Roman Empire he judged wicked from the Christian Church he thought holy.

Ironically, however, this only confirms how Roman Augustine was. For one thing, Romans loved criticizing Rome.[11] For another, Augustine's criticisms of Rome reflect how steeped he was in Roman culture and society. When criticizing Rome as though an outsider, he invoked, interpreted, redefined, and rejected the assumptions, concepts, inferences, and arguments of his Roman predecessors.

One such concept was slavery, which Augustine wrote about often. The term 'slave' (*servus*), along with its various cognates, is mentioned over 200 times across his *magnum opus*, *City of God*. Of course, mere mentions are only a crude measure of importance. However, the concept of slavery also plays a central conceptual role in his work. For example, Augustine used the term to characterize humanity's relationship both to God and to sin. For reasons that you might imagine, Augustine rarely used the same term to describe humanity's relationships to both God and sin. Slavery is one such term.

Despite the ubiquity of the concept of slavery in Augustine's writings, it is tempting to minimize slavery's importance in Augustine's thought. One way it is sometimes minimized is by

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[8] Hammer 2014, 382
[9] *conf.* book 1
[10] Markus 1988, 57
[11] To give just a few examples: Cicero criticized Rome and Roman practices in *de divinatione, de natura deorum,* and *de republica* as did Livy in *ab urbe condita*. And this is to say nothing of Tertullian's *apologeticus* or Lactantius's *divinae institutiones*.

writing it off as a mere metaphor. According to this line of thinking, when Augustine referred to humans as "slaves of God" or "slaves of sin" he was drawing on a culturally salient image for a merely rhetorical flourish.

This minimization, despite its apparent appeal, doesn't work. For one thing, Augustine also often discussed chattel slavery, the social practice of humans owning other humans as property, in plain, literal terms. This is because chattel slavery saturated Augustine's world; he came face-to-face with it regularly. His family had owned slaves in his youth. While he was bishop, some clergy who served beneath him owned slaves.[12] Some of his parishioners were very wealthy.[13] It is therefore possible that some of them also owned slaves.

Moreover, this dissertation will also show that even the apparently metaphorical uses of 'slavery' are not in fact merely metaphorical. Augustine believed that humans are slaves of God or slaves of sin in just the same way that chattel slaves are slaves of a master.

A second way slavery is minimized in Augustine's thought is via translation. Most translators of Augustine render *dominus* as lord or Lord, not master, and *servus* as servant or bondservant, not slave. This translation obscures the ubiquity of master and slave concepts. The question of how to translate *dominus* has been a source of no small controversy in Augustine studies of late.[14] In her 2017 translation of the *Confessions,* Sarah Ruden rendered *dominus* as 'master,' instead of 'Lord.' I once asked a respected scholar of Augustine what he made of Ruden's decision. He didn't like it. When I asked him why, he said, "Well, I guess it's because 'Lord' is a Biblical term."

[12] Shaw 2011, 373-4.
[13] Brown 2000, 246-7
[14] For an example of this disagreement in print, see Williams 2019, xxx

He was importantly right. The language of Augustine's heart was the language of the Christian Scriptures.[15] When he referred to God as *dominus,* he was referring to the title most Bibles translate 'Lord.' But in Augustine's Old Latin Bible (*Vetus Latina*) and in his Roman imagination, the word used to refer to God, *dominus,* inescapably meant both lord and slave-master.[16] Ruden's translation focuses on this crucial sense of the term often lost in translations of the *Confessions*.[17]

If these minimization strategies are unsuccessful, then it would be worthwhile to have an account of the role of slavery in Augustine's thought that takes its significance seriously. The goal of this dissertation is to provide such an account. Doing so requires attending to three topics. First, we must understand what Augustine believed the purpose of slavery is, and why. By 'why,' I mean the arguments he explicitly gave for his views, the commitments – theological, philosophical, and otherwise – he explicitly took himself to be accountable to, and the commitments to which he was implicitly accountable.

Very little of the vast scholarship on Augustine attends to how he thought about slavery.[18] Thus, in attempting to map Augustine's various commitments that gave shape to his view of slavery I am charting somewhat new waters. This reflects a broader trend in the literature on Christianity and slavery. This literature tends to focus on slavery in Early Christianity and

[15] Teske 2009; Cameron 2012; Williams 2019.
[16] The same is true of *adonai* in the Hebrew Bible, as well as *kyrios,* in the Septuagint.
[17] For further discussions of Ruden's translation, see van Schoor 2017, Ruden 2018, Brown 2017 and Alimi 2020.
[18] Until recently, the main studies of Augustine on slavery in English were Mary 1954, Corcoran 1985, and Garnsey 1996. Happily, this trend is recently changing. See, e.g., Ramelli 2016, Elm 2017 and Elia 2018 and 2019. I discuss the differences between Ramelli 2016 and my account at further length in Chapter One. Elm 2017 focuses on one episode in Augustine's career. Elia 2018 and 2019 are primarily concerned with the relationship between Augustine and contemporary black political thought. By contrast, my aim is to provide a contextual and comprehensive account of slavery in Augustine's overall ethical and political thought.

Atlantic slavery; far less work has been done on slavery in Late Antique and Medieval Christianity.[19] Given that Augustine links antiquity and the Middle Ages, understanding his account of slavery is crucial to the history of slavery in the West.[20] I argue that his views on slavery reflect the influences of two classical Roman figures that Augustine encountered in his classical Roman education and would continue to read in his adulthood – Cicero and Seneca – as well as a Christian writer he first discovered as an adult – Lactantius.

The second topic we must consider concerns the relationship between slavery to God and chattel slavery in Augustine's thought. [21] Many theists believe that some or all humans are slaves of some deity. For example, this imagery is ubiquitous in the Hebrew Bible and Christian New Testament that Augustine considered authoritative.[22] Different theists have different views about slavery to a deity. Some believe that all people are slaves of some deity; others hold that only those who worship that deity are its slaves; still others believe that humans are not and should not be slaves of a deity at all. And different theists draw different inferences about the

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[19] On slavery in the New Testament and Early Christianity, see Martin 1990; Combes 1998; Harris 2001; Glancy 2002; Goldenberg 2003; Harrill 2006. On slavery in the Americas, see Hanke 1959 and 1974 on the enslavement of American Indians and Goetz 2012, Cameron 2014 and Gerbner 2018 on the enslavement of African Americans.

[20] As I discuss in further detail in Chapter One, my account is distinct from others, such as Corcoran 1985, Garnsey 1996, Harper 2011, and Ramelli 2016. Corcoran 1985 minimizes the badness of Augustine's views. Garnsey 1996 and Ramelli 2016 misinterpret Augustine. Garnsey misinterprets Augustine by reading his conception of punishment as centrally retributive rather than reformative. Ramelli wrongly attributes to Augustine the view that slaves lack human dignity. Harper 2011 often uses Augustine to interpret the condition of slavery in the Late Roman world and as such provides in rich detail the slave-world Augustine was aware of. Unlike him, my focus is on the theological purposes of slavery in Augustine's thought.

[21] Throughout the dissertation, I use the uppercase 'God' to refer to the deity that Augustine worshipped and the lowercase 'god' or 'gods' to refer to all other deities. Since Augustine believed himself to be worshipping the same deity that the Hebrew Bible witnesses to, the deity that many Jews worship, I also refer to this deity as 'God.'

[22] 1 Chronicles 6:49, 2 Chronicles 24:9, Nehemiah 10:29 and Daniel 9:11 all refer to Moses as a slave of God (*eḇeḏ-hā'ĕlōhîm*). Romans 6:22, 1 Peter 2:16, James 1:1, and Titus 1:1 all describe individuals or groups as slaves of God or Christ.

permissibility of chattel slavery from the idea that people might be slaves of a deity. My second task is to clarify this set of questions in Augustine's thought.

I will not focus on assessing whether Augustine was culpable for his views on slavery. This might seem strange, given how important the question of slavery is. But I pass over this question not to minimize slavery's importance or how wrong Augustine's views were. I pass it over because such an assessment would take us too far afield of the main aims of this project. Augustine did not know that slavery was wrong. In this respect, he was morally ignorant. By this I do not mean to say that Augustine could not possibly have known better. As I will show, at least one similarly situated Christian, Lactantius, realized that slavery was wrong and articulated this view in writing decades before Augustine was born. Rather, I mean that offering all-things-considered judgments about the culpability of the morally ignorant is fraught.[23] For my purposes, it suffices to say that Augustine is worth engaging on the question of slavery because he was and remains one of the most influential figures in the history of ideas, because his views on slavery were horribly wrong, and because these views were important for the rest of his thought.

Finally, taking Augustine seriously on slavery also requires us to examine how his understanding of slavery connects to the rest of his ethical and political thought. The third task of this project is to explicate some of these connections.

In the Roman imagination, cities were comprised of their citizens, sustained by their laws, and identified by their religions. The category of slave marked the boundaries of citizenship; slavery was defined against citizenship such that to be a slave was not to be a citizen and vice-versa.[24] Because they were not citizens, slaves lacked access to fundamental legal

[23] See, e.g., the disagreement between Rosen (2003) and Harman (2011) on whether moral ignorance exculpates.
[24] Gaius *inst.* 1.7.48-52 and Justinian, *dig.* 1.6.0.

rights.[25] They were also systematically excluded from traditional religious practices.[26] For most Romans, slavery, law, citizenship, and religion were entangled concepts. Since Augustine was a Roman, we should expect similar entanglements.

I will show that this is precisely what we find. Augustine's account of slavery is deeply embedded in his thought. W.V.O. Quine provides a helpful image for explaining this idea.[27] Think of all of Augustine's commitments, when taken together, as a web. As in a web, some commitments are nearer to the center, and others are on the periphery. One can change a commitment at the periphery without upsetting much of the rest of the web. But one cannot do the same for commitments nearer to the center.

I argue that Augustine's beliefs about slavery were much closer to the center of his web than has previously been thought. Attending to Augustine's views on slavery helps clarify what he meant to do by designating all humans as slaves of God; why he thought that the best temporal laws should be concerned with the virtue and religion of their observers (though he is often interpreted as affirming the contrary); why he believed that unaccountable deities are not worthy of worship; why he rejected the republican opposition of slavery and citizenship; and why he thought that Christianity is necessary for moral and political justice and moral and political freedom.

1. Augustine among the Romans

I have already made many claims about Augustine's various commitments and will continue to do so throughout this project. Since my primary aim is to offer a historically sensitive

[25] Bradley 1988
[26] For examples of this exclusion in the Middle Period, see Padilla Peralta 2017.
[27] Quine 1951. Thanks to Melissa Lane for this suggestion. Quine, strictly speaking, described a web of beliefs, not a web of commitments. I see no reason that his framework should not apply equally well to commitments more broadly, and so I have adapted it accordingly.

interpretation of Augustine in his context, most of my claims about Augustine identify commitments he could have recognized as his own. Often Augustine did not develop the implications of his commitments. A secondary aim of this project is to bring some of those implications to the surface. This allows us to see, even where Augustine did not, what his commitments entail. Working out these entailments prepares us to evaluate what was at stake for Augustinians throughout history, and what is at stake for present-day Augustinians, in taking on this or that commitment. I have tried to be clear about when I am pursuing which sort of analysis.

Throughout this dissertation I will refer to "Augustinians," from time to time. Who are they? Given the vast range of thinkers who have been called "Augustinian," any attempt to answer this question precisely, accurately, and fairly would likely require its own book. However, Quine's image of the web of commitments that I mentioned above can help us construct a very formal definition. An Augustinian is any person who takes a sufficient number of Augustine's core commitments as their own core commitments. Similarly, I use the term "political Augustinian" as a shorthand for a person who takes a sufficient number of Augustine's core political commitments as their own core political commitments.

Though highly formal, this definition explains what people mean by calling themselves or others "Augustinians." Consider, for example, Charles Mathewes' claim that Reinhold Niebuhr is an Augustinian because of Niebuhr's emphasis on two ideas: first, that humans seek the good even in sinning; and second, that the ubiquity of sinfulness renders all of our attempts to seek the good tragic.[28] I take Mathewes to be laying out a case along the lines of the definition that I've offered. First, he is claiming that these two ideas were core commitments for Niebuhr. If he weren't, it wouldn't make sense for him to use these ideas as evidence for the claim that

[28] Mathewes 2001, 107-148

Niebuhr was an Augustinian. Second, he is claiming that they were core commitments for Augustine. If not, they would not serve as good evidence that Niebuhr was an *Augustinian*.

For the purposes of my project here, such a formal account will suffice. I hope to leave the question of whether any particular person is an Augustinian open, contestable, and contextual. I certainly have no interest in policing these boundaries. Instead, my aim is to situate slavery in Augustine's web of commitments and highlight the connection between Augustine's account of slavery and his understandings of religion, law, and citizenship. My work also suggests places where some Augustinians – those who endorse Augustine's accounts of religion, law, and citizenship, for instance – may need to revise some of their endorsements of Augustine's commitments in light of these connections.

Any attempt to reconstruct a historical figure's commitments requires contextualization.[29] We can think of contextualization as picking a lens through which we engage the figure. There are many lenses we could choose from.[30] For example, we could study Augustine's moral and political thought with a focus on Christian Neoplatonism, or the Christianization of Rome, or fourth- and fifth-century theological and ecclesiological disputes.

My project situates Augustine in the context of the intellectual landscape shaped by some of the predominant figures in Roman moral and political thought. Thus, my primary lens is Augustine's Roman intellectual context. This is not to denigrate other lenses. All I mean is that we can learn something new and crucial about Augustine by attending to his Roman

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[29] Brandom 2002, 99

[30] For a fuller statement of this idea and its place in the activity of the history of philosophy, see Mercer 2019. Mercer navigates debates between Michael della Rocca and Daniel Garber on Spinoza by showing that their disagreements arise not from one doing historically sensitive interpretation (which Mercer calls 'contextualism') while the other assigns to Spinoza views Spinoza could not have held. Instead, their disagreements arise from each interpreting Spinoza with a different context as the primary lens.

predecessors. The Roman predecessors that I focus on are Cicero and Lactantius. Seneca and Varro also play significant, though less prominent roles in my account.

As an educated Roman, Augustine knew of the main options on the philosophical menu, especially Cicero, but also Seneca and Varro. As an educated Christian, he knew of options that non-Christian Romans may not have encountered as frequently, such as Lactantius. It is easiest to trace the influence of these earlier thinkers on Augustine when he referred to them explicitly. He did so, for instance, in *City of God*. There, he directly engaged Cicero on justice, Seneca on fate, Varro on Roman religion, and Lactantius on Christianity as the true religion.[31] Appendix C provides an overview of some of the classical Roman texts that Augustine had read, how close his readings of these texts seem to have been, and when he first read them.

However, these figures' influence was not always explicit. Augustine did not always reflect the ways in which his predecessors shaped his intellectual landscape by making explicit references to those predecessors.

An example may help explain why. In 21st-century Anglophone classrooms, most introductions to moral philosophy begin by presenting two or three main options for moral reasoning: deontology, utilitarianism, and sometimes virtue ethics. Deontology is often associated with Immanuel Kant, utilitarianism with Jeremy Bentham or John Stuart Mill, virtue ethics with Aristotle. In this respect, Kantian deontology, Benthamite/Millian utilitarianism and Aristotelian virtue ethics are default options in modern moral reasoning. As one progresses in moral philosophy, one begins to trouble the familiar distinctions among the schools of thought, the easy assignment of figures to schools, and the idea that these three approaches exhaust the landscape of possibilities for moral reasoning. Nonetheless, someone with an introductory

[31] Respectively: *civ. Dei.*, 2.21, 5.8, 6.2-6;18.23

background in modern moral philosophy can say something about the three schools, why they are thought to be distinct, and how each figure is meant to be representative of a school. She can rehearse some major arguments for and against each position. And she can trade in ideas such as treating people as ends and not merely means, or the greatest good for the greatest number, or the primacy of eudaimonia, without referring to Kant, Bentham, Mill, or Aristotle.

Something similar was true for well-educated fourth- and fifth-century Romans, including Augustine. Most of them had imbibed Cicero, Virgil, Sallust, and Terence in their classical education. Furthermore, members of the Christian intelligentsia were familiar with many of the themes and arguments in Tertullian, Eusebius, Cyprian, and Lactantius. Many Christians also found much to endorse in Seneca. As a result, Augustine encountered Senecan ideas not simply when he read Seneca, but also via the Christian writers he was reading.

We can therefore discern the influence of these figures even when Augustine did not mention or even explicitly have them in mind. For this reason, to map the intellectual landscape Augustine was responding to, we cannot simply work backwards from his references. We must simultaneously work forwards from how his predecessors considered similar questions and concepts.

For each concept, I begin by providing a background of some of the Roman discourses that would have been important for Augustine. No description of this background can reasonably aspire to be comprehensive. But by focusing on some of the most salient texts and figures we can have a better understanding of the backdrop against which Augustine developed his own views. This helps us to see more clearly when Augustine is repurposing a Senecan argument, refusing a Ciceronian dichotomy, misreading a Varronian analysis, or supplementing a Lactantian theory.

Some thinkers are important only for some concepts. For instance, Varro's account of traditional Roman religion was crucial for Augustine. Augustine took Varro to be Rome's best defender of the traditional Roman religion and also believed that Varro had laid bare Roman religion's various problems.[32] Thus, on the question of religion Augustine relied a great deal on Varro's writings (even as he misread him). For this reason, Varro plays an important role in the discussion of religion in Chapter Three. However, since Augustine did not engage Varro on questions about slavery, citizenship, or law, Varro does not figure in the rest of the dissertation.

Slavery was a core moral and political concept in the Roman imagination. One reason for this is that the slave was considered the paradigmatically unfree person. Cities were taken to be composed of free citizens. Thus, Roman thinkers demarcated the membership of the cities they cared about most by distinguishing slaves from citizens. Cicero's focus was typically Rome: for Rome to remain a republic, its citizens must not fall into slavery to a dictatorial tyrant. Seneca focused on cosmic citizenship: people enslaved to their passions are bad citizens of the cosmic city.

The laws of a city secure goods; they govern the distribution of material resources, but also set up rules concerning how the city is to be governed. As Cicero was especially concerned to show, for people to be able to rule themselves, they need a robust system of laws whereby they can hold rulers accountable. Laws help prevent republics from becoming tyrannies.

Romans believed that each city was individuated in part by its religious practices. A city's religion not only expressed a special identification with a god or set of gods, it also revealed a city's values. Religion was a crucial part of civic identity.

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[32] *civ. Dei.,* 18.40

For most Romans, therefore, slavery, law, citizenship, and religion were central political concepts. One could have a good understanding of what a city was like if one understood how it considered slavery, what its laws were, in virtue of what its citizens were bound together, and what its religious practices were. For this reason, I have chosen to focus my analysis of Augustine's politics on these four concepts.

The proof of this approach must be in the pudding. I hope, by the end of the project, to have convinced you that attending to Augustine's Roman predecessors helps us understand him better. If this proves successful, it suggests a new avenue forward for Augustine studies in religious studies, philosophy, and theology, one that pays greater attention to Augustine as a Roman.[33] In these disciplines, there is a vast literature on Augustine's Greek and Christian sources.[34] His Roman debts are seldom acknowledged.[35] My project suggests how these lacunae might be filled.

The second most important figure in this project is Lactantius (c.250-c.325). Lactantius was, like Augustine, a North African convert to Christianity, a student of classical Roman texts, and a professor of rhetoric at an important imperial post. As recent scholarship has begun to articulate, Lactantius was an important political thinker in his own right and is a foil for

[33] The approach I am advocating for is more common in classics and the history of moral and political ideas than in theology, religious studies, or philosophy. See, e.g., Rist 1996, Garnsey, 1996, and Hammer 2014.

[34] On Augustine the Platonist/Neo-Platonist, see e.g., Burnaby 1938, Wetzel 1992, Cary 2000 and 2008, Stewart-Kroeker 2017. For Augustine on Paul, see, e.g., Fredriksen 1986 and 1988, Cary 2000 and 2008. For Augustine and Ambrose, see, e.g., Brown 1967 and 1972, Rousseau 1977, Garnsey 1996.

[35] In philosophy, two exceptions to this are the work of Sarah Byers and Charles Francis Brittain. Byers has written a great deal on Augustine's Stoic debts (Byers 2003, 2012a, 2012b, 2012c, 2016). In most of these, Seneca explicitly plays an important role. Brittain has done significant work on Augustine and Ciceronian philosophy (e.g., Brittain 2012a and 2012b). In theology, one exception is Webb 2016, in which Livy figures significantly. Sallust plays a role in Burns 1999, von Heyking 2001, and Harding 2008.

Augustine.[36] Aside from their biographical similarities, I will show that Augustine and Lactantius shared a vast range of theological and philosophical commitments. For example, Augustine borrowed his theory of religion from Lactantius's *Divine Institutes*. Indeed, the *Divine Institutes* was the most wide-ranging criticism of Roman ideology and society before *City of God*. Augustine was clearly influenced by it, and in many ways patterned *City of God* after it. Because of Lactantius's importance in this project, Appendices B and C also provide, respectively, overviews of Lactantius's life and major works and his classical sources.

Despite their similarities, Augustine and Lactantius differed on some of the crucial questions this project engages. Perhaps most importantly, they differed on whether slavery is permissible. Lactantius shows us how Augustine's coordination of his Roman and Christian commitments was contingent. Though similarly situated to Augustine, Lactantius coordinated Roman and Christian commitments in importantly different ways, rightly identifying slavery as morally impermissible.

2. Four Key Terms

A few concepts recur throughout this project. Four are especially important, and as such merit discussion up front: virtue, semblances, polysemy, and dual character. However, I will also refer to other concepts that were important for at least some of the thinkers we will encounter. When such a concept comes up, I will offer a brief account of its meaning in its relevant context. To supplement this, I offer more expanded treatments in Appendix A, the glossary.

2.1 | Virtue

The Roman thinkers I discuss did not share a single definition of virtue. They certainly did not agree on which traits are virtues. But for our purposes, a very general description will

[36] DePalma Digeser 1998, 2000, 2003, 2006, 2016; Bochet 1998; Garnsey 2002; Nicholson 2004; Bowlin 2006.

suffice. Each believed that a virtue is an excellence of character. As virtues are excellent, they are, everything else held equal, desirable. A person is better off for being just, wise, or merciful. Because virtues are a matter of character, they must be stable across a wide variety of situations. Difficult situations test whether a person has some virtue. Someone who tells the truth only when doing so comes at no cost to himself does not yet have the virtue of honesty. Honest people tell the truth when doing so is easy and when it is hard.

I will often refer to virtue as a mean between an excess and a deficiency. For example, courage is a mean between cowardice and foolhardiness. Courageous people persist in activities worth doing even in the face of fear. Cowardice is a deficiency related to courage; the coward is overcome by fear. Foolhardiness is an excess related to courage; the foolhardy person fears not what he should. The excess-mean-deficiency framework goes back to Aristotle. I do not employ it to suggest that all of our thinkers explicitly endorsed it. Nevertheless, it can often help us understand the distinctions they were making.

2.2 | Semblances

Many virtues often have lookalikes, semblances. It is easy to mistake semblances for the real thing. Imagine a person who never protests a friend's bad behavior. He might seem to have the virtue of tolerance. Tolerance patiently endures objectionable differences.[37] But he could simply be cowardly, too timid to object to his friend's behavior. If so, he does not patiently endure objectionable difference. He doesn't have the virtue of tolerance after all.

The idea of a semblance is especially important because many philosophers often recast what others have called virtue as vice and what others have called vice as virtue. This was one of Augustine's favorite argumentative strategies. Many Romans praised great men who desired

[37] Bowlin 2016, 130.

glory as having the virtue of magnanimity.[38] Augustine disagreed, arguing that all they had was a vicious semblance: pride. Traditional adherents of Roman religion would have called Augustine's descriptions of the Roman gods impious. Piety involves respecting special benefactors, such as one's parents or the gods. Since Augustine showed the Roman gods no respect, his descriptions would have looked impious to most Romans. But Augustine saw no impiety in his descriptions of the Roman gods: he did not find them worthy of respect. Had they been true benefactors, they would have been worthy of respect. But, he judged, they were not.[39]

2.3 | Polysemy

A word is polysemic when it picks out multiple, related meanings. For instance, 'water' is polysemic. In the fact, "at 611.657 Pa and 273.16 K, water can coexist as solid, liquid, and gas," 'water' means 'pure H_2O.' In the request, "Please fetch me some water to boil for tea," it means 'liquid H_2O with limited admixture.' In the title of the Elton John/Bernie Taupin song, "Madman across the Water," it means 'a body of water,' specifically a lake or sea. These three senses of 'water' share important content without being identical.[40]

Many of the crucial terms in this project are polysemic. Arguably all the main terms I treat – slavery, law, citizenship, and religion – are. When analyzing how a term functions in a text or in a tradition it is important to remember that the term need not have precisely the same

[38] This is not to say that they did so universally. As Long 2006 argues, much of the project of *de officiis* is to critically re-evalute glory, a central aspect of the Roman honor code he was analyzing. Thanks to Jeff Stout for pushing me to clarify this point.
[39] Thanks to Clifton Granby and Jennifer Herdt for helping me clarify this point.
[40] Polysemy can be contrasted against homonymy. Homonyms are two words with the same spelling but completely independent meanings. "Bank" can name a place that holds money or the edge of a body of water. By contrast, polysemes have conceptual overlap but are non-identical. I provide no general account of the distinction between homonymy and polysemy, but I take the cases of polysemy I treat in this project to be intuitive.

meaning in all contexts. Because polysemic terms have a range of closely connected meanings they are often sites for disagreement between thinkers.

2.4 | Dual Character Concepts

Some polysemic terms pick out dual character concepts. A dual character concept involves concrete characteristics and abstract values.[41] Consider the concept of a philosopher. Someone who earns a living writing and teaching philosophy is in one sense a philosopher. Imagine, however, that such a person doesn't think critically or carefully examine and question any part of his world. In this case, we might deny that he is a *true* philosopher. 'Philosopher,' therefore, has a dual character. Someone can be a philosopher without being a true philosopher.

Many of Augustine's polemics against Roman political and moral thought involved him treating ideas as dual-character concepts. Romans, he thought, had virtue but not true virtue. They promised freedom, but only Christianity could secure true freedom. The concept whose dual character is most important to my analysis is religion, the focus of Chapters Two and Three.

3. Chapter Outline

My project proceeds in three parts. Part One, "Divine and Human Slaveries," takes up the first two tasks I mentioned above: first, to explain what Augustine took the purpose of slavery to be and why; second, to clarify how he conceived of the relationship between slavery to God and chattel slavery. Chapter One, "Varieties of Slavery," shows why Augustine held that God ordains chattel slavery as an institution whereby masters should help their slaves become Christians.

Augustine believed that God is in a position to punish humans by giving them to other humans as slaves because all humans are slaves of God. The next two chapters argue that this idea follows from the theory of religion that Augustine endorsed. To show this, I trace the

[41] Knobe, Prasada, and Newman 2013. My understanding of dual character concepts is indebted to Jeffrey Stout, who develops this idea with respect to ancient uses of *religio* in Stout 2017, *inter alia*.

development of this theory from its provenance in Cicero's virtue conception of religion. Chapter Two, "Religions False, True, and Otherwise," presents Cicero's virtue conception of religion in light of the developments in late republican Rome that Cicero was responding to. It then demonstrates how Lactantius took up parts of Cicero's virtue conception and joined this account to a Christian story about the origin and purpose of religious worship. The result was a theory of religion: an analytical tool that Lactantius used to identify the social practice of deity-worship as religion and judge all religions as true or false.

Chapter Three, "Inescapable Slavery" contends that Augustine's endorsement of Lactantius's theory of religion helps us make sense of his criticisms of Varro. This theory also formed the basis for Augustine's belief that slavery to God is universal and eternal. Those who worship God, he believed, are faithful slaves. All others are fugitives. But none can avoid being a slave of God. Slavery to God is inescapable.

Parts Two and Three take up the third task I mentioned: explicating the connections between slavery and other central ideas in Augustine's ethics and politics. Part Two, "Law and Freedom," focuses on law. Scholars often interpret Augustine as having believed that the purposes of temporal laws are negative: restrain violence, punish injustice, nothing more. I argue that this is a misreading of Augustine on temporal law. Chapter Four, "Lactantius, Theologian of Law," shows that Lactantius in fact held the view that is often misattributed to Augustine. It presents an overview of some developments in Roman jurisprudence from the first century BCE through the fourth century CE. Lactantius reacted strongly against the religious coercion that had become a salient feature of third- and fourth-century Roman law. Lactantius also developed a political theology of law: an argument that the sort of coherent legal system that educated Romans believed in presumed a theology where only one deity is worshiped.

Chapter Five, "Laws of Impious Gods," argues that Augustine thought that temporal laws should be concerned with the virtue and religion of their citizens. This is made clear in his analyses of two concrete legal systems: the laws of Rome and the laws of Israel in the Hebrew Bible. Augustine criticized the laws of Rome for failing to help citizens live virtuously. In response to Manicheans who thought that the Mosaic law was bad, Augustine argued that this law too was well-suited to – indirectly – help those who follow it live virtuously. The best temporal law, he thought, could begin the process of helping citizens become free from sin and return to faithful slavery to God. With this account of law in hand, Augustine denied the validity of Donatists' Lactantian plea for religious toleration.

Part Three, "Republics and their Citizens," focuses on Augustine's account of citizenship. Chapter Six, "Slave-Citizens" seeks to situate Augustine in the republican political tradition. It explores the implications of Augustine's equating faithful slavery to God and full citizenship in the city of God, arguing that this commitment sets Augustine against the republican idea that slavery and citizenship are mutually exclusive. However, this chapter also argues that Augustine insisted with the republicans that all legitimate authority requires accountability. Though Augustine never drew the following surprising inference, I argue that it follows from what he said – God too must be accountable to humans for His rule to be authoritative.

Finally, Chapter Seven, "How to Be a Republic," reconsiders why Augustine believed that Cicero's account of justice entailed that Rome never had justice and thus, was never a republic. It argues that Augustine took Cicero to have highlighted a tension between ethics and politics that Rome could not adequately resolve. Indeed, Augustine believed that no earthly polity could resolve this tension. It could only be resolved by Christianity.

Augustine's importance in the history of ideas makes it worth our while to understand him. We cannot do so if we gloss over his views on slavery – abhorrent as they are. I hope to convince you that his account of slavery is interesting in its own right and that keeping it in view will help us learn a great deal about his understandings of religion, law, and citizenship.

Furthermore, though our world is not Augustine's, it is one he did a great deal to shape. His views on slavery and the connections between these views and his broader political thought have influenced us. This gives us further reason to engage him: to recognize how our intellectual world has been and continues to be formed by Augustinian ideas; reject implausible and unjust parts of his account; retrieve any wisdom or moral insight his account offers; reinterpret such goods so as to make them intelligible to and useful for us, given our own commitments; reimagine possibilities beyond the ones Augustine himself knew.

The more of Augustine's commitments one endorses, the more challenging this engagement will be. Augustinians who share many of his commitments have an especially pressing burden to do the hard work of identifying which commitments they wish to preserve and reconstructing them, disentangled from Augustine's views on slavery. And for those who endorse few – even none – of Augustine's commitments, successful engagement still demands understanding. After all, even if one's chosen method of engagement is wholesale rejection, one cannot meaningfully reject a commitment without first understanding it.

PART I

Divine and Human Slaveries

1

Varieties of Slavery

> "The first cause of slavery is sin, by which one man is subjected to be ruled by another. This would not happen without the judgment of God, with whom there is no injustice, and who knows how to distribute different punishments according to transgressions."
> ~ Augustine, *City of God*, 19.15[1]

Augustine got slavery wrong. He wrongly concluded from his belief that slavery is God's just punishment of sin that it is not inherently unjust. But this is the start of the story, not the end. It is not enough to know that Augustine had the wrong view of slavery. It is worth understanding why he had this view and what its implications are. The goal of this chapter is to reconstruct Augustine's account of slavery without minimizing how bad his position was, overlooking its theological import for Augustine, or treating it as merely a stepping-stone to our own view

Some minimizers give Augustine outs he never took up. For example, Gervase Corcoran says that for all we know Augustine "could [have been] an enthusiastic supporter of manumission."[2] Though this may reflect what Augustine should have said, it does not represent what he did say. Others forgive Augustine's view of slavery as a mere product of his context.[3] But this does not suffice as an explanation. As Chris de Wet argues, the historical context scholars can access need not reflect the widespread opinion of the times. We access historical context through texts that reflect the conversations of privileged classes. "The voices of the ancient masses, of peasants, and slaves, which are just as relevant for historical context" are lost

[1] "Prima ergo seruitutis causa peccatum est, ut homo homini condicionis uinculo subderetur; quod non fit nisi Deo iudicante, apud quem non est iniquitas et nouit diuersas poenas meritis distribuere delinquentium."
[2] Corcoran 1985, 40.
[3] See, e.g., Conley 2015, 134

to time.[4] If the subaltern could speak then, we cannot hear them now. Furthermore, as Ilaria Ramelli shows, some of Augustine's contemporaries opposed slavery.[5] One, Gregory of Nyssa (d. 395), called for its abolition.[6] Reducing Augustine's position to a mere product of his context ignores the fact that similarly situated figures avoided his errors.

Others think Augustine thought that slavery was basically unimportant. He viewed it as an evil contingency of earthly life with no ultimate significance.[7] However, this makes it difficult to explain why Augustine talked about slavery so often in so many of his major writings.

It is not much better to treat Augustine's position simply as a stop along the way to the right view about slavery. Ramelli, perhaps because her reconstruction of Augustine's position is abbreviated, wrongly attributes to Augustine the view that slaves lacked human dignity.[8] Ramelli rightly portrays Gregory of Nyssa as an early Christian advocate for abolition, and rightly avoids excusing Augustine's errors, but ultimately obscures Augustine's account.

What is needed, therefore, is an account of Augustine on slavery that explains why Augustine thought and wrote so much about slavery while making clear his philosophical and theological reasons for justifying slavery without minimizing the badness of his view.

In this chapter I set out to provide just such an account. Augustine believed that God gives masters authority over slaves in order to help them become Christians. This was to free slaves from slavery to sin – for Augustine, the worst sort of slavery. Freed from sin, slaves could

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[4] de Wet 2018, 7-8

[5] Ramelli 2016, 162-171. See also Corcoran 1985, 55.

[6] Ibid, 172-189. See also Ramelli 2012.

[7] R.W. Dyson (2011, 110) attributes to Augustine a Stoic position, one that I will argue is more Senecan than Augustinian: that, for Augustine, "slavery is a purely external condition, and therefore ultimately unimportant." Similarly, Luke Bretherton (2015:116) says that Augustine thought of slavery as "an instance of sinful domination overcome in Christ…that would pass away." Augustine argued, however, for the temporal necessity and propriety of slavery, not simply on economic grounds, but on theological and ethical grounds also.

[8] Ibid, 156-157. I discuss and respond to Ramelli's view in greater detail later in the chapter.

reunite with God. Slavery, therefore, is of ultimate significance. It is necessary because by it, humans can enjoy union with God.

Some scholars who have focused on Augustine's account of slavery interpret him as thinking that slavery is retribution for sin. All humans have sinned; thus, all humans are liable to be enslaved.[9] That some humans are not enslaved is proof of God's grace (or caprice).[10] By contrast, I argue that Augustine thought of slavery as a reformative, not retributive, punishment.

You may notice that I have used the word 'account' in discussing what Augustine had to say about slavery, and not the term 'defense.' It does not make sense to speak of a defense of slavery in Augustine's context; defense presumes attack. And in Augustine's context, attacks on slavery, though not completely absent, were rare. Augustine certainly did not perceive slavery as under attack. Instead, his concern was with the uses and abuses of slavery. Slavery, Augustine thought, could be used well or badly. He wanted his readers and listeners to use it well. And so, he offered an account of what slavery was for, and how to use it well.

In writing about slavery, Augustine responded to the world he and his audiences knew. Because slavery was such a familiar feature of the landscape, he never saw fit to describe it in detail.[11] Foregrounding his social context will help us understand the centrality of household slavery in Augustine's thinking and explain the close connection he assumes between slavery and sonship. Awareness of his social context undermines any attempt on the part of Augustine's latter-day defenders to deflate the badness of slavery, while nonetheless explaining why he thought the institution permissible.

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[9] Garnsey 1996, 218; De Wet 2018, 116-7
[10] O'Connell 1954, 306; Corcoran 1985, 70.
[11] Mary 1954, 363

Augustine's account of slavery was focally concerned with a slave's moral and spiritual education. He imagined chattel slavery as means of blocking a worse kind of slavery – slavery to sin. By training slaves to become good Christians, masters helped free their slaves from slavery to sin. In thinking this way, Augustine was participating in an intellectual tradition where the institution of slavery was compared to, contrasted with, and relativized to focal cases of slavery. Therefore, another dimension of Augustine's context to account for is intellectual.

Three figures in this tradition that are crucial for Augustine are Cicero, Seneca, and Lactantius. For Cicero, the institution of slavery could help the political theorist diagnose the problem of tyranny. Tyranny is unjust because the tyrant dominates citizens as a master dominates his slaves. Citizens ought not to be so dominated precisely because they are not slaves of any person.[12] Seneca relativized the institution of slavery to slavery to externals. The wise person, he thought, could live a perfectly good life as a slave, since slavery cannot make the wise person bad. On the other hand, the fool – a slave to externals – is no better off for being a master.

Lactantius thought of religion as a kind of slavery and believed that chattel slavery was a consequence of false religion. For Lactantius, all humans are slaves to God. When humans run away from God, they take on false gods as masters. They trade in a good kind of slavery for a bad kind. Slavery to false gods results in all kinds of injustice. One such injustice is the institution of chattel slavery. Chattel slavery is unjust because it involves humans usurping the role of God. God alone ought to be a master over humans; to take another human as a slave is to attempt to take on an office that is exclusive to God.

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[12] Cicero did sometimes characterize citizens as slaves of the law. See *cluent.* 146: "Legum ministri magistratus, legum interpretes iudices, legum denique idcirco omnes servi sumus, ut liberi esse possimus." ("The magistrates who administer the law, and the judges who interpret it, we are all slaves to the law, so that we can be free."). See also Atkins 2018, 761-770. Cicero's worry was a worry about the enslavement of one will to another. Since the law is the will of no individual, slavery to law isn't to be feared.

Augustine's position on slavery was indebted to these predecessors. However, the choice to focus on Lactantius may surprise some readers. Across classics, political theory, and religious studies, he has, until recently, been neglected.[13] When he is mentioned, his theology tends to receive more attention than his politics.[14] This is unfortunate, especially since his sources are primarily Roman philosophy, history and poetry, rather than the Bible or theology.[15] Because scholars have tended to think of Lactantius as having little to contribute to political thought,[16] modern scholarship has missed out on many of the *Divine Institutes*' political contributions.[17]

Despite occasional mentions of the influence of Lactantius on Augustine in the literature,[18] few studies connect the two concretely, especially with respect to political thought.[19] By clarifying an important, creative aspect of Lactantius' political thought, his understanding of slavery, we are better positioned to connect his political thought to Augustine's. Christian thinkers assumed that their commitments on slavery needed to cohere with its function in the Bible, and especially the New Testament.[20] Each also moved freely between two contrasts: the

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[13] For signs of change, see Garnsey 2002, 151 fns3&4. The change has been significantly helped along by his and Anthony Bowen's 2004 translation of Lactantius's *divinae institutiones*.
[14] Roots 1987, 466
[15] DePalma Digeser 2000, 9 and 31-2; Gibson 2008, 8-10; Schott 2008, 81-84. Garnsey attributes this to Lactantius' relative ignorance of orthodox Christian doctrine (in this, he follows Jerome's analysis: "Would that Lactantius had been as good at affirming our beliefs as he was at demolishing those of others" (Jerome, *ep.* 58.10; cit. in Garnsey 2002:166). On the other hand, Nicholson 2004, Schott 2008, Thomas 2011 and Coleman 2017 argue that Lactantius' avoided citing Christian Scripture not from ignorance, but to not give his non-Christian opponents a reason to discredit him. See DePalma Digeser 2000, 84-90 and Coleman 2017, 29-40 for discussions of Lactantius's methodology.
[16] Garnsey 2002, 176
[17] DePalma Digeser 2000, ix and 33. Bowlin 2006 bucks this trend by taking DePalma Digeser's suggestion seriously, showing the crucial place of Lactantius' theorizing about toleration in early Christian thought. Wayman 2013 attributes a political contribution to Lactantius, though he thinks it is primarily negative.
[18] Brief mentions of the parallel purposes and structures of Lactantius' *divinae institutiones* and Augustine's *civitate Dei* are common. See, for example, Nicholson 2004 and Gibson 2008.
[19] Some important exceptions are Garnsey 1996 (slavery), Bochet 1998 (religion) and Bowlin 2006 (toleration).
[20] See Martin 1990 for a detailed discussion of the meaning of slavery primarily within the context of 1 Corinthians 9 (Martin also treats passages in Romans, Galatians and Philippians). Garnsey 1996, 173-188

contrast between slave and free[21] and that between slave and son.[22] I attempt to account for each contrast's function.

A final comment on method. Much contemporary slavery scholarship begins from Moses Finley and Orlando Patterson's competing accounts of slavery.[23] Finley emphasized ownership: a master has property rights over the slave.[24] For Patterson, slavery is social death: a slave is one whose radical alienation from society positions him as dominatable by a master.[25] We can treat Finley and Patterson as highlighting different aspects of slavery in different contexts. As I hope to show, Finley and Patterson crystallize different aspects of Augustine's discussion of slavery.[26]

1. Slavery in Augustine's North Africa

Augustine was no stranger to slavery. In his father's house there were many slaves.[27] This matches broader Roman North African trends. From the first through the sixth centuries,

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focuses on the New Testament epistles. Harris 2001 discusses the uses of slavery across the New Testament and indexes the relevant New Testament passages on 20-24. Glancy 2002, esp. 103-129 treats slavery in the sayings of Jesus.

[21] Corcoran 1985, 46ff; Chambers 2015, 14; Conley 2015, 142. See Elm 2017, 11-12 for a discussion of the complicated status of *coloni*; tenant farmers who were legally freepersons but also tied to the land they tended. As Elm notes, and as is most relevant for the purposes of my argument, because they were born free, Augustine treated *coloni* as free. This also reflected their technical legal status.

[22] Shaw 1987, 11 and 2011, 330. See also Roller 2001, 237-247. Son, not child. An important contrast between slaves and sons regarded the material inheritance sons, but not slaves, could expect from *patresfamilias*. As daughters could not expect this sort of inheritance, sons are a better contrast class for slaves than 'children.'

[23] The historiography here is tricky. I will provide only a brief comment. In the literature on slavery, Finley's and Patterson's accounts are often treated as oppositional. See, e.g., Combes 1998, 21-24 (citing J.A. Harrill's, *The Manumission of Slaves in Early Christianity*, 17) and Lenski 2018, 16-57. This is partly due to their differing accounts of what constitutes a slave society. However, on slavery itself, Finley and Patterson disagree less than the literature suggests. They agree that being property is not a sufficient condition for slavery. Patterson notes: "as Moses Finley cogently demonstrates, [slaves] are a *subcategory* of human proprietary objects" (Patterson 1982, 21, emphasis original). Furthermore, though they initially disputed whether the property condition was necessary for the definition of slavery (Lenski 2018 47-57), Patterson would eventually include it in his definition, bringing his position closer to Finley's (Patterson 2012, 39; Lenski 2018, 50).

[24] Finley 1998, 150; Lenski 2018, 41-45.

[25] Patterson 1982, 38-45

[26] Compare with Combes (1998: 24) and Lenski (2018: 50ff) who each propose combining the two accounts.

[27] Shaw 1987, 8

tenancy, not slave labor, contributed most to agricultural production.[28] One implication of this, confirmed in Augustine's writings, is that most slaves in Augustine's day were domestic.[29] Their duties were largely within their master's home rather than working in fields.[30] Thus, I take domestic slavery to be the paradigm Augustine has in mind when he discusses slavery.

Slavery spread deep and wide throughout the Roman empire.[31] Kyle Harper estimates that 10-15% of the population in the Late Roman Empire were slaves.[32] As de Wet argues, there is "no evidence that the early Christians wholly rejected slavery … as Christianity progressed through the centuries, domestic slavery remained a common occurrence in Christian households."[33] Indeed, while Augustine did not own slaves as bishop, and though he encouraged clergy to manumit their slaves, many of them did not.[34]

The etymological root of 'slave' in Latin (*servus*) is tied to the act of sparing war-captives from death, to save (*servare*) and sell them as property.[35] As a result, a common Roman conception of slavery was tied to war-captivity.[36] While war-captivity was an important source for the supply of slaves, especially in republican Rome, by the days of the Empire, the vast

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[28] Lenski 2017, 113-155. See also Garnsey 1996, 2
[29] Lenski 2017, Mary 1954, 364-5.
[30] For an alternative view, see Harper 2011, 13ff. Harper argues that Roman upper classes relied on slave labor for agricultural surplus into the fifth century. Harper and Lenski's disagreements in part reflect Moses Finley's account of slave societies. Finley proposed three features of slave societies: first, that slaves were a significant percentage of the population; second, that their labor was a core source of surplus production; third, that they exercised large cultural influence (Finley 1998, 147-50). The second feature is at the heart of the dispute. My concern, however, is not whether we should call Augustine's North Africa was a "slave society." Rather, it is what the institution of slavery looked like in Augustine's day. Thus, we can sidestep Finley's framework and the disputes it generates between Harper and Lenski.
[31] Harper and Scheidel 2018, 96: "Chattel slavery was legal and socially acceptable everywhere [in the Roman empire]."
[32] Harper 2011, 50. This figure is consistent with Walter Scheidel's (1997, 158) estimates concerning the early empire
[33] de Wet 2018, 2-3
[34] Shaw 2011, 373-4.
[35] Justinian, *inst*. 1.3.3. See also Augustine, *civ. Dei*., 19.15
[36] Lenski 2016, 277.

majority of slaves were those who had been born into slavery.[37] Though Roman law also specified that a person could become a slave by selling himself into slavery, self-enslavement was negligible.[38] By contrast, kidnapping freepersons was not sanctioned by law, but was a common practice.[39]

Slaves were, as Patterson says, "natally alienated."[40] They were legally barred from rights they would have held via "family, clan, tribe, polity, or state."[41] They lacked access to basic legal protections and rights. They were property, chattel.[42] As such they lacked rights of citizens, such as the right to vote (*suffragium*) and the right to challenge magistrates' decisions (*provocatio*).[43] Beyond this, they lacked the right to testify against their masters.[44] Thus, even though some laws prohibited the most brutal mistreatment of slaves, slaves were generally unable to hold masters who broke these laws accountable.[45]

Despite lacking access to basic legal rights and protections, slaves were legal persons in some respects. They could be punished for committing crimes.[46] They could give testimonies in court. Slaves' dual status as legal persons in one respect but not legal persons in another generated legal absurdities. For example, testimony obtained by torture was generally

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[37] Bradley 1988, 482; Scheidel 1997, 156
[38] Justinian, *inst*. 1.3.3; Bradley 1988, 482.
[39] Lenski 2016a, 277. See also Augustine, *eps*. 10* and 24*.
[40] Patterson 1982, 5-6, 15.
[41] Lenski 2016, 276
[42] Gaius, *inst*. I.50-3; Brunt 1988, 284; Garnsey 1996, 25-6; Lenski 2016, 285; Brookins 2017, 180. See also Mary 1954, 363.
[43] Brunt 1988; Arena 2012, 49.
[44] Lenski 2016, 280
[45] Brunt 1988, 284. And as Brunt notes, these protections did not go much further than the general protections against abusing one's own property, such as laws "forbidding cruelty to animals."
[46] Ibid, 289.

inadmissible. But slaves, as chattel, were not protected by prohibitions on testimony obtained by torture (still, slave testimony was considered inherently unreliable).[47]

Their lack of legal protection meant that slaves were at the mercy of their masters. Many masters abused their slaves. Slaves were subject to "burning, beating, caning, and above all, whipping."[48] They were also subject to sexual abuse. Many were raped. Nero allegedly forced an ex-slave to undergo a sex-change operation in order to take him as a wife.[49] Christian sexual ethics surrounding slavery were also confused. Many early Christian writers spent considerable time trying to convince married Christians that intercourse with slaves was still adultery.[50]

These examples demonstrate the usefulness of holding Finley's chattel hermeneutic and Patterson's social death hermeneutic together. From the legal perspective, slaves were distinct from freepersons because slaves were property. Thus, slaves were not under their own rule (*sui iuris*). Instead, they were subject to the rule of another (*alieni iuris*), or the power of a master (*in potestate domini*).[51] However, as Patterson points out, this distinction cannot fully explain the differences between slaves and free, for certain free persons were also under the rule of others.[52] Within a household, the *paterfamilias* had a similar rule over his wife and children (*liberi*). For example, at certain points in Roman history, *liberi* and slaves alike could be sold.[53] Both could

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[47] Ibid; Bradley 1988, 486-7. Bradley provides another example: slaves legally lacked parents, husbands, wives, and children. But the law still specified that slaves could be punished for parricide (Bradley 1988, 487).
[48] Lenski 2016, 279
[49] Ibid, 282
[50] Ibid. See also Glancy 2001, 58 and Harper 2011, 281-325.
[51] Brunt 1988, 282-291; Skinner 1998, 39-41; Stacey 2007, 25; Hammer 2014, 52-58. See also Gaius *inst.* 1.7.48-52 and Justinian, *dig.* 1.6.0. Gaius distinguished between the free and the enslaved as such: "Some people are their own masters, and some are subject to the authority of others (*alieno iuri sunt subiectae*)" Justinian's Digest indicates that a person is a slave just in case they are under the law of another (*alieni juris*).
[52] Patterson 1982, 21-22; Fitzgerald 2000, 78-86
[53] By Augustine's time, children could only legally be sold into labor for a fixed period of twenty-five years. However, the capture and sale of freepersons was common. See *ep.* 10* and Elm 2017, 13.

also be given up by the *paterfamilias* to avoid paying damages to a wronged party.[54] Social, not legal, status, therefore distinguished slaves from sons. For instance, a *paterfamilias* could beat slaves but not sons, as "corporal punishment was thought appropriate only for the honorless."[55] Thus, the image of the whip came to symbolize the authority of master over slave.[56]

Slaves, therefore, were dominated by masters. Not only were they mistreated, but they also lacked the legal power to contend with this mistreatment or hold masters accountable.[57] Some masters, undoubtedly, were benevolent. But a slave's well-being was wholly contingent on the master's will. Given this background, I now turn to reconstructing Augustine's position on slavery, reading him through Cicero, Seneca, and Lactantius.

2. Cicero and Slavery to Tyrants

Cicero's political conception of *servitus* resists abstraction in two ways. First, it emerged in the context of his discussion of the chief political good, the *res publica*. *Servitus* describes a deficiency in a citizen's relationship to the common goods. Second, political *servitus* gathered its content from the historical legal status of slaves in the republic.

As Matthew Roller has argued, in much of Roman political thought, the meanings of cognates such as *servus, dominus, liber, servitus,* and *libertas* were closely connected with the social institution of chattel slavery, most centrally in the Julio-Claudian era.[58] This is especially true of Cicero, who, despite respecting Plato's profundity as a philosopher, accused him of

[54] Brunt 1988, 284.
[55] Roller 2001, 238. In this Roller avowedly follows the analysis of Saller 1994, 133-150.
[56] Lenski 2016, 279.
[57] Lenski 2016, 292-5 provides examples of slave revolts. Many revolts failed. Some resulted in the establishment of small hinterland communities that largely "survived by predatory banditry." Three rebellions between the second and first centuries BCE resulted in the reversal of the slave/master classes: slaves became masters, masters, slaves.
[58] Roller 2001, 214-233. See also Connolly 2007, 159.

building a system based on ideas "totally alien to human life and customs."[59] Cicero aimed for his political concepts to be more grounded in historical reality.[60] For example, describing a city that is ruled only by force and not by laws, in *On Duties,* he analogized this sort of rule to the force a master must use to subject his slaves:

> Admittedly those who exercise a command over men constrained only by force may need to employ severity, just as a master must towards his servants if he cannot otherwise control them. But that those who live in a free city should contrive to be feared – could anyone be more insane?[61]

Here, Cicero compares freedom from a master to the political ideal of living in a free city. Recall the legal definition of a slave. Legally, all that distinguished a free person from a slave was not being under the rule of another. Cicero tracked this definition in his own conception of slavery, understanding it as being under another's rule.[62]

Thus, Cicero insisted that political slavery is not a matter of whether you are ruled by king or tyrant. What matters is whether you are ruled by someone else at all:

> It is possible for a tyrant (*tyrannus*) to be merciful as a king can be harsh, so that there is this difference only for their subjects, whether they are to be slaves to a mild master or a harsh one: it is in any case impossible for them not to be slaves.[63]

And: "The people that is ruled by a king lacks a great deal, and above all it lacks liberty, which does not consist in having a just master, but in having none."[64] Cicero, taking his cue from the Roman law, saw the core political case of slavery as the situation where a people cannot rule

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[59] Cicero, *rep.*, 2.21
[60] Atkins 2000, 490
[61] Cicero, *off.*, 2.24
[62] Stacey 2007, 25.
[63] *rep.*, 1.50
[64] Ibid 2.43. See also Ibid, 1.47: "In no other state than that in which the people has the highest power does liberty have any home – liberty…which, if it is not equal, is not even liberty. And how can it be equal…in those states in which everyone is free in name only? ...They have no share in power, in public deliberation, or in the panels of select judges, all of which are apportioned on the basis of pedigree or wealth."

themselves, but instead are ruled by another. For Cicero to say that any kingdom involves slavery entailed a criticism of kingship as such.[65]

This is not because Cicero opposed slavery as such. He didn't. Indeed, he justified the institution in *On the Commonwealth*, claiming slavery can be useful for the enslaved.[66] Only some people – those sufficiently capable of self-rule – could have *libertas*. Attempting to extend *libertas* to those who don't merit it will fail. For such people, freedom is only *licentia*. A society aspiring towards universal *libertas* will descend into anarchy. [67] Instead, the just society respects the *libertas* of those who can rule themselves and prevents those who cannot from descending into *licentia*. By saying that all kingdoms involve slavery, Cicero was saying that kingdoms are deficient because they enslave those who are capable of self-rule and those are not alike.[68]

Though Augustine denied that there are natural slaves,[69] he did believe that slavery can be good for certain people. Augustine's distinction concerned sin. Slavery is, as we will see, a site wherein a slave to sin can be educated to become a good Christian. Slavery, for the sinner, can be a site for liberation.

The conception of liberty as the absence of rule by another has influenced discussions of non-domination and republicanism.[70] The absence of domination has a positive corollary; not being under *alieni iuris* entails having *sui iuris*. A person is under his own jurisdiction when he is

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[65] See, e.g., Schofield 2013, 26.
[66] *rep.* 3.37b: "There is a kind of unjust slavery when people who could be independent belong to someone else." (trans. J.E.G. Zetzel). See also *rep.* 3.25. As discussed below, the relevant fragments of *de re publica* are lost. *Republica* 3.25 is given to us through Augustine's *con. jul.* 4.12.61. For more on this, see Garnsey 1996, 38-43. *Republica* 3.37a is given to us through Nonius Marcellus.
[67] Cicero, *rep.* 1.67; Kennedy 2014, 493-4
[68] Nyquist 2013, 54-6.
[69] Conley 2015, 134
[70] Most prominently, by Phillip Pettit (e.g., 1996 and 1997) and Quentin Skinner (e.g., 1984, 1998 and 2002).

a part owner in the *res publica*. When the people own the *res publica* and establish laws to determine how the *res publica* will be used, they function as their own masters.[71]

This relates to the second concrete aspect of Cicero's conception of slavery. *Libertas* indicates the enjoyment of concrete political privileges. Thus, it is closely tied to citizenship.[72] In *On Duties,* Cicero defined a citizen according to the things he has in common with other citizens. These include public spaces and infrastructure: "the forum, temples, porticoes and roads" but also political processes, institutions and goods: "laws and legal rights, law-courts and political elections."[73] *Libertas* of citizenship includes access to political privileges.[74]

Cicero devoted a text to the law because the laws are a public good that reflect the people's *imperium*, viz., their power to command, which was in turn delegated to magistrates.[75] After arguing for the mixed constitution as the best form of government in *On the Commonwealth*, he inquired into the laws most appropriate to such a government in *On the Laws*.[76] Because the laws are both a public good and a means by which a people rules itself, someone who usurps the law and rules according to mere force rather than the law becomes a tyrant. He becomes a tyrant because he has taken away a public good from the public, and, more importantly, because he has taken away the ability of the people to rule themselves.[77] Even if a tyrant does attempt to establish a law, such a law is not morally binding because it disagrees with

[71] Hammer 2014, 56-58. See also Connolly 2007 and 2014
[72] Brunt 1988, 287-298; Millar 2002, 135ff and 161ff; DePalma Digeser 2003, 9; Hammer 2014, 56ff.
[73] Cicero, *off.*, 1.53
[74] Brunt 1988, 296-298 argues that *libertas* goes at least this far, but in many cases, extends beyond citizenship, as it tracks certain forms of power. To at least this extent, *libertas* can be a matter of degree. Hammer 2014, 58ff. fleshes out Brunt's argument further, arguing also that *libertas* can be understood as a distinct form of power from both *auctoritas* and *imperium*.
[75] Atkins 2013, 208-213; Hammer 2014, 10ff
[76] Lintott 1999, 225-232; Atkins 2000, 495-500; DePalma Digeser 2003, 9-10
[77] DePalma Digeser 2003, 8

justice. It disagrees with justice because rather than respecting "the bond among humans" that constitutes justice, it results from one person setting himself up as a master of all other people.[78]

For Cicero, then, the central case of slavery is political: it obtains when a person or people who are under the rule, and therefore power, of another, and as such, are unable to enjoy any number of concrete privileges that a person with *libertas* might have otherwise enjoyed. To be clear, Cicero also invoked slavery to discuss the rule of the mind over the body.[79] However, the central cases of his discussion of slavery are with respect to the freedom of a people to rule itself. Thus, even when Cicero lamented a king becoming enslaved by his passions,[80] one senses that the chief tragedy is that the king then overturns the laws, enslaving the people. A king enslaved by his passions is not the only slave in the kingdom.

3. Seneca and Slavery to Externals

Seneca's admonition of cruel masters in his *Letter* 47 is sometimes considered a forerunner to a modern humanist position on slavery.[81] This is because in this letter, he insisted that slaves are fellow humans who must be treated as friends:

> Cheerfully, from those who come from you, I learned that you live on friendly terms with your slaves. This befits your prudence and education. "They are slaves," some say. No, they are men. "They are slaves." No, comrades. "They are slaves." No, humble friends. "They are slaves." No, fellow slaves, if you know how much license Fortune has over each of you [slaves and freepersons alike].[82]

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[78] Cicero, *leg.* 1.42. That this was threatened during the empire is aptly described by Andrew Wallace-Hadrill: "In so far as the individual citizen had any rights and freedoms under the republic, it was the laws that guaranteed them. The laws were powerless against the will of the emperor: the *libertas* of the empire was only what the autocrat voluntarily conceded to his subjects" (Wallace-Hadrill 1982, 38). The construction of law that ties it to the bond that exists among all humans opens cosmopolitan possibilities. See, for example Schofield 2013 and 2017.

[79] Cicero, *rep.* 3.37

[80] E.g., Caesar's lust for glory in *off.* 1.26. Cf. Long 2006, 318: "Caesar's ambition for pre-eminence drove him 'to overturn all laws of gods and men.'"

[81] Bradley 2008, 335; Brookins 2017, 179.

[82] Libenter ex is, qui a te veniunt, cognovi familiariter te cum servis tuis vivere. Hoc prudentiam tuam, hoc eruditionem decet. "Servi sunt." Immo homines. "Servi sunt." Immo contubernales. "Servi sunt." Immo humiles amici. "Servi sunt." Immo conservi, si cogitaveris tantundem in utrosque licere fortunae. (Seneca, *ep.* 47.1)

Whatever Seneca thought of the proper slave-master relationship, however, he did not conceive of slavery as an inherently evil institution. His Stoic cosmology helps explain why.[83]

In *On Leisure,* Seneca proposed two types of commonwealth. The greater is "truly common," insofar as the *publica* whose *res* is common includes all rational creatures – gods and men alike. The lesser commonwealths are commonwealths of "this or that corner…the commonwealth of the Athenians or the Carthaginians or some other city which pertains not to all men but a particular group of them."[84] Agreeing with other Stoics in the early Empire, Seneca judged the cosmic city to be the true city and most worth belonging to.[85] In early Stoic thought, the cosmic city wasn't simply an ideal. [86] In fact, the cosmic city is more real than any actual city, and we're all already part of it. [87] The question is whether we are going to follow its laws.

The law of the cosmic city is the rule of right reason in the life of a rational being. So, this law binds all rational beings. As Katja Vogt argues, the early Stoa seemed to operate with two senses of citizenship. According to the "weaker notion" of citizenship, all humans are citizens in the cosmic city insofar as they are rational animals. But there is a "stronger notion," according to which citizenship is an achievement.[88] Full citizenship consisted in attaining perfect reason.[89] Thus, both Plutarch and Chrysippus thought that a true sage would have "as strong a claim to citizenship of the cosmic community as its ruler Zeus himself."[90] The corollary for Zeno is that the wise sage alone is "true citizen, friend and free person." The fool is "alien, enemy and

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[83] Ibid, 182.
[84] Seneca, *de otio,* 4.31
[85] Schofield 1991, 93
[86] Vogt 2008, 4-5
[87] Ibid, 71
[88] Ibid, 99
[89] Ibid, 94
[90] Schofield 1991, 82; Vogt 2008, 12

slave."[91] Slavery, for Zeno, was a political concept insofar as it was indexed to the cosmic city. However, as the terms for citizenship in the cosmic city are moral, slavery primarily functions as a moral category.[92]

For this reason, Garnsey argues that though the Stoics did not reject it explicitly, natural slavery is difficult to reconcile to Stoicism.[93] Rather, Stoics were concerned with how a person comported himself irrespective of his situation. Many of Seneca's ethical works serve such arguments. Seneca agreed that ethics concerns what is under your jurisdiction. [94] The wise control what should be under their jurisdiction. All others are slaves, under the power of someone or something else. Notice Seneca's spin on the legal concepts of *sui iuris* and *in aliena potestate*.[95]

A person who thinks his fate is settled by things external to the rule of reason has already submitted himself to those externals. He becomes enslaved to them rather than master over them, as he ought to be.[96] Corollary to this view is that everything outside of reason's control of a person cannot finally affect whether a person's life is good or bad. Seneca argued in *On Providence* that we are wrong to believe that an external can make our lives worse. This is because whether a life is good or bad simply depends on whether it is lived in accordance with

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[91] Schofield 1991, 95

[92] See also Garnsey 1996, 128ff. I don't mean to put too fine a point on the distinction between moral and political here. After all, the whole point is that – especially in the Stoic picture – the moral and the political run together.

[93] Ibid, 138-142

[94] Hammer 2014, 271-285 examines jurisdiction in Stoic thought, arguing that one of Seneca's key moves is to redeploy the notion of jurisdiction to the case of the individual; ethics begins with recognizing the boundaries between oneself and the world, and involves ruling justly over what belongs to oneself. In this sense, vis a vis Roman law, everyone is naturally at *libertas*; everyone has their own jurisdiction (regardless of their literal station)

[95] Stacey 2015, 291.

[96] Seneca, *vit. beat.* 8.3: "Incorruptus vir sit externis et insuperabilis miratorque tantum sui, fidens animo atque in utrumque paratus, artifex vitae" ("Let a man be uncorrupted and unconquered by external things. Let him admire only himself, trusting his spirit and the fashioner of his life so as to be prepared for all things")

reason. The sage masters adversities by treating them as opportunities to develop in virtue. He accepts that providence places difficulties in his life in accordance with the natural law: the same law in which he freely participates and obeys by reason. He is thus slave to neither man nor God:

> I am under no compulsion, I suffer nothing against my will, and I am not God's slave but his follower, and the more so, indeed, because I know that everything proceeds according to law that is fixed and enacted for all time. Fate guides us, and it was settled at the first hour of birth what length of time remains for each. Cause is linked with cause and all public and private issues are directed by a long sequence of events. [97]

Most of us, however, are not sages. We do not calmly judge externals as externals, bringing them under reason's command. We are especially apt to be subject to our emotions. This belief is at the heart of Seneca's judgment about which emotions are compatible with a good life and which are not. Some emotions can be brought under the rule of reason; as David Konstan argues, "Seneca is doubtless thinking of … pity, shame, and gratitude."[98] By contrast, emotions like anger and envy are "immune to reason and advice."[99] Because pity, shame, and gratitude can be mastered, the sage may experience them. Since anger and envy cannot, the sage will not. To be angry, Seneca judged, is to be "the slave of an evil thing."[100]

Seneca applied this conception of moral slavery to his discussion of chattel slavery in *Letter* 47. In it, he argued that mastery and slavery confound real-world master-slave relations in many ways. First, chattel slaves may be morally free: "'He is a slave,' some say. Perhaps, however, his soul is free."[101] Second, masters may be more like moral slaves than their slaves

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[97] Seneca, *prov.* 5.7
[98] Konstan 2015, 178
[99] Ibid
[100] Seneca, *de ira* 3.3.3. He continues in Ibid, 3.4.4: "He is not powerful – indeed, he is not free – if it can be said of him that he is a captive of anger." (non sit potens, immo ne liber quidem dici possit irae suae captivus)
[101] "'Servus est.' Sed fortasse liber animo." (Seneca, *ep.* 47.17)

are. Seneca contrasted the image of a temperate slave with a gluttonous, rageful master.[102] Third: someone may be master today and slave tomorrow. The difference is not inherent, but subject to chance:

> Because of Marius's destruction, many of most splendid birth, undertaking the step to the senate through military service, were humbled by fortune. One became a shepherd, another a caretaker of a house.[103]

Fourth and most importantly, for Seneca, this proves that most are slaves to *fortuna*. *Fortuna* favors one and disfavors another, but most are slaves to her whims.[104] Peter Stacey writes,

> [*Fortuna*] is said to preside over slaves in the cruelest of kingdoms. *Fortuna* possesses a *regnum* which the wise man should despise. She rules over it with a perverse *ius*. Her jurisdiction is that of a *dominus* over a *servus*.[105]

While most people are likely to be ruled by *fortuna,* the sage's rule of his domain is threatened neither by *bono fortuna* nor *mala fortuna*.

Though the core content of Seneca's conception of slavery is moral, it also takes on important political dimensions.[106] To see how, we should first look at Seneca's political method.

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[102] "Est ille plus quam capit, et ingenti aviditate onerat distentum ventrem ac desuetum iam ventris officio, ut maiore opera omnia egerat quam ingessit; at infelicibus servis movere labra ne in hoc quidem, ut loquantur, licet. Virga murmur omne conpescitur, et ne fortuita quidem verberibus excepta sunt, tussis, sternumenta, singultus. Magno malo ulla voce interpellatum silentium luitur. Nocte tota ieiuni mutique perstant." (Ibid, 47.3) "The master eats more than he can hold, and with great greed, burdens his stomach to distention and it becomes unaccustomed to the duties of a stomach. Thus, he makes greater work of expelling all the food than eating. This while unhappy slaves are not permitted to move their lips to speak. Any murmur is checked by the rod; and not even chance sounds are exempt from lashes – a cough, a sneeze, a hiccup. A great evil is paid for any interruption of silence. All night they stand, hungry and mute."

[103] Ibid, *ep.* 47: 10: "Mariana clade multos splendidissime natos, senatorium per militiam auspicantes gradum, fortuna depressit, alium ex illis pastorem, alium custodem casae fecit."

[104] Ibid, *ep.* 47.1.

[105] Stacey 2007, 68. For the influence of this conceptualization of fortune on later thinkers see Wetzel 1992, 55-68 for Augustine and Stacey 2007, 157ff, Viroli 2010 31-3, and Benner 2013, 69-87 for Machiavelli. Skinner 1978v1, 69ff provides an influential overview, to which Newell 1987 responds.

[106] This tracks a common theme Seneca studies: his political contributions have been seen as less than momentous. For example: Griffin (1976: 3) says that "the emphasis on the inner life in Seneca's philosophy" probably explains the lack of concrete historical detail that would help give shape to his political thought; Griffin (2000: 532) later compares Seneca to Cicero; unlike Cicero, "Seneca did not write about the relative merits of different constitutions and showed little confidence in what could be achieved by legislation;" a central motivation of Roller (2001) is to bring to light the political dimensions

His political theorizing took place within the context of the principate. Unlike Cicero, Seneca never described a king or prince's subject as enslaved.[107] Indeed, he gave no critique of the principate as such, putting more stock in the distinctions between king and tyrant than does Cicero.[108] Miriam Griffin argues that pragmatic reasons may explain Seneca's not criticizing the very idea of a prince. Perhaps Seneca was nervous about upsetting Nero by saying anything bad about the structure of the empire. Perhaps because it was the political *status quo,* Seneca felt that he could do better working within the system than against it. Perhaps he surmised, "if the mixed constitution had failed, why should any other constitution be… a guarantee?"[109]

In any case, the moral quality of the ruler has vast repercussions. While every human's fate is bound together such that if one person errs, others are invariably hurt, this is especially so for a king or prince. This is because just as the mind is the head of the person, so the prince is the head of the state.[110] The quality of life of a person is bound up in the quality of the mind that rules him. If the mind succumbs to *perturbationes* or *fortuna* then the life of the person will be bad – enslaved and a poor candidate for citizenship in the cosmic city.[111] Similarly, the quality of the state is tied to the quality of its king. The king enslaved by anger is more likely to make rash

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of Seneca's Stoic ethics; Hammer (2014: 273) calls his political contributions "less clear" and attempts to articulate the "political dimension to [Seneca's] interiority"; Schofield (2015: 71) says, "it is sometimes said of Seneca that he is no political theorist but always the moralist." Stacey (2015: 289) says that "Diderot was perhaps the last European thinker to take Seneca seriously as a philosopher of public importance."

[107] Seneca chose his words very carefully as he moved between prince, king, and tyrant. Since my focus is not Seneca's rhetoric, I'll generally use king and prince interchangeably, and tyrant to refer to an unjust ruler. But even this oversimplifies the complex connotative structures that Seneca is navigating. See, for example, Roller 2001 and Schofield 2015.

[108] Griffin 2000, 206-210; Roller 2001, 240-242; Stacey 2007, 59; Schofield 2015, 69-71.

[109] Griffin 1976, 207

[110] Seneca, *clem.* 1.5: "You [Nero] are the soul of the state, and the state is your body." Cf. Griffin 1976, 205; Griffin 2000, 538; Hammer 2014, 282. See Kantorowicz 1957 on the influence of this conception in medieval political theology.

[111] Griffin 1976; Roller 2001; Konstan 2015

decisions that harm the state.[112] The ruler who is too dependent on *bono fortuna* won't prepare for times of *mala fortuna*, thereby subjecting the state to fortune's caprices.[113]

On the other hand, just as the wise man's life goes well when, through reason, his mind discerns and acts in accordance with the law of nature,[114] so things go better for the empire when the prince discerns and acts in accordance with reason. Seneca wrote *On Mercy* in order to help the prince understand when clemency is required by practical reason, even though, strictly speaking, clemency is incompatible with the positive rule of law.[115] In discerning and acting in accordance to the law of nature over the positive law, the prince realizes that he is a slave to nothing – not even the law of the land.[116] Rather, he is most free when he lives according to the law of nature; in turn, this is the best state of affairs for the empire. This is one reason Seneca wrote in the mirror-for-princes genre.[117] The prince, because he is human, has the same tendencies towards enslavement as other humans. However, because he has been given charge over the state,[118] the stakes for his actions are much greater.

Seneca's discussion of the political aspects of enslavement thus matches Cicero's discussion of the moral elements of enslavement. For both, when an individual holds enough sway over the state, his moral enslavement and the state's political enslavement are bound

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[112] Seneca, *de ira* 3.18-21 wherein he gave the examples of Marcus Marius, Gaius Caesar, and Cyrus of Persia.
[113] Roller 2001; Stacey 2007. Cf. Cicero, *rep.* 1.54. This account of fortune was clearly influential for Machiavelli. See Machiavelli 1998, esp.98-101; cf. Stacey 2007 for further exposition and analysis.
[114] Seneca, *de vita bea.* 3.3: "Interim, quod inter omnis Stoicos convenit, rerum naturae adsentior; ab illa non deerrare et ad illius legem exemplumque formari sapientia est. Beata est ergo vita conveniens naturae suae." ("Meanwhile, as is agreed by all Stoics, I agree with the things of nature: to not wander from it and to form oneself by its law and example is wisdom. The happy life is thus that which agrees with its own nature.")
[115] Griffin 1976, 150-165
[116] Seneca, *clem.*, 3.3; cf. Stacey 2007, 33; Hammer 2014, 278-286.
[117] Griffin 2000; Roller 2001, 234; Konstan 2015, 174; Schofield 2015, 68.
[118] In fact, in *clem.* 1.1, Seneca described Nero as having been given the power of the gods to act on the earth: he is the instrument of fortune.

together. While for Cicero, enslavement is a political category with moral implications, Seneca conceives of enslavement as a moral category with political valences. Of princes and princedoms, as Griffin says, "Seneca says far more about the men than about the system."[119]

For Seneca, the badness of the institution of slavery is relativized once one considers how bad the focal case of slavery – slavery to externals – is. Similarly, Augustine relativized the badness of slavery by focusing on slavery to sin. For this reason, Lactantius is a striking foil to Augustine. For Lactantius, the focal case of slavery is slavery to false gods. But in contrast, Lactantius took this focal case of slavery to prove the institution of slavery unjust.

4. Lactantius and Slavery to Gods

Cicero's conception slavery always carried a negative valence of some kind. While he did not think that slavery was always wrong, he did think that slavery was permissible only for those who lacked the capacity for self-rule. Thus, slavery always indicates a deficiency: either the slave is enslaved unjustly, or she lacks the capacity for self-rule. For Seneca, chattel slavery, like all other externals is not a moral ill. Seneca focused on two cases of slavery – subjection to *perturbationes* and *fortuna* – which are always negative. Lactantius had a different understanding from each, beginning from his conception of slavery's relationship to religion. Because Lactantius was centrally concerned with slavery to false gods, it is worth providing an overview of how Lactantius thinks about religion.

Lactantius' God is *paterfamilias* over all humanity.[120] In the Roman household the *paterfamilias* was *pater* over some and *dominus* over others. But Lactantius drew on the parallel legal statuses of sons and slaves, in claiming that God is both father and master of everyone.

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[119] Griffin 2000, 210

[120] Lactantius, *div. inst.*, 4.3.16. See also Garnsey 1996 and 2000; Kendeffy 2000; Young 2000; Harper 2011

Everyone in the *familias* shares God as *pater*. As would a Roman household, this *familias* includes sons and slaves. God relates to each as a father, dispensing many good gifts, and master, holding the power to discipline and punish.[121] All humans, thus, are both sons and slaves.

Each role has an attendant obligation. Wisdom compels a son to love his father, religion a slave to fear his master.[122] The son who fails to love his father is disinherited (*filiis abdicatis*); the slave who fails to fear his master is a fugitive (*servis fugitivis*). God's mastery of humanity is not, Lactantius thought, unfortunate. It is simply the fact of the relationship between God and man. All are dependent on God, "through whom we exist and whose possession we all are; he makes us, inspirits us, illuminates us; he gives us life, health and all manner of food."[123] Thus, humans owe God worship. Piety recognizes that God is due all worship and offers it to him.

Lactantius defined worship in a way that rules out the worship of multiple gods. He argued that just as it was impossible for a child to have more than one father, or a slave to have more than one master, so is it impossible for a person to worship more than one deity.[124] Here, he begged the crucial question against his Roman interlocutors, many of whom would have considered it uncontroversial for a person to worship (*colere*) different gods. Lactantius seems to have conceived of worship as implying something like total devotion, the sort a master might expect from a slave. As I show in Chapter Five, Augustine shared Lactantius's conception of worship and explicitly connected worship and slavery.

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[121] Ibid: "Pater ideo appellandus est, quia nobis multa et magna largitur: dominus ideo, quia castigandi ac puniendi habet maximam potestam" ("Thus [God] must be called father because he grants many great gifts, and must be called Lord, because he has complete power to rebuke and punish.") See also ibid 4.4.11: "Solus pater vocandus est, qui creavit; solus dominus nuncupandus, qui regit, qui habet vitae ac necis veram et perpetuam potestam." ("Only he is to be called a father who creates; only he is to be called master who reigns, who has true and perpetual power over life and death.")
[122] Ibid, 4.4.1: "Sapientia spectat ad filios, quae exigit amorem; religio ad servos quae exigit timorem." ("Wisdom looks to sons, demanding from them love; religion to slaves, demanding from them fear.")
[123] Ibid, 1.11.42
[124] Ibid, 4.3.19ff.

Thus, Lactantius believed that a person could only worship one object. He judged the proper object of everyone's worship to be God. However, humans often direct their worship elsewhere. Lactantius called this impiety because it involves failing to give God his due.[125] Though this is an injustice against God, it is also an injustice against the self. When someone worships a statue, for instance, he makes himself subservient to it. Lactantius considered this irrational, since statues made by humans are beneath humans in status, and thus not worthy of worship:

> Why grovel to things beneath you? Why heap earth upon your heads? Every time you fall to the ground and humiliate yourselves, you are deliberately drowning yourselves, condemning yourselves to death, because lower than the earth there is nothing except death and the underworld.[126]

It is no better to worship another human since humans are equal. Worshipping anything besides what is ontologically greater than oneself is to deny one's dignified humanity and make oneself a slave to that thing. [127] All hierarchies that deny the fundamental equality of all humans are unjust – including slavery.[128]

Lactantius believed therefore that chattel slavery is always bad, but the moral status of religious slavery depends on the master. Therefore, he universalized Cicero's commitment about

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[125] *div. inst.*, 2.1.6

[126] Ibid, 2.2.22. Of course, Lactantius' opponents would not likely concede that idols were strictly speaking, beneath humans. It's not the purpose of this paper to re-litigate those debates. The point is simply that Lactantius took his task to be showing that idols are beneath humans in service of his broader point about dignity and worship.

[127] Ibid, 2.1.15-19

[128] Ibid, 5.14.17-19: "Nemo apud eum servus est, nemo dominus. Si enim cunctis idem pater est, aequo jure omnes liberi sumus…Quare neque Romani, neque Graeci justitiam tenere potuerunt, quia dispares multis gradibus homines habuerunt, a pauperibus ad divites, ab humilibus ad potentes, a privatis denique usque ad regum sublimissimas potestates" ("Before him [God] no one is a slave, no one is a master. For if he is the same father of all, all are his children with equal rights…For this reason, neither the Romans nor the Greeks were able to guarantee justice: they kept people distinct through different grades: from poor to rich; from humble to powerful; from private citizens to the most sublime power of kings.") See also Lactantius' description of the Christian community in ibid, 5.15.2-5 and criticism of the practice of enslaving the citizens of conquered nations in ibid, 1.18.8.

the badness of chattel slavery while rejecting his claim that slavery is bad simply in virtue of being under the rule of a master. Rather, religion shapes the proper response to the good kind of religious slavery. Lactantius famously offered an etymology where *religio* comes from *religare,* meaning "to bind." [129] This reunion consists in the joyful contemplation of God.[130] Religion, thus, is humanity's supreme good.[131] Accordingly, Lactantius used 'religion' to indicate a value.

Religion has related disvalues. Getting religion right requires three steps. At each step something can go wrong, leading to a disvalue. First, pick out the right object of worship: recognize God as the only god. Having other gods is superstition: "Religion is of course worship of what is true, and superstition is worship of what is false."[132] Second, understand the nature of the relationship between God and humankind. Failing to appreciate man's full dependence on God is irreligion. Lactantius leveled this accusation against Romans who conceive of God merely as helper, rather than as father, sustainer, and savior.[133] Third, offer to God alone worship due him. Anything else is impiety.[134]

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[129] Ibid, 4.28.2-3: "Hac enim conditione gignimur, ut generanti nos Deo justa et debita obsequia praebeamus; hunc solum noverimus, hunc sequamur. Hoc vinculo pietatis obstricti Deo et religati summus; unde ipsa Religio nomen accepit, non ut Cicero interpretatus est, a relegendo." ("We are born in this condition, that created by God, we offer right and due obedience to Him and recognize and follow Him alone. By this chain of piety, we are bound to God. From this the word *religio* is received, not – as Cicero interprets – from re-reading [*relegendo*].") Augustine relies on Lactantius's etymology of religion in *ver. rel.,* 55.113. Aquinas favorably cites Augustine's etymology (thus endorsing, albeit without referring to, Lactantius' etymology) in in *Summa Theologica* II-II 81.

[130] Ibid, 3.9.17: "Non ergo mundus oculis, quia utrumque est corpus, sed Deus animo contemplandus est: quia Deus, ut est ipse immortalis, sic animum voluit esse sempiternum." ("Therefore, the world is not to be contemplated with the eyes, because both are corporeal. Rather, God is to be contemplated with the soul, which wished to be eternal, just as He is immortal.")

[131] Ibid, 3.10.1: "Summum igitur hominis bonum in sola religione est." ("Thus, man's highest good is in religion alone.")

[132] *div. inst.,* 4.28.9. This accords with the first half of Aquinas' definition of superstition in *Summa Theologica,* II-II 92.1: "a vice contrary to religion by excess, not that it offers more to the divine worship than true religion, but because it offers divine worship either to whom it ought not, or in a manner it ought not."

[133] Ibid, 1.11.43

[134] Ibid, 5.18.12: It would be a mistake to make these distinctions too rigid; clearly, Lactantius runs impiety and superstition together: both involve worshipping the wrong God. It would not be hard to

Lactantius took religion to be the most important aspect of justice. Justice is giving what is due to God and humanity.[135] Duty to God is most important: religion.[136] Religion dictates that God is owed worship because he is master of all humankind; he is master because he created and continues to sustain all life.[137] Because of this relationship, it is right to offer worship to God. Because only God is creator and sustainer, God alone is owed worship. In turn, God is said to bless those who worship him properly.[138] The worship owed God is the worship of a master; the blessings received from God confirm his status as provident Lord. When one worships someone aside from God one makes oneself subservient to them. Thus, Lactantius' criticism of false religion always takes on two dimensions: first, it fails to give to God the recognition and worship due him; second, it makes one into a slave of that which one worships.

The soul is heavenly; the body earthly.[139] True worship of the true God confirms one's citizenship in the eternal and heavenly kingdom. Obedience to the divine law is both a pre-

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imagine connections between the rest of the disvalues as well. What matters here isn't a rigid typology, but that Lactantius is concerned with three aspects of true religion and anticipates ways of getting each aspect wrong.

[135] This is Lactantius' exegesis on the two love commandments (Bowen and Garnsey 2003:36; DePalma Digeser 2003:14). However, he didn't make this explicit, perhaps because he tended to prefer arguments from Roman and Greek literature, philosophy, and poetry to arguments from the Bible (see the discussion of Lactantius's method in fn.10).

[136] *div. inst.,* 6.10.2: "Primum officium justitiae est, conjugi cum Deo; secundum cum homine. Sed illud primum, religio dicitur; hoc secundum, misericordia vel humanitas nominator." ("The first duty of justice is union with God; second, with man. The first is called religion; the second is called compassion or humanity.")

[137] It was very important for Lactantius that God continues to be provident in human history. As Micka 1943, Penwill 2004 and McCarthy 2009 argue, a core motivation for Lactantius' defense of God's anger is that God's getting angry proves that he is actively concerned about the working of his creation. Denying God's anger means denying his providence. For more on Lactantius's relationship with his teacher Arnobius, with whom he disagreed on the very question of divine anger, see Nicholson 2004 as well as Micka 1943. For the importance of providence in Lactantius' broader thought, see Roots 1987.

[138] Lactantius, *de ira Dei,* 6-8

[139] *div. inst.,* 2.18.5

requisite for citizenship and a continued obligation for citizens. [140] This law is good for humanity;[141] for Lactantius, being subject to the law of another can in this sense be positive.

Because humans are the only earthly beings with heavenly status,[142] worshipping anything else on earth is undignified.[143] It is also impermissible to worship another human, as before God, all humans are equal.[144] To worship another human is to consider another human one's master.[145] This had two implications for Lactantius's understanding of religion. The first is epistemic: religion that requires uncritical reliance on another's authority denies the fact that God has given each person the capability to judge the truth for herself.[146] Lactantius was similarly

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[140] Ibid, 7.6.1: "The world was made in order for us to be born; we get born in order to acknowledge its maker and our God; we acknowledge him to worship him; we worship him to receive immortality as the reward of our labours (worship of God requires huge labours); we are granted the prize of immortality to become like the angels, to serve our father and lord most high for ever and to be God's eternal kingdom." (trans. A. Bowen and P. Garnsey)

[141] Ibid, 5.8.6

[142] Lactantius's arguments on this point start in *op.* 8: "Cum igitur statuisset Deus ex omnibus animalibus solum hominem facere caelestem, caetera universa terrena, hunc ad coeli contemplationem rigidum erexit, bipedemque constituit, scilicet ut eodem spectaret, unde illi origo est." ("When, therefore, God determined to make only man out of all the animals for heaven, and the rest for earth, He raised him upright to contemplate heaven and made him a biped undoubtedly that he might look there, the place that is his origin.") In this text, Lactantius's argument for man's distinctiveness centers on his capability to reason (see, e.g., *ibid* 2). By the time he writes the *div. inst.,* his focus is on man's ability to worship God.

[143] *div. inst.,* 2.2.10: "Fas non est celeste animal cum terrenis, in terramque vergentibus coequari. Quid vos beneficiis ceolestibus orbatis, pronique in humum vestra sponte procumbitis? Humi enim miseri volutamini, cum deorsum quaeritis quod in sublimi quaerere debuistis." ("It is wrong for a heavenly animal to be put on the same plane as earthly beings. Why deprive yourselves of heavenly goods and voluntarily lie on the ground? You wallow on the ground, abject, searching below for what you should search for above.")

[144] Ibid, 5.15: "Deus enim, qui homines genrat, et inspirit, omnes aequos, id est pares esse voluit. Eamdem conditionem vivendi omnibus posuit, omnes ad sapientiam genut, omnibus immortalitatem spoponodit: nemo a beneficiis ejus coelestibus segregator." ("Indeed, God who created and breathed life into humans wanted all to be equal, that is, on a par. He ordained the same conditions of life for all, making everyone wise and guaranteeing immortality for all; no one to be separated from his heavenly goods.")

[145] For this reason, Lactantius took pains to show that the pantheon isn't comprised of real gods, but instead humans who had been deified. See, for example, Ibid, 1.15; 3.21.22; 7.6.13.

[146] Ibid, 2.7.1-2: "Quare oportet, in ea re maxime in qua vitae ratio versatur, sibi quemque confidere, suoque judicio ad propriis sensibus magis niti ad investigandam et perpendendam veritatem; quam credentem alienis erroribus decipi tamquam ipsum rationis expertem. Dedit omnibus Deus pro virile portione sapientam, ut et inaudita investigare possent, et audita perpendere." ("How necessary it is, most so in things regarding living a rational life, that each person is confident in himself, and to rely on his own judgment and senses to investigate and carefully examine the truth, rather than to be gullible and deceived

skeptical of programs wherein the supreme good is for only a select few.[147] Proof that true religion is the supreme good is its equal availability to all humans.[148] The second implication is moral: religion wherein people are treated unequally is unjust, and therefore, not true religion. Any god that demands injustice as sacrifice cannot be worth worshiping.[149] Such a god's laws are bad for humanity. Lactantius' arguments for toleration marshalled both implications. The persecutors who charged Christians with impiety aimed to compel belief and behavior, rather than letting people judge for themselves. He protested: "an unwilling sacrifice is no sacrifice."[150] Moreover, in their persecuting, they treated Christians unjustly. Since true religion is incompatible with injustice,[151] the persecutors, not the Christians, behave impiously.[152]

Recall Lactantius' claim that wisdom and religion must go together because each accords with an aspect of the right relationship between God and humans. Philosophers, he thought, go wrong because they want wisdom without religion.[153] Other religions go wrong because they

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by other's errors as though lacking in reason. God has given everyone a sufficient portion of wisdom that they can investigate and carefully examine what is heard.")

[147] Ibid, 3.11

[148] Virtue is also available to all humans, Lactantius conceded, and as such is a good candidate for the supreme good. Lactantius thought the supreme good is religion, because it combines virtue with immortality (*div. inst.*, 3.12).

[149] Ibid, 1.21.4-5: "Quid a diis boni precantur, qui sic sacrificant? Aut quid tales dii hominibus praestare possunt, quorum poenis propitiantur? Sed de Barbaris non est adeo mirandum, quorum religio cum moribus congruit. Nostri vero, qui semper mansuetudinis et humanitatis gloriam sibi vindicarunt, nonne sacrilegis his sacris immaniores reperientur? ("What good can be implored from these gods for those who sacrifice in this way? Or what can such gods furnish the people by whose punishment they are won over? But of the barbarians there is nothing to be greatly surprised at; their religion fits their mortality. Are not we, who constantly claim the glory of our gentility and humanity, nonetheless are found to be savage by these sacrilegious sacrifices.")

[150] Ibid, 5.20.7.

[151] Ibid, 5.8

[152] Ibid 5.9-10 Lactantius repeated the charge of impiety in *mort. persec.*, e.g., 1,3, and 10. For more on Lactantius and religious toleration, see DePalma Digeser 2000, Bowlin 2006, and Wilken 2019. Wayman 2013 argues that Lactantius' account of piety and the equality all before God amounts to an argument against Christian participation in imperial politics.

[153] Young 2000, 654ff; Schott 2008, 101-106

want religion without wisdom. True religion (*vera religio*) requires both: without religion, one fails to worship at all; without wisdom, one worships the wrong thing or in the wrong way.[154]

Slavery to God is exclusive: to be a faithful slave to God, one mustn't take on any other masters.[155] False religion enslaves people by imposing a master aside from God.[156] This imposition is dehumanizing because it either involves taking as a master something beneath or equal to you. This enslavement has epistemic and moral implications: under false religion, people are asked to set aside their reason and become dependent on the authority of others. Furthermore, they either engage in injustice, making themselves masters over others, or submit to injustice, making themselves slaves to others. Though Lactantius had comparatively little explicit to say about literal slavery,[157] his criticisms of Greek and Roman enslavement practices make more sense considering his thought about religion.[158] Recall that this section began with a rough typology: for Cicero, slavery always has negative valences. For Seneca, moral slavery has

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[154] *Divine Institutes* 4.4. This argument was clearly influential for Augustine. In *On True Religion* 5.8, he makes a very similar case for the unity of religion and philosophy in Christianity. See also Bochet 1998 and Garnsey 2002

[155] Ibid, 4.3.22; here, Lactantius provides the analogy of an adulteress. Worshipping many gods is no different, he says, than taking many spouses.

[156] In this, Lactantius is a predecessor to early modern and modern traditions wherein slogans like "no king but Jesus" or "Christ, not man, is king" were used as anti-monarchical/republican rallying cries. One gets the same sense from John Milton's *Ready and Easy Way*: "the solemn engagement, wherein we all forswore kingship, was no more a breach of the covenant, than the covenant was of the protestation before, but a faithful and prudent going on both in words well weighed, and in the true sense of the covenant 'without respect of persons' when we could not serve two contrary masters, God and the king, or the king and that more supreme law, sworn in the first place to maintain our safety and our liberty." (Milton 1847, 176) Credit and thanks to Mary Nickel for this observation.

[157] Glancy 2002 discusses Lactantius' arguments that it is still adultery if one takes a slave as a sexual partner.

[158] *Divine Institutes,* 1.18.7-8: "Qui athleticam quidem virtutem contemnunt, quia nihil obest: sed regiam, quia late solet nocere, sie admirantur, ut fortes et bellicosos duces in deorum in coetu locari arbitrentur; nec esse ullam aliam ad immortalitatem viam, quam exercitus ducere, aliena vastare, urbes delere, oppida excidere, liberos populous aut trucidare, aut subjicere servituti." ("They [Romans] hate athletic virtue because it is not harmful, but the king, who tends to injure far and wide, they admire so that they judge that courageous and war-mongering leaders are to be placed with the gods; that there is no other way to immortality but to lead armies, lay waste to alien lands, destroy cities and raze towns, either to massacre free people or subject them to slavery.")

a negative valence, while chattel slavery is neutral. For Lactantius, chattel slavery's valence is negative, but religious slavery's valence is neutral. All are slaves to God, and true religion recognizes and responds to this fact with worship. False religion adds or substitutes other, false, masters, which often manifests in chattel slavery. Chattel slavery – enslaving or being enslaved – thus often indicates false religion.[159]

Elizabeth DePalma Digeser has shown some ways in which Cicero's conception of *libertas* influenced Lactantius. For example, for Cicero, *libertas* involves enjoying the privileges of citizenship, including having the laws in common with one's fellow-citizens. *Servitus* indicates the absence of those privileges and subjection to the law of another. So too for Lactantius: the core bad sort of slavery – taking on a false god as master – means losing one's status as citizen of the heavenly kingdom.[160] The good sort of slavery, by contrast, confirms one's status in the heavenly kingdom as one lives according to its laws. Lactantius follows Cicero in conceptually tying together citizenship, law, and slavery, though he departs from Cicero by describing two kinds of slavery: one good, and one bad. To DePalma Digeser's analysis, I add the claim that Lactantius's conception of slavery also reflects a Senecan influence.

The precise nature and extent of Seneca's influence on Lactantius is by no means clear. On the one hand, Lactantius' rarely cited Seneca explicitly. On the other, his writings on anger[161] and providence[162] strongly suggest that he was conscious of Senecan answers to the questions

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[159] Augustine and Aquinas (2002: 3-4) agreed with Lactantius that chattel slavery is a direct result of sin.
[160] DePalma Digeser 2003, 16ff. This loss need not be permanent. Even in an especially bitter indictment of traditional Roman religionists (*div. inst.,* 5.1.5-9 here, 8) Lactantius holds that Christians "want to grapple with in argument, and to guide from a stupid belief to the truth," even their non-Christian neighbors.
[161] For example, Chiara Torre (2015), despite judging the influence of Seneca on Lactantius to be ambiguous, thinks it clear that both Lactantius and Arnobius' writings on anger are responding to Seneca's *de ira*.
[162] In *de opificio dei*, Lactantius took up Senecan arguments about the indifference of externals. In fact, bad fortune is good, because virtue is impossible to develop without hardship (Micka 1943; Roots 1987).

that concern him. In addition, the unity of the father/son and master/slave conceptual categories under the concept of *paterfamilias* to describe man's relationship to God may directly reflect an earlier Senecan move.[163] Furthermore, some of his arguments for monotheism cite Seneca.[164] These examples should help justify my modest claim: not that Lactantius self-consciously combined elements of Seneca and Cicero in his own thought about slavery, but that he had in mind a menu of options, of which there are Ciceronian and Senecan choices.

Seneca's focus in slavery-talk was the domain of ethics; this becomes political especially in the case of a king enslaved to fortune or passions. This contrasts with Cicero, whose central concern with respect to slavery is the enslavement of a people by a tyrant. In this respect Lactantius was closer to Seneca, since his core worry was about people taking on bad or false masters, rather than masters unjustly dominating slaves. Furthermore, unlike Cicero, for whom slavery always has a negative valence, Lactantius, like Seneca, relativizes at least some uses of the term. However, Lactantius also extended Cicero's judgment about slavery's badness to all humans, thus rejecting the category of natural slaves. He lambasted chattel slavery and those who failed to respect the humanity of others and mistreat or enslave them.[165] To understand how Lactantius united these two components let us return to Seneca's understanding of the relationship between chattel and moral slavery.

Seneca thought of chattel slavery as morally neutral because he shifted the moral weight of the question away from the slave's status ("are you a slave or not?") towards the slave's response ("will you be wise or foolish?"). Consider first the shift away from status: everything

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Though in Lactantius this argument functions primarily as a theodicy (Bowen and Garnsey 2003), the relationship between virtue and difficulty continued to play a role in Christian theology, especially in Aquinas (Bowlin 1999; Decosimo 2014).

[163] Roller 2001

[164] *div. inst.,* 1.16.10. Cf. DePalma Digeser 2000, 37.

[165] Ibid., 1.18; 5.15

outside of one's jurisdiction is an external, and all externals are morally irrelevant. Thus, the legal definition of slavery that was so instructive for Cicero lost its normative force for Seneca: he denied that one person can ever be under the jurisdiction of another in a morally significant way. He thereby won the starting point that literal slavery cannot be morally significant.

Lactantius made an analogous move to win a different starting point. Since God created, sustains, and rules the world, all depend on God for everything. God is master. That is beyond man's power or jurisdiction to change. Thus, Lactantius sidestepped Cicero's concern that slavery is bad simply by virtue of involving domination. However, unlike Seneca, who used this relativizing move to argue that chattel slavery is neutral, Lactantius concluded that this sort of religious slavery is good, because God is good.[166]

Consider now the shift towards the slave's response. Seneca believed that ethics concerns what a person can control. Thus, the moral action happens with the slave's response. As all the slave can do is choose whether to respond well or badly, his response becomes the object of moral analysis. Lactantius made an analogous move from his different starting point. Beginning from the default position that everyone is, justly, a slave to God, he shifted the moral weight of the question to the response of the slave: will you be a good, religious, slave or a bad, irreligious, one? Because religion requires voluntary worship, the choice is up to you. Although Lactantius made the same sort of move Seneca did, he uses it to give a criticism of chattel slavery that Seneca didn't. Making recognition of the equality of all humans a condition of true religion permitted him to accuse all humans who enslave others of committing a wrong. Taking religion

[166] The idea of slavery being potentially good because of the benefits of having a good master over a bad one was part of the early Christian logic of slavery far before Lactantius. Dale Martin has argued against the reading of slavery in 1 Corinthians 9 as an expression of humility that slavery to a kind master meant being freed from the rule of the cruel one and slavery to the most powerful master indicated higher status (Martin 1990: 60-68; 71-77).

as the core normative category, Lactantius used a Senecan move to combine a more Ciceronian stance on chattel slavery with his own stance on religious slavery. Augustine's acceptance of slavery, by contrast, combined a Ciceronian commitment about the need for slavery for some people with a Senecan relativization. For Augustine, the focal case of slavery was to sin.

5. Augustine and Slavery to Sin

Begin, Augustine said, with just hierarchies. Reason rules passion; parents rule children; humans rule animals; God rules humans. These hierarchies are just because the more rational rules the less.[167] Augustine did not take himself to be inventing this framework. He attributed it to Cicero, in a lost passage thought to have been found in Cicero's *On the Commonwealth* book 3. Augustine provides our only record of Cicero's purported words. Augustine's Cicero wrote:

> Do we not observe…that dominion has been granted by Nature to everything that is best, to the great advantage of the inferior? For why else does God rule over man, the mind over the body, and reason over lust and anger and the other evil elements of the mind?[168]

Augustine agreed with the view he attributed to Cicero: hierarchies exist for the benefit of the ruled.[169] This provides a normative constraint on the relationship. Any hierarchy that does not aim to secure the care of the ruled – for example, a relationship where a master seeks power for its own sake – is unjust.[170] The ruler is, in a sense, slave of the ruled.[171] As I will discuss in more detail in Chapter Four, Augustine thought that rulers are to be accountable to those they rule. In sermons on priestly authority he discussed the obligation of priests to render an account

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[167] *civ. Dei*., 19.14. See also Markus 1965, 74-8; Rist 1994, 213-4; Clark 2015, 4. As Chambers 2013, 15-17 discusses, for this reason, Augustine also endorsed the rule of men over women.
[168] *con. jul.* 4.12.61 (trans. P. Garnsey), in Garnsey 1996, 39.
[169] *civ. Dei*., 19.14: "Imperant enim, qui consulunt; sicut uir uxori, parentes filiis, domini seruis. Oboediunt autem quibus consulitur; sicut mulieres maritis, filii parentibus, serui dominis. ("They command, who look after the others; a husband a wife, parents children, masters servants. They obey, who are looked after; women husbands; children parents; slaves masters.")
[170] Corcoran 1985, 33; Chambers 2013, 19-21; Hammer 2014, 400.
[171] *civ. Dei.*, 19.14: "Sed in domo iusti uiuentis ex fide et adhuc ab illa caelesti ciuitate peregrinantis etiam qui imperant seruiunt eis, quibus uidentur imperare." ("But in the house of the just man, living in faith and as a pilgrim to the heavenly city, nevertheless the one who rules serves those he seems to rule.").

(*rationem reddere*) of their economic activities to their parishioners. His use of this image drew not only New Testament themes,[172] but also on the image of a steward explaining his governance of a domain to his superior.[173]

Augustine did not mean that rulers are slaves to the ruled. But in saying that rulers are liable to render an account to the ruled, Augustine reversed the implication signaled by *rationem reddere*. Rulers owe the ruled an account of their rule, as stewards would owe superiors an account of their governance. In this way, rulers are akin to slaves; the ruled are akin to masters.

The clearest example of just rule is that of parents over children. Children tend to be unable to secure their own good. Parents rule children to help them, centrally, to help them become able to secure their own good. When things go well, children obey.

Humans too tend to be unable to secure our own good. Our minds are weak: we make many mistakes.[174] We have embarrassingly little control over our bodies.[175] Our wills are feeble, divided.[176] Like children, we need a parent to govern and care for us. God occupies this role, caring for us by issuing guiding commands.[177] Like children, we sometimes need to be punished, both to corral our misbehavior and to instruct us in virtue and right action. God occupies this role, caring for us by punishing sin. In this claim, Augustine makes the same point Lactantius did in his discussion of God as *paterfamilias*.[178] Thus, like Lactantius, Augustine described God as

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[172] See, e.g., Matthew 12:36; Matthew 16:27; Luke 16:1-2; Romans 14:12

[173] Atkins and Dodaro 2001, 274fn13 claim this is so for slaves, who are to render an account of their government of the household to their masters; Stacey 2011 claims that it is so for princes, who are to render an account of the government of a city to the gods

[174] *civ. Dei*., 19.14

[175] Cooper and Leyser 2000. Cf. Cavadini 2005

[176] Augustine, *conf.* 8.5. Cf. *retr.* 1.22.1.

[177] *civ. Dei.*, 19.14: "opus habet magisterio diuino, cui certus obtemperet, et adiutorio, ut liber obtemperet." ("It is necessary for man to have a divine teacher, whom he can certainly obey and who can help him become free.")

[178] The chief difference between Lactantius's account and Augustine's account in *civitate Dei* is that Lactantius began with separate descriptions of God's roles as father (giver of care and gifts) and master (issuer of punishments), Augustine's account unites the two roles from the outset. However, Augustine

dominus over humanity. His description of rule (*imperare*) and slavery (*seruiendum*) matches Cicero's, absent the judgment that slavery always indicates a deficiency.[179]

Indeed, like Lactantius, Augustine understood freedom to consist in slavery to God.[180] He sometimes couches this slavery as total obedience to the law.[181] Its opposite is sin. Augustine moved freely between the two formulations: true freedom is slavery to God's law; true freedom is from sin.[182] Cicero, Seneca and Lactantius, in their discussions of slavery, theorized the cases of slavery most directly opposed to their core conceptions of freedom. For Cicero: slavery to tyrants against political freedom. For Seneca: slavery to externals against moral freedom. For

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distinguished and united the roles in a way more akin to Lactantius in *en. ps.* As Brent Shaw (1987:21) puts it: "'You are a slave, obey your master; you are a son, obey your father,' is a sentiment that is voiced again and again" through the *enarrationes in psalmos.*

[179] See, e.g., *civ. Dei*., 19.22. Thus, Sarah Ruden, in her somewhat controversial translation of the *Confessions,* renders *servus* as 'slave' and *dominus* as 'master' (Augustine 2017, xxxi-xxxiii) rather than the more common 'servant' and 'Lord,' respectively.

[180] *civ. Dei*., 22.30: "Nec ideo liberum arbitrium non habebunt, quia peccata eos delectare non poterunt. Magis quippe erit liberum a delectatione peccandi usque ad delectationem non peccandi indeclinabilem liberatum. Nam primum liberum arbitrium, quod homini datum est, quando primo creatus est rectus, potuit non peccare, sed potuit et peccare; hoc autem nouissimum eo potentius erit, quo peccare non poterit." ("Neither will we fail to have free will because our sins do not have the power to delight us. Our will, in fact will be more free, free from the delights of sinning to unflagging delights in not sinning. Thus, the first freedom of the will, given to man he was first created upright, was the power not to sin but also the power to sin. This latest freedom will be more powerful: that he does not have the power to sin."). See also *corr. et grat.* 12.33, "Therefore the first liberty of the will was to be able not to sin, the last will be much greater, not to be able to sin." (trans. Holmes and Wallis)

[181] Ibid, 19.25: "Si Deo animus et ratio ipsa non seruit, sicut sibi esse seruiendum ipse Deus praecepit, nullo modo corpori uitiisque recte imperat." ("If the soul and reason do not themselves obey God, as God has commanded that they serve him, they will in no way have right of rule over the body or the vices.") Elsewhere, Augustine calls this the 'ordained obedience of faith to the eternal law' (ibid, 19.13, 14).

[182] Augustine *lib. arb.* 2.13.37: "Haec est libertas nostra, cum isti subdimur veritati: et ipse est Deus noster qui nos liberat a morte, id est a conditione peccati." ("This is our freedom, to submit ourselves to truth. And this of our God who freed us from death, which is the condition of sin"); *civ. Dei,,* 5.18: "uera libertate, quae nos ab iniquitas et mortis et diaboli dominatu liberos facit." ("True liberty has made us free from the sin and death and the dominion of the devil"); ibid, 14.11: "Arbitrium igitur uoluntatis tunc est uere liberum, cum uitiis peccatisque non seruit." ("The will therefore is truly free once it is not slave to vices and sins"). Notice that the English construction "free from sin" has an ambiguity that isn't present in Latin *liber* (and its cognates). "Free from sin" doesn't mean "without sin" in the sense that, gluten-free" means "without gluten." It means, "not enslaved to" sin. But a person can be free from sin and still sin in Augustine's description. See, e.g., *ench.* 118, where Augustine described Christians as *nondum tota infirmitate sanata*: not yet totally healed of their sickness.

Lactantius: slavery to false religion against religious freedom. In the same way, Augustine's conception of freedom as obedience to God occasioned his extensive attention to slavery to sin.

Augustine described three features of slavery to sin, which I will discuss in turn. First, it opposes heavenly citizenship. Second, sin is the worst kind of master. Third, slavery to sin leads to other kinds of slavery. One such kind is institutional chattel slavery. Therefore, to understand Augustine's account of chattel slavery, we must attend to his framework of slavery to sin.

Like the Stoics' cosmic city, Augustine's heavenly city is not merely an ideal: it already exists, established by true religion and sustained by God.[183] It is governed by the divine laws, which are given to its citizens for their peace.[184] Just as for Cicero, Augustine took citizenship to include citizens having the laws in common. This consists in voluntary assent to divine rule.[185] Foremost among these laws is the law of true religion: to give God the worship due God alone.[186] Doing so guarantees justice because God is the common good of the heavenly city.[187] Sin, disobedience to the law, disqualifies a person from citizenship, since this person thus fails to own the laws. Thus, the sinner fails to be a citizen and becomes a slave. He relinquishes the authority that he would have otherwise had to obey the law to sin, making sin his master.[188] Since

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[183] *civ. Dei.* 6.4: "Vera autem religio non a terrena aliqua ciuitate instituta est, sed plane caelestem ipsa instituit ciutatem. Eam uero inspirat et docet uerus Deus, dator uitae aeternae, ueris cultoribus suis." "But the true religion was not instituted by any one of the earthly cities; rather, it plainly instituted the heavenly city. It is given life and taught by the true God, giver of eternal life to His true worshippers.""

[184] Ibid, 11.23; 22.22

[185] Ibid, 19.3: "Where there is not this righteousness whereby the one supreme God rules the obedient city according to His grace, so that it sacrifices to none but Him, and whereby, in all the citizens of this obedient city, the soul consequently rules the body and reason the vices in the rightful order, so that, as the individual just man, so also the community and people of the just, live by faith, which works by love, that love whereby man loves God as He ought to be loved, and his neighbor as himself — there, I say, there is not an assemblage associated by a common acknowledgment of right, and by a community of interests" (trans. Dods, M.)

[186] Ibid, 19.17: "The celestial city… knew that one God only was to be worshipped, and that to Him alone was due that service which the Greeks call λατρεία, and which can be given only to a god."

[187] Clair 2016, 60-64.

[188] *civ. Dei*., 8.18: "Qua igitur insipientia uel potius amentia per aliquam religionem daemonibus subdimur, cum per ueram religionem ab ea uitiositate, in qua illis sumus similes, liberemur?" "Therefore,

Augustine, throughout *City of God,* is primarily concerned with citizenship in the heavenly kingdom, the sort of slavery that interests and worries him most– namely, slavery to sin—is that which precludes this sort of citizenship.

Augustine thought that slavery to sin is the worst kind of slavery. He agreed with Seneca that the worst thing is what makes you bad. As chattel slaves can remain good, chattel slavery is not the worst thing.[189] But sin necessarily corrupts sinners.[190] Anyone who sins becomes a slave of sin.[191] Thus, it is better to be enslaved than to feed one's lust for domination by being a master

what folly or rather, insanity, to subjugate ourselves, through some religion, to demons, when through true religion we are delivered from the viciousness in which we are like them?"

[189] *civ. Dei*., 4.3: "Proinde bonus etiamsi seruiat, liber est; malus autem etiamsi regnet, seruus est, nec unius hominis, sed, quod est grauius, tot dominorum, quot uitiorum. De quibus uitiis cum ageret scriptura diuina: A quo enim quis, inquit, deuictus est, huic et seruus addictus est." ("Therefore, the good man, though a slave, is free; the bad man, though he reigns, is a slave, not of one man, but – more oppressively – of as many masters as vices. Holy Scripture urges, with respect to these vices: 'By what one is subdued, of that one is bound as slave.") (Matthew 5:45)

[190] *civ. Dei*., 14.3. This sort of language seems to give sin agency, which might strike the reader as odd, since sin is not a person. Augustine sometimes invoked sin as agent as a stand-in for the devil or demons (see Wiebe 2015), but this is by no means the whole story. One complication is that Augustine also sometimes describes humans as being enslaved to the devil (e.g., *serm.* 217, 3.11). Since the agency of sin is ancillary to my argument, readers troubled by Augustine's attribution of agency to sin should read this as metaphorical.

[191] *civ. Dei.,* 19.15: "Sicut autem supernus Dominus dicit: *Omnis, qui facit peccatum, servus est peccati*" ("As our heavenly master says, 'All who sin are slaves of sin.'") Here Augustine is citing Jesus's words in John 8:34.

over others.[192] Sin is a crueler master than any human.[193] Its punishments are eternal; all other mistreatments end.[194] And sin fosters dependence, inciting desires that outrun satisfaction.[195]

Sin leads to other kinds of slavery. Consider Augustine's controversial defense of certain kinds of coercion.[196] It is clearest in light of his belief that God is *paterfamilias* over all humanity. God sometimes coerces humans just as parents sometimes coerce children.[197] Coercion cannot, of itself, secure full justice, which demands voluntary assent to the right.[198] But it is sometimes necessary to bring wayward people in. Failing to coerce can indicate negligence of one's responsibility for the welfare of those under one's rule:[199] think of parents who fail to discipline their children. Furthermore, coercion is only just in the context of a just relationship of

[192] Ibid, 1. pr: "de terrena ciuitate, quae cum dominari adpetit, etsi populi seruiant, ipsa ei dominandi libido dominator." ("The earthly city, which seeks to be master, though the nations serve it, itself is dominated by its lost for domination.") See also ibid, 19.15, where Augustine again cites Matthew 5:45.
[193] This might sound in tension with Cicero's observation that slavery to a kind master is still slavery. But it isn't. Cicero was happy to make moral distinctions between kind and cruel masters. Thus, even if all slavery is morally compromised insofar as it is slavery, Cicero still allows for differentiation among these injustices. Augustine made the same move (albeit without thinking that all slavery is morally compromised insofar as it is slavery).
[194] *civ. Dei*., 19.15: "Nullus autem natura, in qua prius Deus hominem condidit, seruus est hominis aut peccati. Verum et poenalis seruitus ea lege ordinatur, quae naturalem ordinem conseruari iubet, perturbari uetat; quia si contra eam legem non esset factum, nihil esset poenali seruitute cohercendum. Ideoque apostolus etiam seruos monet subditos esse dominis suis et ex animo eis cum bona uoluntate seruire; ut scilicet, si non possunt a dominis liberi fieri, suam seruitutem ipsi quodam modo liberam faciant, non timore subdolo sed fideli dilectione seruiendo, donec transeat iniquitas et euacuetur omnis principatus et potestas humana et sit Deus omnia in omnibus." ("No one by the nature in which God first made man is a slave either of man or sin. Rather, slavery is penal and ordained by the law, which commands the conservation of the natural order and forbids its disturbance. If nothing were done against this law, nothing would need to be restrained with the punishment of slavery. And for this reason, the apostle warned slaves to be subject to their masters and to serve them with a good, voluntary, spirit, so that, naturally, if they could not be freed by their masters, they might make their slavery in some respect free, not serving not in insidious fear but faithful delight, until sin passes away, and all the principalities and powers of man are purges, and God is all in all.")
[195] Ibid, 5.19. See also Corcoran 1985, 78-9.
[196] As an introduction to the controversy, see Brown 1964; Markus 1970, 134-46; Burnell 1993; Bowlin 1997 and 2006; Shaw 2011, esp. 271-306.
[197] Markus 1965, 77; Rist 1994, 210-211
[198] Weithman 2001, 238; Kaufmann 2016, 555
[199] Garnsey 1996, 210; Bowlin 1997

rule; a parent's role as parent entitles her to coerce her child, not just any child.[200] Thus, Augustine only endorsed the Christian coercion of Christian heretics and apostates, not the coercion of Jews and adherents of traditional Roman religion.[201] Christians could coerce only those who had come under the responsibility of the church by committing themselves to the church. God, as *paterfamilias* over all humanity, however, has power to coerce all humans.

One means of coercion God uses is to permit a sinner to be enslaved by another person.[202] By nature, no person is to rule over another.[203] Thus, like Lactantius he believed that there are no natural slaves.[204] Unlike Lactantius however, Augustine then justified slavery in a different way. God allows people to be enslaved to show the severity of sin and educate sinners in submission to God.[205] Augustine is sometimes understood as saying that slavery's function is retributive. The most commonly cited evidence for this is that after saying that slavery is a result of sin, he said that God "knows how to distribute different punishments according to transgressions."[206] But when Augustine discussed the relationship between masters and slaves, he emphasized the duties of masters to help slaves become Christians. In other words, his

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[200] Of course, in many communities, children can be coerced by elders who are not their parents. Some readers may – as I do – come from communities where many elders (grandparents, aunts, uncles, family friends, cousins and on occasion older siblings) take on the shared authorities to and responsibilities of discipline and punishment. I tend to think of these cases as sometimes involving more complex understandings of authority, sometimes involving delegated authority, and sometimes involving both.
[201] Bowlin 1997; Fredriksen 2008, 361ff. Augustine called adherents of traditional Roman religion 'pagans'; they are addressed by the full title of *civitate Dei*, which was written *contra paganos***.** I have tried to avoid using the term pagan in my own voice throughout this project. One reason for this is that 'pagan' was a Christian slur. Thanks to Harriet Flowers for this suggestion.
[202] Mary 1954, 363-4; Corcoran 1985; Chambers 2013
[203] *civ. Dei*., 19.15: "Rationalem factum ad imaginem suam noluit nisi inrationabilibus dominari; non hominem homini, sed hominem pecori." ("He did not wish that the rational, made in his image, rule over anything except the irrational; not man over man, but man over animal.")
[204] Markus 1965, 71 and 1988, 92-93; Rist 1994, 236-7 Harper 2011, 348; Chambers 2013, 16-18. Chambers provocatively suggests that the fact that slavery is a punishment for sin is proof that Augustine thinks slavery is naturally unjust: something can only be an appropriate response to injustice if it naturally would have been unjust.
[205] *civ. Dei*., 19.15
[206] Ibid.

understanding of punishment in this context was reformative rather than retributive.[207] Like Cicero, Augustine believed that some people need to be slaves to live as good lives as possible.

Augustine described slavery almost exclusively within the context of the household.[208] As discussed earlier, this reflects his knowledge of domestic slavery and the predominance of domestic slaves over agrarian slaves in North Africa at the time. Within a household, the *paterfamilias* has responsibility over a set of goods. It is up to him to distribute those goods to promote justice and peace within the home.[209] When God gives a master charge over a slave, God issues a responsibility to the master to distribute eternal goods to slaves just as he would his own sons. For with respect to eternal goods, slaves and sons are equals. Augustine argued for this by referring to Biblical figures who owned slaves:

> And therefore, although our righteous fathers had slaves, and administered their domestic affairs so as to distinguish between the condition of slaves and the heirship of sons in regard to the blessings of this life, yet in regard to the worship of God, in whom we hope for eternal blessings, they took an equally loving oversight of all the members of their household. And this is so much in accordance with the natural order, that the head of the household was called *paterfamilias*; and this name has been so generally accepted, that even those whose rule is unrighteous are glad to apply it to themselves. But those who are true fathers of their households desire and endeavor that all the members of their household, equally with their own children, should worship and win God, and should come to that heavenly home in which the duty of ruling men is no longer necessary, because the duty of caring for their everlasting happiness has also ceased.[210]

Slaves and sons are equal with respect to eternal goods but not with respect to temporal goods. Thus, while a master must teach his slaves to become Christians, the temporal goods that a father

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[207] This fits with Augustine's broader characterization of punishment more broadly. See *ep.* 153 and Atkins and Dodaro 2001, xxi-xxii
[208] Shaw 1987
[209] *civ. Dei*., 19.12. Shaw 1987, 11. See Clair 2016, esp. 39-74 for a discussion of Augustine's treatment of oikeiosis generally and within the context of household goods.
[210] Ibid, 19.16 (trans. Dods, M.)

would typically give his son – for example, the gifts of inheritance and emancipation[211] – are not thereby owed to slaves, by Augustine's lights.

Augustine's commitments about what kinds of chattel slavery were permissible were informed by his setting. In Augustine's North Africa, the supply of slaves was largely sustained and increased by reproduction – the children of slaves were slaves. Other legal means which were common at other times were no longer prominent. Roman armies no longer captured vast numbers of slaves in war. Someone who had been born free had a good chance of remaining free for life. Most slaves were born slaves.

This may partially explain Augustine's abhorrence of enslavement and kidnapping alongside his acceptance of keeping slaves: kidnapping was illegal. As Aaron Conley puts it, Augustine believed in "freedom for the free."[212] In this, he resembles Cicero, for whom freedom was a right of citizenship.[213]

This resemblance, however, demands explanation. Why in the world should whether a person lacked freedom *vis a vis* Roman law have any bearing on whether they had merited the punishment of slavery? Indeed, given Augustine's repeated accusations that Roman society was unjust and that its laws were poor, we should have expected him to deny that Roman law would be a good predictor of whether a person merited slavery as a punishment.[214]

Without an explanation of why a person's legal status should inform their moral status of meriting slavery as punishment, God's use of slavery as a punishment threatens to be arbitrary. If God ordains slavery as a punishment for sin, one should expect God to employ a just rule for

[211] Shaw 1987, 11; Perry and Ellart 2012, 1-2
[212] Conley 2015; see also Elm 2017
[213] Brunt 1998; Kennedy 2014
[214] I discuss Augustine's polemics against Roman law and justice in more detail in Chapters Five and Seven, respectively.

choosing which people to be enslaved. However, Augustine offered no such explanation. The closest he came to answering this question was a brief line in a letter, where he wrote, "We can command slaves to be subject to their lords, but we cannot impose the yoke of slavery upon free persons."[215] This sentence conjoins two ideas: first, that clergy are licensed to command slaves to be subject to masters; second, that free people cannot be enslaved. Augustine clearly thought that the New Testament witnessed to the first idea. Titus 2:19 reads, "Tell slaves to be submissive to their masters." But nowhere did he explain why he believed the second idea. Indeed, this is the more surprising claim, given Augustine's belief that chattel slavery exists for the slave's eternal benefit.

We might be tempted to attribute to him the commitment that God's providential plan was to punish the appropriate people by having them be born slaves. Anyone born free would not be under this punishment. This explanation has the advantage of explaining Augustine's hatred of kidnapping and enslaving freepersons – it amounted to issuing a punishment that God himself had chosen not to issue. But it suffers from two disadvantages, one philosophical and one textual. The philosophical disadvantage: such a view in no way softens the problem of the arbitrariness of slavery as a punishment unless one also believes that all and only non-Christians are born into slavery. However, this was clearly, empirically false. The textual disadvantage: Augustine never endorsed this commitment. Indeed, his rejection of the pre-existence of souls makes it a difficult view to attribute to him.[216]

Ilaria Ramelli argues that Augustine's account legitimates slavery by denying the dignity of slaves.[217] By accepting slavery as God's just punishment for sin, Augustine backed himself

[215] *ep.* 24*.1, (trans. R. Teske)
[216] Ramelli 2012, 92
[217] Ramelli 2016, 157

into a corner; admitting the dignity of slaves would mean describing God's punishment as unjust.[218] Even when Augustine dictated that monks should manumit their slaves, his reasoning is about the monks' relinquishment of private possessions, not slaves' dignity. Ramelli thus contrasts the status of enslaveability with the possession of human dignity.[219]

However, Augustine did think slaves had dignity, or something like it. He ascribed to all humans the image of God (which Ramelli invokes as a stand-in for dignity) in virtue of their humanity.[220] He grouped the master-slave relationship with the parent-child and husband-wife relationship in his discussion of hierarchies.[221] He distinguished master-slave relationships from human-animal rule.[222] His commitment to the dignity of slaves in virtue of their humanity also funded his ethics of slaveholding: Christians were not to possess slaves as they did non-human property; they had to educate slaves morally and spiritually and provide order for their slaves' lives. Augustine opposed kidnapping because it treated slaves merely as bodies.[223] Still, the force of Ramelli's objection persists: how, given that slaves had dignity, could it be permissible to keep them enslaved?

Augustine did not give a satisfactory answer. Neither did he explain why, if slavery's purpose was that masters help slaves to become Christian, all Christian slaves should not be manumitted.[224] By the time of conversion, the punishment's purpose had been fulfilled. Augustine admitted as much, saying that when slaves come to worship God, the duty to rule

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[218] Ibid, 153-156.
[219] See also, ibid, 164 for her discussion of this contrast in the case of Basil of Caesarea.
[220] *trin.*, 12.7.10
[221] *civ. Dei.*, 19.14
[222] Ibid, 19.15
[223] Mary 1954, 363; Corcoran 1985, 31-2; Garnsey 1996, 207-8; Glancy 2002, 71ff
[224] Gerbner 2018, 154-160 shows the relevance of similar questions during the Atlantic slave trade. One strategy that slaveholders pursued was to appeal to doubts about the veracity of slave conversions. Augustine never pursues this himself, though it is compatible with his doubts about determining who is a genuine Christian (*civ. Dei.*, 1.35).

them expires. However, he only explicitly considered slaves coming to worship God in heaven.[225] Had Augustine justified slavery because of some inherent feature of slaves, his position would have been more straightforward. But since he took slavery to be a solution to a problem, his account needed to explain why slavery continues after the problem is solved. Because Augustine thought that slavery's purpose is to help convert slaves, one would have expected him treat non-Christians as enslaveable and Christians as not enslaveable. However, he did not; instead, he believed that people's legal status marked them as enslaveable or not.

Sin also causes political domination for all the reasons it causes slavery. Beyond this, however, sin uniquely causes objectionable political domination. As Peter Burnell argues, the authority of rulers is complicated because of the various convictions Augustine balanced: the inevitability of temporal injustice; the reality of the obligation to submit to rulers; the possibility of civic moral progress.[226] Nonetheless, Augustine agreed with Cicero that all kingship is domination.[227] Recall, however, that rulers are differentiated according to whether or not they seek the good of the ruled. Good kings, like good *patres familias*, seek peace and justice, the goods of the domain; bad kings seek their own personal gain. [228] Quintessentially, this is the desire to dominate.[229] The desire to arrogate the power to dominate unto oneself is unjust,

[225] *civ. Dei.,* 19.16
[226] Burnell 1993, 180-1
[227] Chambers 2013, 14. Recall, however, that Augustine didn't share Cicero's view that all domination is bad. Chambers 2013, 25 also argues that Augustine introduces one distinction between kings and masters: kings have checks on their ability to impose their will, some of which are given by their subjects.
[228] *civ. Dei*., 1.33: "Neque enim in uestra securitate pacatam rem publicam, sed luxuriam quaeritis inpunitam, qui deprauati rebus prosperis nec corrigi potuistis aduersis." "You, who are depraved by good fortune and uncorrected by adversity, do not seek, in security the peace of the republic, but that you may pursue luxury with impunity." See also Shaw 1987, 12.
[229] Ibid, 1. Pr; Brown 1972, 36; Cavadini 2005, 209; Burnell 2017, 186.

Augustine argued, because it usurps the role of God; God alone holds the office of distributing such power to humans.[230]

Augustine found the Roman case harder to analyze. He did not judge the Roman leaders' desire for glory to be as bad as the lust for domination. But Augustine resisted endorsing this desire nonetheless.[231] He split the difference. When desires conflict, the more fundamental desire wins out. A fundamental desire for glory tends towards corruption because when glory conflicts with peace and justice, you will choose glory. But desiring glory out of a more fundamental desire for peace and justice ensures that the desire for peace and justice will triumph in case of conflict.[232] Augustine could tell this story because he believed in a hierarchy of goods. Everyone given charge of a domain is entrusted to pursue the goods of the domain first.[233] Pursuing secondary goods instead of primary goods is sin. Thus, though glory is not as obviously bad a

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[230] Ibid, 5.19: "Etiam talibus tamen dominandi potestas non datur nisi summi Dei prouidentia, quando res humanas iudicat talibus dominis dignas." ("Nevertheless, such power of domination is not given except by the providence of the most high God, since he judges human affairs to be worthy of such masters"). Jeff Stout worries that this will not work unless some offices that humans hold include the process of distributing offices. I agree, unfortunately Augustine does not spell out the implications of his commitments here. Perhaps Augustine's view is that God ordains the process by which offices are distributed, though these processes involve the agency of humans. Things go wrong when a person or people attempt to arrogate the power to distribute offices to themselves, subverting the ordained process.

[231] Ibid: "Interest sane inter cupiditatem humanae gloriae et cupiditatem dominationis. Nam licet procliue sit, ut, qui humana gloria nimium delectatur, etiam dominari ardenter affectet, tamen qui ueram licet humanarum laudum gloriam concupiscunt, dant operam bene iudicantibus non displicere… Quisquis autem sine cupiditate gloriae, qua ueretur homo bene iudicantibus displicere, dominari atque imperare desiderat, etiam per apertissima scelera quaerit plerumque obtinere quod diligit." ("Certainly, there is a difference between the desires for human glory and domination. Though he is prone to ardently desire to rule who delights excessively in human glory, they who are prone to covet the glory of human praise will also be careful to not displease those who judge them well… Whoever, without the desire for glory, which dreads to displease men who judge well, desires domination and to rule, indeed, generally obtains what he wants by open evil.")

[232] Ibid, 5.22: "In quo bello ita Romani uicti sunt, ub sub iugum etiam mitterentur. Sed quia non diligebant gloriam propter iustitiam, sed iustitiam propter gloriam diligere uidebantur, pacem factam foedusque ruperunt." ("In that war, therefore, the Romans were conquered and placed under the yoke. But since they did not value glory for the sake of justice but seemed to value justice for the sake of glory, they broke the peace treaty that had been made.")

[233] Shaw 1987, 11; Weithman 2001, 241

motivation as power to dominate, it is still wrong to pursue it at the cost of the goods of justice and peace.[234]

Augustine used a Senecan argument to identify sin as the worst master. From this he described slavery as a punishment for sin. Masters are given responsibility for slaves. This responsibility is best understood in light of his conception of the household economy. The different obligations masters have to slaves reflect the different goods that the *paterfamilias* must organize for the peace and justice of the household. Masters owe it to slaves to deliver to them eternal goods but not earthly freedom. Thus, even though slavery is unnatural, it can permissibly be temporally extended. In this, Augustine's account contrasts sharply with Lactantius' invective against chattel slavery, despite their shared commitments concerning slavery to God. Lactantius used the unnaturalness of slavery to argue that it could not justifiably be applied to some but not others. Augustine accepted the Ciceronian notion that slavery is necessary for some without criticism or comment, despite his agreement with Lactantius that slavery is unnatural.

6. Conclusion

Cicero, Seneca, and Lactantius had different focal cases of slavery in view in their writings. Cicero thought that slavery naturally befits some but not others. This grounded his criticism of kingship and tyranny, wherein rulers rule over those who by nature ought to be free as a master rules over his slaves. Seneca sought to relativize badness of chattel slavery by judging it against worse forms of slavery. He believed that chattel slavery is not morally bad for the slave because it does not make the slave vicious. By contrast, the worst sort of slavery is slavery to externals because this sort of slavery can make a person vicious. Lactantius envisioned all people as by default slaves of God and took false religion to result in slavery to false gods. He

[234] For more on order and disorder of goods, personal, political, temporal, eternal, see Gregory 2008 and Clair 2016.

took chattel slavery to be an unjust consequence of slavery to false gods, proof of the deficiency of the various false religions.

With Cicero, Augustine shared the commitment that in the best-case scenario, chattel slavery befits and benefits the slave. However, he denied that anyone is a slave by nature. Instead, he thought that slavery is unnatural, the result of sin. With Seneca, Augustine agreed that the worst sort of slavery is that which makes a person vicious but thought that the right description of this sort of slavery is slavery to sin. Like Lactantius, Augustine believed that all are slaves of God and that chattel slavery is the result of sin. However, unlike Lactantius, Augustine did not judge chattel slavery inherently unjust.

His account of slavery brought elements of these three predecessors together, in his best effort to explain the way the New Testament treats slavery to God and chattel slavery. God is master over humanity. As master, God can rightly punish humans however He pleases. Because God is good, His punishments are always fitting. One such punishment is chattel slavery. God ordained the institution so that by it, masters can help slaves become Christians. Were chattel slavery inherently unjust, as Lactantius had thought, then God would be acting unjustly in punishing people by making them slaves. However, Augustine denied that chattel slavery is inherently unjust. Instead, he saw it as befitting for those who have fallen into sin and judged its badness to be relative. Since its purpose is to free people from a far worse sort of slavery (slavery to sin), chattel slavery is a permissible, fitting, and relatively benign punishment.

However, this account contained a fundamental tension. On the one hand, the purpose of slavery is to help slaves become Christians. This seems to demand that once a slave converts, he must be freed. On the other, Augustine never said that Christian masters had an obligation to free

their slaves, or that Christian slaves had every right to secure their freedom.[235] It is difficult to imagine why Augustine was not concerned about this; his account of slavery almost demands that at minimum Christians should not hold coreligionists as slaves.

By contrast, this very tension was explicit in the racialization of slave laws in the New World in the seventeenth and eighteenth centuries. Up through the seventeenth century, Protestant theologians had argued that one important purpose of slavery was to help Africans become Christians.[236] But when slaves converted, slaveowners were forced to come up with alternate justifications for the institution. State legislatures had previously marked non-Christians as those who may appropriately be enslaved. That African slaves were converting threatened to render them unfit to be enslaved.[237] The changes in law reflect a change in the dominant rationalization: Africans instead were rightly enslaved because of the deficiency inherent in their race. The racialization of slave laws in this context involved a shift from justifying slavery on

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[235] Augustine never, to my knowledge, preached on 1 Corinthians 7:21: "Were you called as a slave? Do not let it bother you. But even if you were able to become free, rather make use of it." (trans. W. Orr and J.A. Walther). However, *City of God* 19.15 does have a sentence that could be Augustine's understanding of the passage. Augustine wrote: "Ideoque Apostolus etiam servos monet subditos esse dominis suis et ex animo eis cum bona voluntate servire; ut scilicet, si non possunt a dominis liberi fieri, suam servitutem ipsi quodam modo liberam faciant, non timore subdolo, sed fideli dilectione serviendo." ("For this reason, the Apostle teaches slave to submit to their masters and to serve them out of their souls with a good will; certainly, that if they cannot be freed by their masters, they could make their slavery free in a certain way, serving neither with fear nor deceit, but faithful love.") Augustine's analysis has resonances with 1 Corinthians 7:21. However the crucial phrase in the text ("But even if you could be made free…") Augustine rendered as a negation ("That if they cannot be freed."). Perhaps Augustine misremembered the text, worked from an inaccurate translation, or engaged in creative exegesis. Nonetheless, it is not at all clear that if Augustine had dealt with this verse more accurately or at greater length, it would have given him a reason to shift his views. 1 Corinthians 7:21 is famously ambiguous, as Paul does not specify what the slaves in his audience should make us of. It could be 'slavery' or 'freedom.' Orr and Walther think 'slavery' is slightly more plausible (1976:215). I find their reading more convincing than the alternative. Augustine's *vetus latina* was likely similarly ambiguous; most versions of the verse in the *vetus latina* database render the verse something like: "servus vocatus es non tibi sit curae sed et si potes fieri liber, magis utere." ("Were you called to be a slave? Do not be troubled. But even if you could be made free, rather use it.") Thus, as far as interpreting 1 Corinthians 7:21 goes, Augustine was on secure footing in reading Paul as saying that slaves should "make their slavery free."

[236] Goetz 2012, 99; Gerbner 2018, 24, 64.

[237] Goetz 2012, 86-11; Gerbner 2018, 86-90;

Augustinian grounds – that slavery is repair for sin – to justifying it on Ciceronian/Aristotelian grounds – that slavery is natural.

It would be worthwhile to have a history of how Christian reflection on the appropriateness of enslaving co-religionists developed after Augustine. However, it is not my goal to narrate any more of the history of Christian reflection on slavery. Instead, I will show that Augustine's account of slavery was a lynchpin for his broader ethical and political thought, explicating its role in his accounts of law and citizenship.

Before this, however, it will be important for us to consider the relationship between religion and slavery in Augustine's thought. Here is why. I have shown that for Augustine, the belief that all people are slaves of God was a crucial premise in his justification of slavery. But I have said very little about why Augustine believed that all people are slaves of God. This might give the mistaken impression that this belief was a free-standing assumption. It was not. Rather, it followed from the theory of religion that he had encountered in his reading of Lactantius's *Divine Institutes.* The next two chapters trace the development of this theory of religion, from its provenance in Cicero's virtue conception of religion to Lactantius, and finally to Augustine.

2

Religions False, True, and Otherwise

> "But as wise as they were in understanding the error of false religion, so stupid were they in not thinking that there is a true religion. Since it is easier to appraise others' ideas than one's own, they saw the danger before the others but did not foresee that which was in front of their own feet. Thus, on either side is found great stupidity and a hint of wisdom, such that you can doubt which you should say was the most stupid: those who observed a false religion or those who observed none at all."
> ~Lactantius, *Divine Institutes*, 2.3.15-17[1]

Religion was changing fast in the late republic. Temples were in disrepair; important priestly offices were vacant. These changes mirrored Rome's ongoing socio-political revolution.[2] During this period, some Roman elites attempted to systematize the diverse set of practices, institutions, and traditions that we now call Roman religion.[3] Two of the most important systematicians were Tullius Cicero, whom we have already met, and Terentius Varro, whom we will encounter in the next chapter.[4]

In the previous chapter, we saw that Augustine's reflections on chattel slavery began from the commitment that all humans are, inescapably, slaves of God. I will argue over the next two chapters that to understand why Augustine held this commitment we must attend to his

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[1] "Hi vero quanto fuerunt sapientores, quod intellexerunt falsae religionis errorem, tanto facti sunt stultiores, quod esse aliquam veram non putaverunt. Itaque quoniam facilius est de alienis judicare, quam de suis: dum aliorum praecipitium vident, non prospexerunt quid ante suos pedes esset. In utraque igitur parte, et summa stultitia invenitur, et odor quidam sapiente: ut possis dubitare, quos dicas potissimum stultiores, illosne qui falsam religionem suspiciunt, an eos qui nullam."
[2] Goar 1972 6-36; Momigliano 1984; Rawson 1985; North 2000
[3] Momigliano 1984; MacRae 2016
[4] Other important elites engaged in this effort at this time were Nigidius Figulus (Momigliano 1984, 200-201; MacRae 2016, 37) and, in his own way, Lucretius (Gothoni 1994).

account of religion.[5] Augustine's account was heavily indebted to Lactantius's,[6] which was in turn indebted to Cicero's. Therefore, to situate Augustine's account of religion, it will be worth our while to first consider Lactantius's.

This chapter traces the virtue conception of religion from Cicero to Lactantius, making two main arguments. First, I argue that Cicero developed his virtue conception of religion in order to respond to the radical and unwelcome changes to Roman religion mentioned above. He took religion to be the virtue by which a person gives the gods the worship they are due. Religion is a virtuous mean between the excess of superstition and the deficiency of impiety. Cicero did not explicitly endorse a deficiency-mean-excess framework for categorizing the virtues.[7] However, in Chapter One we saw its operation in his discussion of liberty (a mean between license and slavery/tyranny). Something similar, I argue, was going on in his account of religion.

Second, I argue that Lactantius built a theory of religion out of Cicero's virtue conception. Lactantius adopted Cicero's framing of religion as the virtue neighbored by the vices

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[5] Throughout this project I translate *religio* as religion. This has been somewhat controversial in religious studies of late, given arguments like those found in Judge 2008 and 2010, Nongbri 2013, and Barton and Boyarin 2015. *Religio*, these scholars say, had a range of senses in Ancient and Late Antique Rome. The most prominent modern senses of religion are quite different from the most prominent ancient senses of *religio*. Therefore, if we are not careful, translating *religio* as religion can obscure the differences between the two. While it is true that some of the ancient uses of *religio*, are importantly different from some of the modern uses of religion, the problems of translation are overblown. Here are two reasons to think so. First, as I do in this chapter, translators can translate *religio* as religion while disclaiming the common mistaken assumptions about what it might mean to speak of Roman religion. Indeed, I argue that such common mistakes explain why Lactantius misinterpreted Cicero's religiosity. Second and relatedly, there are some important continuities between some ancient uses of *religio* and some modern uses of religion. Accounts that emphasize the "untranslatability" of *religio* sometimes overlook these continuities. Part of the work of this chapter is to show the ways in which Lactantius developed a conception of *religio* that is in many ways akin to the dominant modern conception of religion that Judge, Nongbri, and Barton and Boyarin claim is discontinuous with the ancient senses.

[6] Bochet 1998; Garnsey 2002

[7] Cicero used different frameworks to categorize the virtues at different times, for different purposes. We will see below that he used a different framework in *de inventione*. For our purposes, suffice it to say that Lactantius was most influenced by Cicero's mean-excess-deficiency framework for thinking about the virtue of religion.

of impiety and superstition. However, he joined this framing to a background story about the origins of the true religion that would have been foreign to Cicero. This combination provided Lactantius and the Christians who invoked his account a powerful analytic tool: a theory of religion. This theory enabled Lactantius to identify religion as a cross-cultural, universal, phenomenon and mark all religions as either true (and because true, virtuous) or false (and because false, impious, superstitious, or both). Finally, it energized both his defense of Christianity against its Neoplatonic opponents and his attacks on all religions aside from Christianity.

A caveat is in order. For Cicero and Lactantius (as well as Varro and Augustine), religion was polysemic. This means that they used the term 'religion' in a range of related ways. For example, at various points in his writings, Cicero used religion to indicate hesitation or scruple;[8] an activity;[9] an institution with attendant teachings and duties;[10] the vice of superstition.[11] My focus in this chapter is on religion as a virtue.[12] The virtue conception of religion is worth our

[8] *verr.* 1.46: "Nunc autem homines in speculis sunt; observant quem ad modum sese unus quisque vestrum gerat in retinenda religione conservandisque legibus." ("Now the eyes of people wait to see to what extent each person will conduct himself in a manner constrained by religious scruple and obedience to the law.") See also Gothoni 1994, 39; Barton and Boyarin 2015, 43. Religion as scruple goes back at least as far as Plautus and Terence in the second century B.C.E (Nongbri 2013, 26-7).

[9] *nat. deor.*, 3.2.5: "Non enim mediocriter moveor auctoritate tua, Balbe, orationeque ea, quae me in perorando cohortabatur, ut meminissem me et Cottam esse et pontificem; quod eo, credo, valebat, ut opiniones, quas a maioribus accepimus de dis immortalibus, sacra, caerimonias, religionesque defenderem." ("I am not a little moved by your authority, Balbus, and by your oration's conclusion, in which you encouraged me to be mindful that I am Cotta and pontiff. By this, I think, you meant that I should defend the beliefs about the immortal gods, which we received from our ancestors, and the rites, ceremonies, and religious observances")

[10] *nat. deor.* 1.22.61: "his being so, I, who am a high priest, and who hold it to be a duty most solemnly to maintain the rights and doctrines of the established religion, should be glad to be convinced of this fundamental tenet of the divine existence, not as an article of faith merely but as an ascertained fact." (trans. H. Rackham)

[11] *verr,* 2.4.113

[12] The study of Roman religion has been well served by its heightened attention to Roman lived religion and material culture (see, e.g., Wiseman 1995, North 2000, Scheid 2003, and Rüpke 2016). By attending to a conceptual history of Roman religion I don't mean to downplay the importance and necessity of such scholarship. I certainly don't mean to reify the sort of mind-body dualism that is sometimes a feature of

attention because it helps us understand how Cicero responded to the religious changes of his day, and because of its role in Lactantius's (and eventually Augustine's) reflections on the category of religion.[13]

The chapter begins with an overview of some of the changes that Roman religion underwent in the late republic, focusing on those that exercised Cicero the most (section 1). It then turns to Cicero's account of religion as a virtue, arguing that he took religion to be the virtuous mean between impiety and superstition (section 2). Next, it presents Lactantius's theory of religion, discussing the ways in which he adopted and adapted different aspects of Cicero's virtue theory (section 3). It ends with a discussion of Cicero's and Lactantius's accounts of deification (section 4). Deification merits special focus because both Cicero and Lactantius took it to be such an important religious practice, and each analyzed it in considerable detail, though of course they came to very different evaluations.

The following chapter returns to Augustine. His analysis of Roman religion relied on the theory of religion he had encountered in Lactantius. Augustine used this theory against Varro, whom he identified as the most sophisticated expositor and defender of traditional Roman religion. Augustine added to Lactantius's theory a special emphasis on worship as slavery. From this, Augustine argued that slavery is inescapable, judged all religions that do not take humans to be slaves of God impious, and concluded that each is a slave of whatever he or she worships. This account of religion, therefore, explains two ideas that introduced in the previous chapter:

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the study of religion without attention to its material reality. All I mean to do is narrate a genealogy that I take to be historically significant as well

[13] Many Christians have been and continue to be influenced by the Lactantian account of religion. One sees its influence in, *inter alia*, Thomas Aquinas (*Summa Theologica* II-II 81.3 and Staudt 2008), John Milton (*Of True Religion*), and Jonathan Edwards (*Religious Affections*).

that all humans are slaves of God, and that all who fail to worship the true God are also slaves of something else.

1. A Precarious Religion[14]

Roman religion was a complex system of institutions, laws, and practices. It consisted of public and private elements.[15] Public religion was centrally governed by four colleges of priests.[16] The most important college was the *collegium pontificum*. Tradition held that this college had been established by Numa Pompilius, credited as the father of Roman religion.[17] The college of augurs was also especially important. Augurs counseled political leaders by taking auspices. In Cicero's day, auspices were taken by interpreting entrails and lightning patterns.[18]

The most important priesthoods were occupied primarily by members of Rome's premier families, the same families who were preeminent in the various political offices.[19] This reflects the close bond between religion and politics at Rome. Romans often attributed Rome's political might to its high religiosity, believing themselves to have benefited from divine help because of their piety.[20]

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[14] I borrow the term "precarious" to refer to late republican Roman religion from Rüpke 2012, 179.
[15] Like most scholars of Roman religion, I focus on religion's role in Roman public life. That religion was integral aspect of public life is sometimes over-stated, implying that Roman religion never had any private or domestic components. Jörg Rüpke (2016) has argued that we can sensibly discuss of the personal commitments of practitioners of Roman religions. For example, no Roman household contained images of every god in the pantheon; neither did households contain all the same gods. Thus, individual families were making decisions about which gods to have images of. These decisions were shaped by multiple individuating reasons: who one's particular ancestors were, which images were recently being sold by local merchants, and so on. Roman religion, like most things, had public and domestic components. See also Rüpke 2006.
[16] Goar 1972, 6. North 2000, 23
[17] Goar 1972, 6. Beard, North, and Price 1998a, 1.
[18] Goar 1972, 7; North 2000, 23.
[19] Wood 1988, 28; North 2000, 22.
[20] Goar 1972, 95; Garnsey 1984, 2; Momigliano 1984, 203; Watson 1992, 58; DePalma Digeser 2003, 54; Scheid 2006, 31 (in Ando and Rüpke 2006); Humm 2011 (in Tellegen-Couperus 2011)

This is one reason that Roman religion was highly regulated.[21] Rituals were governed by exacting standards of accuracy: a slight error in execution could wholly invalidate a ritual.[22] Though sacred rituals could be changed, the process of change was itself highly regulated.[23]

What I have said so far might give the impression that Roman religion was a distinct area of Roman life, isolable and separable from other practices and institutions.[24] However, this is not so. Rather, Roman religion permeated most major aspects of Roman public life. The religious laws that Marcus establishes in Cicero's *On the Laws* reflect this fact. The first laws that he establishes, those most important for the commonwealth, are religious laws. Marcus ties these laws to the celebration of holidays, the legitimation of religious leaders, the promotion of virtue, and the waging of wars.[25] This was no innovation. In Rome, augurs were consulted for "every major political decision from the election of magistrates, through legislation to the battlefield."[26] Political leaders were legitimated – and could be illegitimated – by the gods.[27] Various public rites and ceremonies celebrated the harvest, or the end of a war or famine.[28] Some types of Roman wedding involved the performance of multiple rituals, both during and after.[29] Very little Roman public life took place apart from Roman religion.

However, by the late republican period, Roman religion had begun to undergo a series of significant changes, driven at least in part by the broader social changes of the day.[30] I will focus

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[21] Rüpke 2006; Ando 2006
[22] Goar 1972, 11-16; North 1976, 1-2.
[23] North 1976
[24] For criticism of the view that religion was an isolable sphere of Roman life, see Nongbri 2013, North 2014, and Barton and Boyarin 2016.
[25] Cicero *leg.* 2.8.19-2.9.22
[26] Rüpke 2006, 43
[27] North 2000, 21-34
[28] Sumi 2005; Ando 2010, 61
[29] Hersch 2014
[30] Momigliano 1984; North 2000, 19; Rüpke 2012, 178.

on two, each of which Cicero judged unwelcome: the neglect of religious institutions and the instrumentalization of religion.

Several important Roman religious institutions in the late republic suffered from neglect. Many temples had fallen into disrepair: Caesar Augustus reported in his *Deeds* that he had rebuilt 82 temples while emperor.[31] The office of the high priest of Jupiter, the *Flamen Dialis*, was unoccupied from 87 to 11 BCE.[32] Varro attested to the neglect of religion in his *Human and Divine Antiquities*, writing that he was afraid that the Romans might stop worshiping the gods altogether, not because of "attack by enemies, but by the citizens' negligence."[33] Cicero seems to have concurred with Varro: in *On Academic Skepticism*, the character Marcus credits Varro's *Human and Divine Antiquities* with saving Roman religion.[34]

Cicero also worried about the instrumentalization of religion. By instrumentalization, I mean the use of religious elements (practices, institutions, traditions, feelings) as a mere means to some end, without concern for the validity of those elements. This is a thorny issue. Christians often accused Rome of instrumentalizing religion, as we will see in the following chapter. For instance, Augustine argued that Rome used religion as a mere means to enforce civic order, without concern for the truth about which deities were due what goods.[35] Though many of these criticisms were unfair, they have proved remarkably persistent: versions recur in modern-day analyses of Roman religion.[36]

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[31] Augustus, *res.* 20: "Duo et octoginta templa deum in urbe consul sextum ex decreto senatus reféci, nullo praetermisso quod eo tempore refici debebat." ("In my sixth consulship, I rebuilt 82 temples to the gods in the city by decree of the senate, passing over none that needed repair at the time.").
[32] Goar 1972, 31.
[33] Varro, *ant.*, fragment 2a (cited in Rüpke 2014, 255).
[34] Cicero, *acad.* 1.9. Wynne 2019, 73. On Cicero's relationship to Varro, see Wiseman 2009, 107-129.
[35] Augustine *civ. Dei.*, 6.5-8
[36] J.A. North puts it like this: "A great deal of Roman political/religious history has been written on the assumption that the agents can be treated as hardened sceptics, for want of explicit statements of their religious emotions; it is from this silence that historians have inferred insincerity, but it is exactly that

In saying that Cicero worried about the instrumentalization of religion, I do not mean that Roman religion was chiefly, fundamentally, or uniquely given to instrumentalization. Rather, I mean that Cicero objected to the instrumentalization of Roman religion because he believed it to be a corruption of what religion ought to be and a mark of declining Roman morality. Two kinds of instrumentalization feature significantly in Cicero's writings about religion: religion-for-profit and the religion as a political weapon. Examples of each kind abounded in the late republic.[37] Rather than proliferate examples, I will briefly show that Cicero had these in view when discussing religion. Cicero discussed one case of religion-for-profit in *On Divination*. In book 1, one character, Quintus, names "those who prophesy for profit" as one sort of religious practitioner that he does not recognize.[38]

Given the close connection between Roman religion and politics discussed above, the threat of religion as a political weapon might come as no surprise. Cicero himself suffered the political weaponization of religion. In 58 BCE, he was driven into exile by Publius Clodius Pulcher, a tribune who enjoyed the backing of the First Triumvirate. While Cicero was in exile, Clodius seized Cicero's home and tore it down. Clodius's nominal purpose in doing so was to build a temple to the goddess Libertas. Upon returning to Rome in 57, Cicero gave a speech to the pontifical court, *On His House,* arguing that Clodius had acted unjustly in seizing Cicero's property, and impiously, in doing so under the guise of religion.[39] Cicero further emphasized

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inference which we have no right to make." (1986: 252). Beard 1986 makes a similar evaluation of the field. See, e.g., Momigliano 1984.

[37] e.g., Goar 1972, 29-33; Klingshirn 2006; Muccigrosso 2006.

[38] Cicero, *div.* 1.58.132: ""Nunc illa testabor, non me sortilegos neque eos, qui quaestus causa hariolentur, ne psychomantia quidem, quibus Appius, amicus tuus, uti solebat, agnoscere." ("I will now testify that I recognize neither *sortilegos*, nor those who prophesy for money, nor necromancers, whom your friend Appius is in the habit of seeing.") *Sortilegos* is sometimes translated as fortune-teller or soothsayer. I have left is untranslated, convinced by Klingshirn 2006 that the *sortilegus* is a technical name for a kind of prophecy that Cicero meant to keep distinct from the broader category of diviners.

[39] Cicero, *dom. sua.* See also Goar 1972, 45-56

Clodius's impiety by arguing that Clodius had not even performed the relevant ritual correctly: he appealed, in other words, to the exacting ritual standards mentioned earlier to invalidate Clodius's ritual performance.[40]

2. Cicero on the Virtue of Religion

Cicero's account of religion as a virtue helped him to analyze and respond to these unwelcome changes. He hoped to use the tools of philosophy to systematize and analyze Roman religious practice, and thereby prepare it for reform. To do so, he had to rely heavily on Greek philosophy.[41] His philosophical writings of religion were part of his broader project of making "Greek-style philosophy" acceptable at Rome.[42]

Cicero first introduced the idea of religion as a virtue in *On Invention*.[43] There he identified religion as part of the virtue of justice, a cousin of the virtue of piety. Each of these terms merits some explication. Cicero defined virtue in a roughly Stoic way: a virtue is "a habit of the soul consistent with reason and in the manner of nature."[44] He divided virtue into four main parts: wisdom, justice, courage, temperance.[45] Justice is the habit by which a person gives others their due and promotes the common good.[46] Religion is the part of worship concerned with the gods: by it, a person gives the gods the service and worship they are due.[47] He

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[40] Muccigrosso 2006, 181-2.
[41] Rüpke 2012, 186-204; Rüpke 2014, 247-249; Wynne 2019, 1-2
[42] Rüpke 2012, 186
[43] It is not known precisely when Cicero wrote *De Inventione*. Fortenaugh (1998: 18-19, fn.1) helpfully summarizes some hypotheses: some scholars place it as early as 91-89 BCE (when Cicero was 15-17 years old). Others go as late as 80 BCE (when Cicero would have been 26). Several date it between these two extremes.
[44] Cicero, *inv.* 2.53.159: "Nam virtus est animi habitus naturae modo atque rationi consentaneus."
[45] Ibid: "Habet igitur partes quattuor: prudentiam, iustitiam, fortitudinem, temperantiam." ("Therefore it has four parts: wisdom, justice, courage, and temperance.")
[46] Ibid, 2.53.160: "Iustitia est habitus animi communi utilitate conservata suam cuique tribuens dignitatem. " ("Justice is the habit of soul that preserves common advantage and allots to each his due.")
[47] Ibid, 2.53.161: "Religio est, quae superioris cuiusdam naturae, quam divinam vocant, curam caerimoniamque affert." ("Religion is that which brings men to serve and worship a higher order of nature which they call divine") (trans. H.M. Hubbell)

juxtaposed it with piety, by which a person serves and loves her family and country.[48] This is because both religion and piety concern what we owe to those upon whom we depend.[49] All virtues neighbor vices: courage rashness, perseverance stubbornness, religion superstition.[50] The early Cicero, then, took religion to be the virtue by which a person gives the gods the worship and service they are due. Thus, it is a part of justice. Furthermore, it is related to – though distinct from – superstition.[51]

Perhaps because of Cicero's later derision towards *On Invention*,[52] contemporary scholarship on Cicero's religion has generally not taken his writings on religion as a virtue in that text to be a useful guide to his mature thought on religion.[53] However, Cicero's worries about *On Invention* seemed to be with his rhetorical theory, not his thinking about religion. I will argue that an idea of religion as a virtue that was similar in crucial respects to that we see in *On Invention* persisted in his mature thought.[54] I primarily attend to *On the Nature of the Gods*, a dialogue Cicero wrote in 45 BCE between Velleius the Epicurean, Balbus the Stoic, and Cotta

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[48] Ibid: "Pietas, per quam sanguine coniunctis patriaeque benivolum officium et diligens tribuitur cultus" ("Piety, through which friendly duty and loving service is allotted to those joined by blood and country.")
[49] Stout 2019
[50] Ibid, 2.54.165: "Sic uni cuique virtuti finitimum vitium reperietur, aut certo iam nomine appellatum, ut audacia, quae fidentiae, pertinacia, quae perseverantiae finitima est, superstitio, quae religioni propinqua est, aut sine ullo certo nomine." (Thus, each virtue will be found to neighboring a vice, either one which is called by a fixed name – thus, rashness neighbors boldness, obstinacy perseverance, superstition religion – or without a fixed name.")
[51] Compare to *verr*. 2.4.113, mentioned earlier, where Cicero seemed to identify religion with superstition. Cicero was not alone in his preoccupation with superstition as a vice related to the virtue of religion See also Dale Martin on Pliny the Elder and the connections between *superstitio* and the Greek *deisidaimonia* (2007: 126-130); Peter van Van Nuffelen on Varro (2010: 180-6); Carlin Barton and Daniel Boyarin on Lucretius, Seneca, and Ovid (2015: 39-42). On Cicero, Lucretius, and Lactantius on religion and superstition, see Gothoni 1994.
[52] In *orat* 1.6, Cicero called *De Inventione* "inchoata ac rudia" ("unfinished and rough") and attributed it to his "boyhood or youth" ("pueris aut adolescentulis").
[53] Wynne 2019 mentions *On Invention* and considers the possibility that Cicero considered religion a virtue but instead focuses elsewhere.
[54] Gothoni 1994 does argue that religion is a virtue in *De Inventione* but does not extend the virtue conception of religion into Cicero's later writings. In part because of this, Gothoni only sets Cicero's religion in opposition to superstition, but not impiety, as I argue Cicero did in his later writings.

the Academic Skeptic and *On Divination,* a dialogue he wrote the following year, between himself and his brother Quintus. However, as we will see, his speech *On His House* as well as his writings on deification are also important touchstones.

A strong indication that Cicero meant to treat religion as a virtue in *On the Nature of the Gods* comes at the text's outset, where Cicero set the stage for the discussion. There, he called piety a virtue and listed religion alongside it as the virtues threatened by the view that the gods play no role in human affairs: "just like the other virtues, piety cannot exist simply in appearance or feigned pretense and with it removed, so too must moral purity and religion be taken away."[55] In fact, throughout the prologue, Cicero associated religion with virtues of piety and justice.[56]

It's worth emphasizing that a significant change occurred in the meaning of piety between *On Invention* and *On the Nature of the Gods.* In *On Invention,* piety concerned relationships of kith and kin. By *On the Nature of the Gods,* it concerns the divine-human relationship. Nevertheless, we can also see a sort of unity across both uses of the term. Both concern what is due to those upon whom we depend – family and polity in the earlier case, the gods in the later. This is why Cicero maintained that if we don't depend on the gods, there are quite literally no grounds for piety.[57]

In contrast with the changes to his conception of piety, Cicero's conception of religion was much more stable between *On Invention* and *On the Nature of the Gods.* In both texts,

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[55] *nat. deor.* 1.2.3: "In specie autem fictae simulationis sicut reliquae virtutes item pietas inesse non potest, cum qua simul sanctitatem et religionem tolli necesse est"
[56] Ibid: "Quorum si vera sententia est, quae potest esse pietas, quae sanctitas, quae religio?" (If this way of thinking [that the gods play no role in human affairs] is true, how can piety, moral purity, or religion exist?"). Ibid: "atque haud scio an pietate adversus deos sublata fides etiam et societas generis humani et una excellentissima virtus iustitia tollatur." ("And the loss of piety towards the gods likely spells the loss of faith and sociability between people, and of justice, the most excellent of all the virtues.")
[57] *nat. deor.* 1.2.3; Wynne 2019, 57-67

religion is a virtue governing divine-human relations.[58] Since its concern is what the gods are due, religion is tied to justice.[59] Moreover, in both, religion is neighbored by the vice of superstition. Throughout *On the Nature of the Gods,* each speaker sets out to show that his view maintains religion without falling into superstition.[60]

The most significant difference between the two accounts for our purposes is that in *On the Nature of the Gods,* Cicero contrasted religion against two vices, not just one. In *On Invention,* impiety does not figure significantly in the discussion of religion. This is unsurprising, since in *On Invention* Cicero said that piety concerns relations with one's kith and kin, not the gods. In this context it would have made little sense for impiety to be a vice opposing religion, which did concern the gods. By contrast, in *On the Nature of the Gods,* where piety now concerns the gods, impiety made sense as a vice opposing religion. And so, we see that in *On the Nature of the Gods,* Cicero set out to distinguish religion from both superstition and impiety.[61]

As J.P.F. Wynne shows, impiety and superstition are the Scylla and Charybdis of *On the Nature of the Gods*. In this text, both Balbus the Stoic and Velleius the Epicureans set out to show that their views avoid impiety as well as superstition (and accuse the other of failing to navigate the waters successfully). The Stoics saw the gods as actively involved in and concerned

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[58] *nat. deor.* 1.42.117: "Horum enim sententiae omnium non modo superstitionem tollunt in qua inest timor inanis deorum, sed etiam religionem quae deorum cultu pio continetur." ("All of these opinions [those of the Epicureans] remove not only superstition, in which is empty fear of the gods, but also religion, which consists in the pious worship of the gods.") This line is spoken in the mouth of Gaius Cotta, not Cicero (even if it were spoken in the mouth of the character Cicero, it would not be proof positive of the commitments of the historical figure Cicero). However, the question of what the gods are owed and how they are to be worshiped is clearly the central topic of *De Natura Deorum,* and constantly tied to the question of what religion consists in. See Wynne 2019. This strongly suggests that the historical figure Cicero took religion to be that which governs divine-human relations in *de natura deorum*.

[59] *nat. deor.* 1.2.3

[60] See, e.g., *nat. deor.* 1.20.52-56 (Velleius on how Epicureanism avoids superstition); 2.28.70-72 (Balbus's distinction between religion and superstition); 3.15.39-16.40 (Cotta's digression on the superstitions of uneducated religious people in the midst of his reply to Balbus).

[61] Much of the following discussion of religion, impiety, and superstition that follows is indebted to J.P.F. Wynne's *Cicero on the Philosophy of Religion*.

about human affairs.[62] The Epicureans believed that the gods are neither so concerned nor involved because they engage in no activity. Rather the gods are perfectly happy, and in their happiness, enjoy perfect rest.[63] Thus, the Epicureans took impiety and superstition to go hand in glove:

> For the Epicureans, superstition and impiety come together. They say that a view of the gods like the Stoic one will lead to superstitious practice, since a Stoic believes that the gods notice and care about what she does, and impious practice, since for the gods to care about and provide for us is inconsistent with their divine happiness.[64]

The Stoics, by contrast, took impiety to result from believing that the gods are less concerned than they are, and superstition to come from believing that the gods are more concerned than they are.[65] Thus, from the Stoic perspective, Epicureanism is necessarily impious.

Without assenting to the content of Stoic theology,[66] Cicero adopted the Stoic framework of the virtue of religion, treating it as a mean between the deficiency of impiety and the excess of superstition. This is clear from his opening to *On Divination*. Early in *On Divination*, Cicero outlined the views of various philosophical schools on divination, including the Epicureans (for which he reserved his harshest dismissal[67]) and the Stoics (whom he discussed at greatest length).[68] After this, Cicero argued that analyzing divination correctly is important; failing to do

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[62] *nat. deor*. 2.1.1-7.20
[63] Ibid, 1.19.50-20.53
[64] Wynne 2019, 68-9.
[65] Ibid, 68.
[66] Cicero famously ended *de natura deorum* on a cryptic line: "Haec cum essent dicta, ita discessimus ut Velleio Cottae disputatio verior, mihi Balbi ad veritatis similitudinem videretur esse propensior." ("When our conversation ended, we left, with Velleius judging Cotta's argument truer, whereas Balbus's seemed to me to approximate the truth more closely."). On the meaning of this sentence, and the interpretation of the dialogue in light of it, see DeFilippo 2000 and Wynne 2019. Regardless of what Cicero meant by the last sentence, it is clear that he was withholding complete assent from Stoic theology.
[67] *div.* 1.3.5: "…Epicurum balbutientem de natura deorum…" ("…Epicurus babbled about the nature of the gods…")
[68] Ibid, 1.3.6

so would make it impossible to navigate between the neglectful impiety and superstition.[69] Religion is a virtuous mean between impiety and superstition.

Notice Cicero's association of impiety with neglect (*neglectis*). This association is striking, given the etymology of religion that Balbus offers in *On the Nature of the Gods*:[70]

> But the best and also the purest, holiest, and most pious way of worshipping the gods is ever to venerate them with purity, sincerity, and innocence both of thought and of speech. Those on the other hand who carefully reviewed and so to speak retraced all the lore of ritual were called 'religious' from *relegere* (to retrace or re-read), like 'elegant' from *eligere* (to select), 'diligent' from *diligere* (to care for), 'intelligent' from *intellegere* (to understand); for all these words contain the same sense of 'picking out' (*legere*) that is present in 'religious.'[71]

Balbus derives religion from *relegere* – to retrace or re-read. Religion is the virtue by which a person "carefully [reviews]" and re-traces the ancient practices, traditions, and institutions, This is why religion is closely connected to care (*diligere*). Its literal opposite is *neglegere* (to disregard, ignore, despise).[72]

As we have seen, Roman religious practice had suffered high levels of neglect in the late republic. Cicero believed that the virtue of religion could guard against the neglect that had become widespread in Roman religion. Instead of neglecting the traditional practices and institutions, Romans should retrace, re-read, and reconsider them.

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[69] Ibid, 1.3.7: "est enim periculum, ne aut neglectis iis impia fraude aut susceptis anili superstitione obligemur." ("There is a danger, either of impious fraud if we neglect them [auspices, divinity, religious practices] or old-womanish superstition if we take them up.").

[70] This and the following chapter focus a great deal on the various etymologies and explicit definitions of religion. However, neither etymologies nor definitions are an infallible guide to the meaning of a term. Instead, to understand the meaning of a term in a text or system of thought, we must pay attention to its use. Why then, do I spend so much time on the various etymologies and definitions? In these cases, the etymologies and definitions are instructive (not infallible) guides to meaning. I test them as guides by examining whether they aid in our understanding of the actual uses of the term religion in the texts under discussion and submit that the evidence suggests that they do so aid. I hope that my arguments prove convincing that the etymologies and definitions are indeed instructive in this way. I'm grateful to Jeff Stout for helping me to clarify this.

[71] *nat. deor.* 2.28.72 (trans. H. Rackham)

[72] Gothoni 1994, 39-40.

Cicero was also worried about the credulous and uncritical acceptance of practices that go by the name 'religion.' The virtue of religion helps a person carefully select and critically analyze purportedly religious practices, picking out what is worthwhile from what is not. This is why he also tied religion to 'select' (*eligere*) and 'understand' (*intellegere*).

Religious credulity easily gives way to superstition. This is a central theme in *On Divination*. The superstitious person is unable to understand the difference between credible and incredible claims and select which claims to commit to.[73] He ends up believing absurdities.[74] Recall from the previous section Cicero's concerns about the rise in religion-for-profit. In *On Divination* he tied this to superstition explicitly: the superstitious person is easily tricked into believing fraudulent so-called divinations to be genuine.[75] As a result, he is susceptible to those hoping to prey on his religious feeling to generate a profit.

Cicero also believed that superstition encouraged servility. A superstitious person worships the gods not out of a reasonable recognition of his dependence, but from a fear that the gods might be capricious. A superstitious person approaches the gods as a slave might a master – cajoling, flattering, abasing himself – in order to secure the gods' favor.[76] Like most Romans, Cicero would not have thought religion to consist in being a slave of the gods.[77]

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[73] *div.* 2.39.81-82: "Quid mirum igitur, si in auspiciis et in omni divinatione imbecilli animi superstitiosa ista concipiant, verum dispicere non possint?" ("What wonder is it, therefore, if in auspices and in all divinations, feeble minds take up these superstitions, and are unable to discern truth?")
[74] Ibid, 2.57.118: "But, for some inexplicable cause, those superstitious and half-cracked philosophers of yours would rather appear absurd than anything else in the world. You Stoics, instead of rejecting these incredible tales, prefer to believe that a power had gradually faded into nothingness, whereas if it ever had existed it certainly would be eternal." (trans. H. Rackham)
[75] Ibid, 2.39.83: "non necesse est fateri partim horum errore susceptum esse, partim superstitione, multa fallendo?" ("It is not necessary, is it, for me to disclose that this [fraudulent divination] is made up of some error, some superstition, and a lot of deception?")
[76] I've borrowed this image and language from Philip Pettit's 'eyeball test' for liberty and equality. See Pettit 1997, 5; 2002, 348; 2012, 82;
[77] North 2016

His fear of superstition also played a role in Cicero's broader republican politics. For a republic to flourish, its citizens must exercise *libertas*. Some people cannot exercise *libertas*. Instead, they evince its semblance, *licentia*. Too much *licentia*, and a republic descends into anarchy. Too little *libertas*, tyranny. The republic needs citizens capable of ruling themselves wisely for it to flourish. Because it encourages servility, superstition undermines this capacity. Imagine a society full of superstitious citizens. Such citizens habitually abase themselves in the context of their religion. A republic constituted by such citizens would be unable to avoid anarchy on the one hand and tyranny on the other.

Cicero was not alone in his preoccupation with superstition as a vice related to the virtue of religion. Other Roman writers also worried that believing that the gods are capricious would lead to an excess of religious feeling and eventually abjection.[78] The virtue of religion would help protect against superstition – excess of religious feeling.[79] But it would also help avoid overcorrection, which would result in a deficiency of religious feeling – impiety. Thus, Cicero wrote in *On Divination* that in matters of religious worship "there is a danger of either impious fraud, by the neglect of the gods, or old-womanish (*anili*) superstition, by accepting them."[80]

The association of superstition with old women was common in Roman writing on religion. As we will see below, it recurs in Cicero's writings and appears in Lactantius's as well. The English idiom, "old wives' tale," is its descendant.[81] Roman society commonly identified

[78] Scheid 2003, 23
[79] Notice, therefore, that Cicero does not speak of superstition as having the wrong object – the worship of the wrong god or gods. Rather, it is the worship of the gods with excessive feeling, servile fear.
[80] *div.*, 1.4.7: "Est enim periculum, ne aut neglectis iis impia fraude aut susceptis anili superstitione obligemur." See also Wynne 2019, 68-72.
[81] In Middle English, the primary meaning of the word *wif* (the term from which we derive 'wife') was woman, not female spouse.

virtue with virility and masculinity[82] and superstition with weakness and servility.[83] Thus, it is unsurprising that a society like Rome would use an epithet like 'old women' as a token for superstition. That it is unsurprising makes Roman society more reprehensible, not less. I retain the phrase in translation to be accurate to the texts under discussion, albeit with caution.

I have argued that Cicero considered impiety and superstition to be the vices related to religion. Impiety, superstition, and religion travel together in some of his other writings. For instance, their interplay is on display in *On His House*:

> Look, pontiffs, at this religious man and, if it seems right to you and it is fitting for good pontiffs, remind him that religion has its limits: that it is not right to be too superstitious. Why was it necessary for you, with old-womanish superstition, you fanatical man, to go to see the sacrifice being performed at another's house? … Can you pontiffs not be moved by the authority of one so pure, so religious, so holy, so pious, that he says that he destroyed the house of a noble citizen with his own hands, and consecrated it with those same hands?[84]

Clodius had justified his seizure of the Cicero's property in the name of religion, so Cicero turned the term religion back onto Clodius. Clodius's claim to religion was ill-founded. Religion does not give way to the excess of superstition: "religion has its limits." If sincere, Clodius had at best acted superstitiously, not religiously.

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[82] McDonnell 2007

[83] Consider Seneca's vivid example. Seneca, *clem.* 2.5.1: "Consequently, just as religion does honor to the gods, while superstition wrongs them, so good men will all display mercy and gentleness, but pity they will avoid; for it is the failing of a weak nature that succumbs to the sight of others' ills. And so, it is most often seen in the poorest types of persons; there are old women and wretched females who are moved by the tears of the worst criminals, who, if they could, would break open their prison. Pity regards the plight, not the cause of it; mercy is combined with reason." (trans. J.W. Basore).

[84] *dom. sua* 50.105: "Aspicite, pontifices, hominem religiosum et, si vobis videtur, quod est bonorum pontificum, monete eum modum quemdam esse religionis: nimium esse superstitiosum non oportere. Quid tibi necesse fuit anili superstitione, homo fanatice, sacrificium, quod alienae domi fieret, invisere? … Hoc auctore tam casto, tam religioso, tam sancto, tam pio potestis, pontifices, non commoveri, cum suis dicat se manibus domum civis optimi evertisse et eam iisdem manibus consecrasse?"

Of course, Cicero did not believe Clodius to have acted sincerely. He accused Clodius of impurity, irreligion, unholiness, and impiety. Clodius instrumentalized religion; this proved him to have not the virtue of religion, but a semblance.

But Cicero also accused the pontiffs of failing to fulfill their office. As religious leaders, they had a duty to care for Roman religious life. Allowing Clodius to commit such grave injustices in the name of religion was egregiously neglectful. Cicero exhorted them to do their duty as "good pontiffs:" to stop neglecting and resume caring for the religious life of Rome.

On the Nature of the Gods and *On Divination,* therefore, provide a picture of religion as a virtue. It is the virtue by which people give the gods due worship, helping them to take up and critically analyze the religious practices they have received. Its neighboring vices are impiety and superstition.[85] By opposing impiety, the virtue of religion could guard Romans against religious neglect. By opposing superstition, it could help them avoid credulity. Since instrumentalization often plays on both neglect and credulity, as we saw in the case of *On His House*, the virtue of religion could help guard against the instrumentalization of religion as well. Though the account of religion as a virtue on display in these later writings is by no means identical with its description in *On Invention*, the continuities between the two accounts prove instructive.

[85] Other Romans also contrasted religion with other vices or social pathologies. Religion was a social good; it grounded various social institutions that made Roman life possible. Romans were thus especially concerned with anti-social expressions of apparent religion. A religion practiced in secret, where it might provide a space for plotting against the republic or empire was deemed a conspiracy (See North 1979 and Baudy 2006, 105-109 on the suppression of Bacchanalia.) Divinations, incantations, and rituals that were invoked to bring harm on one's neighbor were outlawed as magic (Beard, North and Price 1998, 154-156; Rives 2006; Baudy 2006, 104-105. For a different view, see Rüpke 2016, ch.4 on Propertius's understanding of magic as not necessarily anti-social. On the relationship between magic and superstition, see Martin 2007, 129-134.).

Finally, notice what religion was not, for Cicero. As far as I can tell, Cicero never mentioned the terms "true religion" or "false religions."[86] This is not because he was unconcerned with the truth or falsity of claims about the gods.[87] Indeed, we have seen that he was: for example, he believed that superstition followed from credulously accepting false claims about the gods as true.[88]Nor is it because Cicero was unconcerned about differentiating between religion as a virtue from its semblances. Among other things, his sharp criticisms of Clodius show that Cicero was so concerned. Rather, Cicero did not know about the idea that a religion is true when it worships the right deity and false if it worships a wrong one. We must, therefore, resist the impulse to impute it to him. Cicero distinguished religion as a virtue from its neighboring vices and semblances, but not along the line of true religion as worship of the true God versus false religion as worship of false gods.

3. Lactantius's Theory of Religion

Lactantius's *Divine Institutes* followed in the footsteps of numerous earlier Greek and Latin Christians as an intellectual defense of – an apology for – Christianity. Lactantius aimed to provide an apologetic that could answer the anti-Christian charges of Neoplatonists like Porphyry, who had argued in favor of the persecution of Christians.[89] Though his apology

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[86] W.A. Falconer's 1923 translation of *De Divinatione* 2.72.148-9 attributes "true religion" to Cicero. However, nowhere in that passage does Cicero mention "*vera religio*" or any of its cognates. All Cicero discusses is "*religio*." Falconer's translation influences some modern readings of Cicero on religion (e.g., East 2014; Bragova 2017).

[87] Questions about Cicero's religious beliefs have sometimes predominated in studies of Cicero and religion, often focused on the question of what Cicero's religious beliefs really were, and whether he held his beliefs sincerely. See, e.g., Hooper 1917; Heibges 1969a. Hooper 1917 provides an especially helpful summary of the variety of scholarly positions on the question, at least at the time of his writing. As is hopefully clear, my argument does not hinge on our ability to pin down what Cicero's true beliefs about the gods were. The charge of religious hypocrisy for the most part reflects a Lactantian-Augustinian approach to religion, one that Cicero would not have recognized.

[88] For more on Cicero's attitudes towards the theological claims of the Epicureans and the Stoics, see Wynne 2019, esp. 50-82

[89] DePalma Digeser 1998, 137-141. I will engage Porphyry's arguments against Christianity, and Lactantius's reply, in more detail in Chapter Four.

engaged with some of the earlier Latin apologists, it relied most heavily on his favorite classical author, Cicero.[90] Lactantius referred to *On the Nature of the Gods* throughout the *Divine Institutes*, especially the first two books, devoted to the nature and origin of false religion.

The *Divine Institutes* provides an account of religion that is in several respects similar to Cicero's. Religion is a virtue, a part of justice.[91] Lactantius believed that justice – the virtue concerning giving each their due – could be carved up into two parts: "The first duty of justice is to be bound to God; the second, to be bound to other humans. The first is called 'religion,' the second, 'compassion' or 'humanity' (*misericordia vel humanitas*)."[92] Though Lactantius never mentioned the Christian love commandments, one hears their echoes in Lactantius's division and order.[93]

Below, I will show that Lactantius also took religion to be the virtuous mean between impiety and superstition. However, to understand his accounts of impiety and superstition we must first consider two differences between Lactantius and Cicero regarding religion. Two are especially important. First, for Cicero religion concerns what is owed to the various gods, for Lactantius, it concerns what is owed to the one God. Second, Lactantius believed that religion seeks to bind (*conjungere*) humans to God. This is reflected in his etymology of religion. Explicitly referring to and rejecting Cicero's etymology, Lactantius derived *religio* from *religare*

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[90] Bowen and Garnsey 2004, 12-13; Schott 2008, 80.
[91] *div. inst.* 6.9
[92] *div. inst* 6.10.2: "Sed tamen primum officium justitiae est, conjungi cum Deo; secundum, cum homine. Sed illud primum, religio dicitur; hoc secundum, misericordia vel humanitas nominatur."
[93] Matthew 22: 34-40: "When the Pharisees heard that [Jesus] had silenced the Sadducees, they gathered together, and one of them, a lawyer, asked him a question to test him. 'Teacher, which commandment in the law is the greatest?' He said to him, 'You shall love the Lord your God with all your heart, and with all your soul, and with all your mind.' This is the greatest and first commandment. And a second is like it: 'You shall love your neighbor as yourself.' On these two commandments hang all the law and the prophets.'"

– to bind again.[94] Lactantius instead held that "the word 'religion' derives from this chain of piety that ties and binds us to God, and not as Cicero derived it, from *relegendo*."[95]

Though these two differences might at first appear unrelated, each reflects what I will call Lactantius's theory of religion. Lactantius never called what he was developing a theory of religion. However, as I hope will soon be clear, his account merits the name. It was an analytical framework designed to identify all instances of deity-worship as religion and categorize all religions (so-identified) as true if they worshiped the true God or false if not.[96]

Lactantius narrated an origin story of religion as a cross-cultural category. This story was rooted in Christian doctrine.[97] In the beginning, one God created the world. This God continues to govern everything.[98] As such, humans owe God a debt of gratitude; God makes humanity's very existence possible. Humans, however, became ignorant of God's supremacy and unity through their own wickedness and self-deception, as well as the work of demons.[99] For this reason, God sent messengers to remind humans of God's supremacy and unity, and to bring them back into union with God.[100] By messengers, Lactantius meant the prophets of the Hebrew Bible.

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[94] Gothoni 1994 shows that Cicero knew of the re-binding etymology and provides an explanation for why Cicero refused it. Similarly, Gothoni shows that Lactantius's etymology was actually rooted in a misreading of Lucretius. Though both of these observations would be interesting to engage, each would take us far beyond the scope of this chapter.

[95] *div inst.,* 4.28.3: "Hoc vinculo pietatis obstricti Deo et religati sumus; unde ipsa religio nomen acceptit, non ut Cicero interpretatus est, a relegendo." Lactantius went on to discuss the etymology of *religio* from *relegere* and its cognates *de nat deor.* 2.28.71-72, discussed earlier in this chapter.

[96] Notice, therefore, the similarity of Lactantius's account to the conception of religion that books like Nongbri 2013 argue did not emerge until modernity.

[97] Schott 2008, 96-7.

[98] *div. inst.,* 1.3. Lactantius argued that even those who believed in and worshiped multiple gods had good reasons to direct their worship to one deity alone. We will engage at further length with those arguments in Chapter Four.

[99]Ibid, 2.16, *inter alia.*

[100] Ibid, 1.4.4: "That is why they were sent by God, to be heralds of his supremacy and to correct human wickedness." (trans. Bowen and Garnsey)

Some people acknowledge the message of these prophets and are thereby reunited with God. Thus, true religion consists in being bound to God by "the chain of piety" mentioned above.[101]

However, because humans are wicked, they find ways of practicing what they call religion in ways that will not bind them to God. They are encouraged in these practices by demons.[102] Each civilization, Lactantius believed, invents its own false religion. Thus, as Jeremy Schott shows, "for Lactantius, to be a distinct people is to develop a new religion, and vice versa."[103] The various invented religions corrupt the true religion by mixing in their fictions. Rome, for example, denied the unity of God by proliferating gods and deifying humans.[104]

Lactantius called these invented religions false, in contrast with the original religion, which he called true.[105] True religion is true for three related reasons. First, true religion is the genuine article, the virtue, not a semblance or vice like impiety or superstition.[106] Second, the true religion identifies the true God as the deity worthy of worship and gives God due worship. The other religions direct worship to deities aside from God, thus robbing God of worship.[107] Third, the true religion truly – that is to say, successfully – binds humans to God.[108] The other religions cannot bind humans to God; this is achievable only by practicing Christianity. It's easy

[101] Ibid, 4.28.3
[102] Ibid, 2.16
[103] Schott 2008, 97. Though Lactantius did not refer explicitly to Cicero's *pro Flacco* anywhere in the *Institutiones Divinae*, his commitment echoes a line from *pro Flacco* 69: "Sua cuique civitati religio, Laeli, est, nostra nobis." ("Each city has its religion, Laelius, and we have ours.")
[104] *div inst.,* 1.13-14
[105] Ibid, 1.6.17; 2.3.12-15, 22; 3.30.4; 5.4.8
[106] Ibid, 4.3
[107] Ibid., 4.3
[108] Schott 2008, 105.

to see why, following Lactantius, Augustine defined true religion as "worship of one God"[109] and "true worship of the true God."[110]

This origin story contains a crucial rhetorical move. As we encountered in the first part of this chapter, Roman religion was in a crisis during the late republic. Several Roman elites had attempted to offer systematizations that would put Roman religion back on the right track.[111] Earlier in the chapter, I discussed Cicero's philosophical approach at some length. But a second strategy was what is sometimes called the antiquarian approach. It was more common than the philosophical approach,[112] and today it is typically associated with Varro.[113]

The antiquarian approach aimed to systematize religious practice by showing that the practices had been passed down for many generations and were of great civic benefit[114] and contained ancient wisdom about the workings of the world.[115] Lactantius used his origin story to supplant antiquarian narratives of Roman religion. Christianity, the true religion, was the ancient religion, and thus merited whatever allegiance the Romans thought was due to antiquarian religion. By contrast, all false religions were invented, novel. They therefore did not merit this allegiance.[116]

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[109] *ver. rel.*, 1.1: "Cum omnis vitae bonae ac beatae via in vera religione sit constituta, qua unus Deus colitur, et purgatissima pietate cognoscitur principium naturarum omnium, a quo universitas et inchoatur et perficitur et continetur" ("The good and happy life is wholly constituted by true religion, where one God is worshipped, and recognized with the purest piety as the beginning of everything, by whom the universe was begun, completed, and is sustained.")

[110] *ver. rel.*, 2.2: "Non enim sic isti nati erant, ut populorum suorum opinionem ad verum cultum veri Dei, a simulacrorum superstitione atque ab huius mundi vanitate converterent." ("These men were not destined to convert their people to the true worship of the true God and away from idolatrous superstition and worldly vanity.") See also *civ. Dei.*, 10.10 ("vero veri Dei cultu").

[111] Momigliano 1984; Rawson 1985

[112] Rüpke 2012, 180

[113] Goar 1972, 95-6; van Nuffelen 2010; Rüpke 2012, 172-185; Wynne 2019, 1

[114] Ibid, 172-185

[115] van Nuffelen 2010

[116] In Chapter Four, we will see Lactantius adopt a similar strategy of positioning himself as the antiquarian in his discussion of law. For more on Lactantius's use of this strategy, see DePalma Digeser 2003, 57-60

Religion thus functioned as a cross-cultural analytic category. Adopting this theory of religion, Lactantius took himself to be entitled to identify any society that engaged in a practice of deity-worship as practicing religion and categorize their religion as true if they worshiped the Christian God and false if not. As Lactantius's theory also involved the idea that societies are individuated by their religions, he was likely to find a religion wherever he looked for it.

I do not mean that Lactantius created this account of true religion *ex nihilo*. He was not the first Christian to invoke the idea of true religion. For example, Tertullian mentioned true religion in *Apology* and *On the Spectacles*.[117] Lactantius was aware of Tertullian's *Apology*; he referred to it in his *Divine Institutes.*[118] However, Tertullian's discussions of true religion are brief, not nearly as developed as Lactantius's. Lactantius seems to have been among the earliest Christians to develop and exposit such an account of religion at significant length.

Lactantius used this theory of religion to defend Christianity against anti-Christian philosophical polemics of the day.[119] Neoplatonist philosophers accused Christians of being impious because they worshipped a human, Jesus, instead of the gods.[120] They also accused Christians of superstition. Because Christians misunderstood what little ancient wisdom they had inherited, they formed all sorts of absurd beliefs, including a belief in the existence of Satan and bodily resurrection.[121]

Identifying true religion with the revelation of the Hebrew Bible and New Testament gave Lactantius theological grounds to reply to these attacks. He defended the worship of Jesus

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[117] Tertullian, *ap.* 24 and 35; *De Spectaculis* 1 (cited in Barton and Boyarin 2015, 88). It is possible (though by no means clear) that Lactantius had read *de spectaculis*, see Bryce 1990, 201.
[118] Lactantius, *div. inst.*, 5.4.3.
[119] Lactantius's defense of Christianity occurred on two fronts: the theological and the legal. We will encounter his legal arguments against persecution in Chapter Four.
[120] Watson 1992; DePalma Digeser 1998.
[121] Martin 2007, 140-159; van Nuffelen 2011, 217-230

by appealing to the Christian doctrine of the incarnation. Though Jesus is a human, Christians are right to worship him since Jesus is also God.[122] Thus, the worship of Jesus was not impiety. Neither did he judge Christianity superstitious: instead, Lactantius sought to show that the Christian belief in the devil and demons is warranted philosophically and consistent with Greek and Roman philosophy and poetry.[123] Indeed, Lactantius gave the demons a role in the schema of true and false religions, claiming that they have tricked people into worshiping them instead of the one, true, God. False religion is the worship of demons in disguise.[124]

This theory of religion also equipped Lactantius to accuse all non-Christian religions of impiety and superstition. In book 2 of the *Divine Institutes*, he argued:

> If it is clear that cults of that sort are empty in all the ways I have pointed out, then it is clear that people who supplicate the dead or venerate the earth or shackle their souls to unclean spirits are not sustaining human reason, and people who in rebellion against God the father of the human race adopt unforgivable rituals and violate all that is right and proper will pay the penalty for their crime of impiety.[125]

This is a sweeping remark, intentionally so.[126] For if true religion gives God what God is due, then its neighboring deficiency, impiety, will fail to do so. If God is due all of one's worship as an expression of gratitude, then failure to give God all worship will count as impiety. Every false religion will fail to give God all worship and thus commit the "crime of impiety."[127]

Lactantius's diagnosis of superstition was similarly broad. If true religion gives God the worship God is due, then superstition treats false gods as though they were the true God. For this

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[122] *div. inst.*, 4.12-13
[123] Thus, through *div inst.* 2.15, Lactantius cites Hermes Trismegistus (2.15.6), Hesiod (2.15.7), and Plato and Socrates (2.15.9).
[124] *div. inst.*, 2.15.13
[125] *div. inst.*, 2.17.12 (trans. Bowen and Garnsey)
[126] *div. inst.*, 5.8.5 is similarly sweeping: "Use your surviving intelligence, then, and understand that people are bad and unjust because hey worship gods, and evil grows daily more heavy on human affairs because God, creator and controller of this world, has been neglected and religions of impiety have been adopted contrary to what is right, and lastly because you do not even allow worship of God, or only to a few." (trans. Bowen and Garnsey)
[127] See also, *inter alia*, *div. inst.*, 2.1.3-4; 4.10.13; 4.20.8; 6.9.16

reason, Lactantius regularly associated superstition with error. For example, he wrote that the Stoics' views "have led to false opinions, disturbed errors, and old-womanish superstitions."[128] But it is easy to see why all false religions would count as superstition within Lactantius's framework: all religions aside from the true religion worship as God beings that are not God. It is no wonder that "superstitious" was one of Lactantius's favorite taunts.[129]

Like Cicero, Lactantius believed that superstition was closely tied to credulity. His focal use of the term was to characterize practitioners of the traditional Roman religion who credulously accepted the teachings of those who had originally established a false religion. Similarly, Lactantius like Cicero associated impiety with a certain kind of philosophy.[130] Many philosophers were able to see through the falsity of the traditional religion, Lactantius thought. But because they did not understand the true religion, they rejected religious practice altogether.[131] And thus, they fell into the vice of impiety. Lactantius accused Cicero of this.[132] Lactantius, therefore, agreed with Cicero that the task of religion is to navigate between impiety and superstition. But he believed that false religions make this navigation impossible. One either ends up credulously believing false doctrines, which leads to superstition, or throwing the baby of religion out with the bathwater of false doctrine and committing the crime of impiety.[133]

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[128] *div. inst.,* 1.17.1: "quae res genuit falsas opiniones, erroresque turbulentos, et superstitiones pene aniles." See also, *div. inst.,* 1.1.12: "We shall not be discussing gutters or water-theft or common affray, but hope and life, salvation and immortality, and God, for the eternal settlement of superstition and error, which are foul and lethal." (trans. Bowen and Garnsey)
[129] See, for example, div. inst., 1.17.2-3; 1.22.1; 1.23.1; 2.9.11; 3.1.1; 4.28.9-11; 5.1.1; 5.13.3; and 6.2.11.
[130] Cicero, as we saw earlier, focused on the Epicureans as especially guilty of impiety. Lactantius, similarly, does not think that all philosophers are impious – just non-Christian philosophers.
[131]Ibid, 2.3.12-16.
[132] Ibid, 2.3.2: "Intelligebat Cicero falsa esse, quae homines adorarent." ("Cicero knew that that which the people worshipped is false.")
[133] *div. inst.,* 2.3.15-17 (quoted in the epigraph to this chapter)

We see, therefore, that Lactantius found the framework of religion as a virtue very useful. When married to his Christian story about the origin of religion, it gave him a way to identify deity-worship as a cross-cultural phenomenon and identify all such instances of that phenomenon as either true religion or false religion. As, under his framework, all false religions both fail to give God the worship God is due and give other deities worship they are not due, all false religions also amount to both impiety and superstition. This polemic was crucial for Lactantius; it provided him a defense of Christianity against its Neoplatonist attackers. It also enabled him to accuse Cicero and other Roman religionists of false religion, impiety, and hypocrisy. And as we will see in further detail in Chapter Four, Lactantius drew on this framework to turn the accusation of impiety back onto those who persecuted Christians.[134]

4. Religion for and against Deification

The differences between Cicero and Lactantius on religion are on clear display in their competing accounts of deification. Deification was a Roman practice with roots in the Greek activity of bestowing divine honors on humans.[135] It made a human into a god, thereby affording him or her the status of one who merits divine worship. Him or her? According to a fragment of Cicero's *Consolation* preserved by Lactantius, deification was possible for "both men and women."[136]

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[134] *mort. pers.* 1;3;50

[135] Cole 2013, 6. Though deification has its roots in Greek religious practices, Cole identifies it as a peculiarly Roman practice: "There is ample Greek evidence for mortals receiving divine honors, but this evidence shows little concern for the actual process of making a god. Posthumous deification with the status transition of apotheosis – as opposed to earthly divine honors – becomes a characteristically Roman phenomenon."

[136] Cited in *div. inst.*, 1.15.19, "et mares et feminas." According to Spencer Cole (2013:7), "Cicero's first overtly philosophical discussion of individual immortality and divinity to include women" was the Tusculan Disputations.

As you might imagine, Lactantius accused those who practiced and endorsed deification – including Cicero – of "empty superstition" (*uanae superstitionis*).[137] It is easy to see why: Lactantius believed that superstition involved worshiping any entity that is not God as though it were God. This is why he often tied superstition to error – a charge he also made against the practice of deification.[138] He approvingly cited the Sibylline Oracles, which described the practice of deification as a turn away from the one God: "'Why do you offer the dead gifts that are empty? Are you sacrificing to images? Who set your wits a-roaming after these mysteries, abandoning the face of almighty God?'"[139] Lactantius's description of deification as abandonment is plausible only if his origin story about the initial union of humans to God is true. Since Cicero did not affirm this origin story (or the monotheism it presumes), the charge of abandonment would have made little sense to him.

Lactantius's accusation of superstition similarly rests on two related ideas that he didn't make explicit in his discussion of deification. However, they recur throughout the *Divine Institutes*. The first is that worship is to be reserved for a special class of beings. The second is that there is an untraversable barrier between humans and this special class of beings. Cicero too thought that worship was to be reserved for a special class of beings: nothing he wrote about deification suggests that he thought it appropriate to worship just anyone. The difference between Cicero and Lactantius, however, is how they specified the class of worship-worthy beings. Cicero's specification left open the possibility that humans could enter that class; Lactantius's did not.

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[137] *div. inst.,* 1.15.18
[138] Ibid, 1.15.11
[139] *Sibylline Oracles* 3.545, 547–49. Cited in *div. inst.,* 1.15.15 (trans. Bowen and Garnsey)

As discussed above, Lactantius believed that one God created and sustains the entire world, and that worship is due to this one God alone:

> Since he is the sole constructor of the world and maker of the things which either constitute it or exist in it, he is alone to be worshipped, as follows: 'Worship him who is the only governor of the world, who alone was made from eternity and for eternity.'[140]

He further believed that worshiping other deities alongside God amounted to not worshiping God, "because if the same honor is given to him as to the others [the other gods], then he is in no way worshiped at all: religion is to believe that he is the one and only God."[141]

Thus, Lactantius thought that the virtue of religion requires that worship be directed to God alone because only God created and sustains whole universe. Like Cicero, he understood worship to be an appropriate response to those upon whom we depend. Lactantius knew that Romans sometimes spoke of religion in this vein. However, he accused them of trivializing religion by reducing it to a response to divine help (*iuvare*), as suggested by the etymology of Jupiter's name (in the dative case: *Iovi*; in the ablative case: *Iove*) and attested to in Cicero's *On the Nature of the Gods*.[142] Instead, Lactantius insisted,

> Nobody prays to god for help, but to be saved, and to have life and salvation: that is much more than mere help, and much more important. And since we are speaking of a father, no father is said to 'help' his sons when he creates them or brings them up. The word is too trivial to express the importance of a father's generosity. How much more inappropriate it is for God, who is the true father, through whom we exist and whose possession we all are; he makes us, inspirits us, illuminates us; he gives us life, health, and all manner of food. People who think they are only helped by God fail to understand his acts of virtue.[143]

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[140] *div. inst.,* 1.6.16 (trans. Bowen and Garnsey) Here as earlier, Lactantius cited the Sibylline Oracles to drive home his point. See also *div. inst.* 3.9.14; 3.28.1; 4.3.19ff.
[141] Ibid, 1.19.2: "quoniam si honos idem tribuitur aliis, ipse omnino non colitur, cuius religio est, illum esse unum ac solum Deum credere."
[142] Cicero, *nat. deor.,* 2.64, 66.
[143] Lactantius, *div. inst.,* 1.11.41-43 (trans. Bowen and Garnsey)

In Lactantius's view, humans rely on God for much more than help; rather, humans rely on God for their fundamental existence. So radical is this reliance that only a unique response – worship – could suffice.

If worship is reserved for the class of beings who created and sustain the world, and that class has a population of one – the true God alone – then it will also be impossible for a human (or anything at all) to enter the class.[144] To claim that a human could was, Lactantius thought, superstition. It required accepting the erroneous belief that a human had become the creator and sustainer of the world. Thus, Lactantius's account of religion and worship entailed the view that there is an untraversable barrier between humans and the class of worship-worthy beings.

Though Cicero also believed that worship is to be reserved for a special class of beings, he did not believe in an untraversable barrier between humans and this class. This is because of how he specified the class. Recall that Roman deification grew out of the Greek (and later Roman) practice of issuing humans divine honors.[145] Deification was meant to express piety towards those humans upon whom Rome had come to depend. It was ambiguous as to whether ancient narratives that enjoined the worship of humans were comparing humans to gods or identifying those humans as gods.[146] Cicero's discussions of deification exploited that ambiguity. For example, in his speech *On Pompey's Command*, he praised Pompey using divinizing titles such as savior of Rome and even claimed divinity for Pompey.[147] As Spencer Cole argues, the categorical distinction we might be inclined to draw – between paying "homage" to humans as

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[144] Notice, therefore, that Lactantius could not have believed that Jesus was a mere human who was later deified. His view required Jesus to have always been God (see *div. inst.* 4.8.12 and 4.12.17)
[145] Interestingly, Lactantius offers a history of deification that's very similar to this story. See *div. inst.*, 1.15
[146] Cole 2013, 35.
[147] Ibid.

opposed to "worship" to deities, wasn't a clear one in Cicero's context.[148] Lactantius, by contrast, sought to reserve "worship" for God alone.

For Cicero, if piety demands worship in response to those upon whom one depends, and if a human performed a feat so significant that Rome owed him its very existence, then that human would merit worship akin to the worship one might normally offer the gods.[149] Worship was reserved for a special class of beings, but this class was open, expandable.[150] Indeed, it would arguably count as impiety to fail to worship a human upon whom one depended for one's very existence, just because they were a human.

5. Conclusion

Cicero used his virtue conception of religion to respond to the rise in skepticism, neglect, and instrumentalization of religion in the late Republic. He hoped that this virtue would help people re-trace the religious practices and institutions they had received, with care and attention (so as to avoid neglect and impiety) and understanding (so as to avoid credulity and superstition). Connecting religion and piety, which concerns what is owed to those upon whom one depends, Cicero took deification to be a legitimate religious practice.

Lactantius took the virtue conception of religion to be very useful, especially when married to a story about religion having originated with humanity's initial union to the one God who created and sustains the world. Put together, these two elements amounted to a theory of religion as a cross-cultural practice. With it, Lactantius was able to identify all religions as either

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[148] Ibid
[149] Ibid, 69.
[150] Readers familiar with Cicero's biography might be aware that Cicero attempted to deify his daughter, Tullia. Something different is going on with the deification of Tullia than with the cases of deification that I have discussed here. However, discussing the revisions to the rules and practices deification that Cicero attempted to make to secure deification for Tullia would take us too far afield from the focus of this paper. For more on Tullia's deification, see Cole 2013.

true or false, and all false religions as impious, superstitious, or both. Because Lactantius took religion to demand the worship of one God alone, he accused all those who endorsed deification of impiety – including Cicero.

Crucial to Lactantius's account was the power to designate religions as true – if they worshiped the true God – or false (if not). Augustine endorsed and developed Lactantius's theory of religion, finding the power to categorize all religions as true or false especially useful. It formed the groundwork for his commitment that slavery to God is universal and inescapable, as we will see in the next chapter.

3

Inescapable Slavery

> "Varro himself testified that the reason that he wrote about human things and then divine things afterwards is that the cities existed first, and then they established these institutions. But the true religion was not established by any earthly city, but clearly itself founded the heavenly city, which is truly inspired and taught by the true God, the giver of eternal life to his true worshipers."
> Augustine, *City of God* 6.4[1]

Rome had religion backwards, Augustine thought. Its most sophisticated theologian, Varro, had let slip in his *Human and Divine Antiquities* that Rome had invented its gods.[2] It used an invented religion to corral citizens into pro-social behavior. Thus, instrumentalization was a feature, not a bug, of Roman religion.[3] Augustine was unfair to Varro in several respects. He misunderstood Varro's *Human and Divine Antiquities*, whether willfully or otherwise. Varro never said that Rome had invented its gods, though he did take Rome to have invented its religion. But Augustine's charge makes sense in light of the theory of religion that Augustine took up from Lactantius. This chapter explores that theory and its implications.

At the end of Chapter One, I promised that we could understand why Augustine took slavery to God to be universal and eternal by attending to his conceptions of religion and true religion. In Chapter Two, I showed how Lactantius developed a theory of religion that owed a great deal to Cicero's work on religion as a virtue. In this chapter, I argue that Augustine's thesis that all people are slaves of God forever follows from his modification to Lactantius's theory of

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[1] "Iste ipse Varro propterea se prius de rebus humanis, de diuinis autem postea scripsisse testatur, quod prius extiterint ciuitates, deinde ab eis haec instituta sint. Vera autem religio non a terrena aliqua ciuitate instituta est, sed plane caelestem ipsa instituit ciuitatem. Eam uero inspirat et docet uerus Deus, dator uitae aeternae, ueris cultoribus suis."
[2] *civ. Dei.*, 6.1, 6.4, 6.6, 7.1
[3] Some contemporary Augustinians continue to echo this accusation. See, e.g., Bobb 2010 and Riedl 2010.

religion. Along the way, we will also see why Augustine's theory of religion led him to evaluate Varro's account of Roman religion in the ways that he did.

This chapter proceeds in six sections. The first shows that Augustine endorsed Lactantius's theory of religion. The second argues that Augustine further identified worship with slavery. Against this background, the third section explains why Augustine claims that slavery to God is universal. The fourth and fifth consider the role that Augustine's association of true religion and slavery to God played in his criticisms of Varro. I present a brief outline of some key aspects of Varro's theology and then turn to Augustine's criticisms of Varro, evaluating along the way the extent to which his criticisms were fair. The sixth discusses Augustine's idea that slavery to God is eternal, focusing on Augustine's commentary on John 15:15.[4] As we saw in Chapter One, Augustine aimed to account for slavery in a way that was faithful to its discussion in the New Testament. Since this passage seems to indicate that Jesus treats slavery as a temporary rather than eternal status, it posed a significant challenge for Augustine's view that slavery is eternal.

1. Augustine and Lactantius's Theory of Religion

I first hope to convince you that Augustine endorsed Lactantius's etymology of religion and the substantive account of religion that it represented. Others have highlighted similarities between the two etymologies.[5] However, demonstrating that Augustine endorsed Lactantius's etymology turns out to not be completely straightforward. This is in part because Augustine did not uniformly invoke the same etymology when he referred to religion, and never mentioned

[4] "I do not call you slaves any longer, because the slave does not know what the master is doing; but I have called you friends, because I have made known to you everything that I have heard from my Father." Here and throughout this chapter, I have altered the NRSV's translation of *doulos*/*douloi*. While it prefers servant/servants, I have rendered it slave/slaves.
[5] Hoyt 1912; Bochet 1998; Garnsey 2002

Lactantius when he used Lactantius's etymology. Augustine set out his account of true religion in greatest detail in *On True Religion* (391), *City of God* book 10 (426), and the parts of his *Retractions* (427) that comment on *On True Religion.* Accordingly, I will quote from these three texts at some length.

Notice first that Augustine was aware of the competing etymologies of religion on the table. In his *Retractions*, he wrote

> Likewise, in another place, I said: "By striving toward one God and binding [*religantes*], from which it is believed religion is derived, our souls to Him alone, let us avoid all superstition."[6] The account which was given in these words of mine for the origin of the word "religion" was the one more satisfactory to me; for I am not unaware that Latin writers have proposed another derivation of this word, namely, that it has been called "religion" because it means "retraced" [or "re-read"] (*religitur*).[7]

Thus, by 427 Augustine clearly knew of both the re-binding (Lactantius's) and the retracing (Cicero's) etymologies and preferred the re-binding etymology. In earlier writings, however, he was not nearly as clear. Thus, one might form the impression that Augustine vacillated on which etymology he preferred. While he invoked Lactantius's in *On True Religion* (391),

> We do not fear that we might offend them [the heavenly angels] if we are not superstitious, but instead with their help stretch towards one God, and bind our souls to Him alone, free from all superstition, from which it is believed the term religion [*religare*: to bind] comes[8]

he referred to Cicero's in *City of God* (426):

> In electing (*eligentes*) Him, or better, in re-electing (*religentes*) Him, since we had lost Him by neglecting (*neglegentes*) Him, thus in re-electing Him (and this is said to be where religion gets its name), we stretch towards Him in love.[9]

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[6] *ver. rel.* 55.111, cited below.
[7] *retr.* 1.12.9 (trans. and notes, I. Bogan).
[8] *ver. rel.*, 55.111: "quid metuimus ne aliquem illorum offendamus, si non superstitiosi fuerimus, cum ipsis adiuvantibus ad unum Deum tendentes, et ei uni religantes animas nostras, unde religio dicta creditur, omni superstitione careamus"
[9] *civ. Dei.*, 10.3: "Hunc eligentes vel potius religentes—amiseramus enim neglegentes—hunc ergo religentes, unde et religio dicta perhibetur, ad eum dilectione tendimus"

For this reason, Peter Garnsey has suggested that Augustine changed his mind on the right etymology, endorsing the Lactantian one in 391 and the Ciceronian one in 426.[10] However, as we have seen, Augustine also endorsed the Lactantian etymology in 427. Garnsey's narrative requires Augustine to have gone back and forth on this question in a relatively short span of time.

This is, of course, possible. However, a simpler explanation is available: Augustine endorsed the Lactantian etymology, as he said in his *Retractions*. But he was also eager to turn Cicero into a strategic ally if he could. Augustine argued in *City of God* 10.3 that religion recovers a unity with God that was lost through sin and in *City of God* 10.10 that the false religions were invented by the devil to lead people away from unity with God through true religion.[11] This was, in other words, the Lactantian origin story, even if not the Lactantian etymology.[12] Augustine used Cicero's etymology of religion as a stepping-stone towards an account of religion that Cicero never imagined.

Pairing Augustine's use of the Lactantian origin story in *City of God* with his use of the Lactantian etymology in *On True Religion* and *Retractions* entitles us to infer that Augustine endorsed Lactantius's etymology and the substantive account of religion that it represented. Religion binds humans to God, restoring a bond that was damaged by sin. That inference is

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[10] Garnsey 2002 163fn34.

[11] *civ. Dei.,* 10.10: "Rather let us abominate and avoid the deceit of such wicked spirits, and listen to sound doctrine. As to those who perform these filthy cleansings by sacrilegious rites, and see in their initiated state (as he further tells us, though we may question this vision) certain wonderfully lovely appearances of angels or gods, this is what the apostle refers to when he speaks of Satan transforming himself into an angel of light. For these are the delusive appearances of that spirit who longs to entangle wretched souls in the deceptive worship of many and false gods, and to turn them aside from the true worship of the true God, by whom alone they are cleansed and healed, and who, as was said of Proteus, turns himself into all shapes, equally hurtful, whether he assaults us as an enemy, or assumes the disguise of a friend." (trans. M. Dods). Augustine's criticism of "demon worship" in traditional Roman religion (*civ. Dei.,* 9.3. and 9.6-8) is almost identical to Lactantius's (*div. inst.,* 2.14).

[12] Augustine had also developed the Lactantian origin story at some length in *ver. rel.,* 7.12-10.20

further supported by the various similarities between Augustine's account and Lactantius's that appear throughout Augustine's writings on religion.

Augustine began *On True Religion* by claiming that true religion is rooted in the recognition of one's dependence on God, the creator and sustainer of everything:

> The good and happy life is wholly constituted by true religion, where one God is worshipped, and recognized with the purest piety as the beginning of everything, by whom the universe was begun, completed, and is sustained. From this one can clearly discover the errors of various peoples, who have preferred to worship many gods instead of the one true God, and Lord of everything.[13]

Later in *On True Religion,* he emphasized that this dependence is radical (which should remind us of Lactantius):

> Therefore, let it be clear and sure to you that there could be no error in religion if the soul had not worshiped a soul, or a body, or a spirit of its own, or any pair or combination of these in place of God, but instead considers eternal things, frankly adapting itself to the temporality of human society and worshiping God, who if He did not endure unchangeable, no changeable nature could endure.[14]

In response to this radical dependence, true religion offers God worship.[15] While false religions commit the error of worshipping the wrong gods, true religion is the worship of the one God (*unus Deus*), or one true God (*unum verum Deum*).[16] Augustine gave a slightly different formulation of true religion elsewhere. Elsewhere in *On True Religion* and in *City of God* 10 he

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[13] *ver. rel.*, 1.1: "Cum omnis vitae bonae ac beatae via in vera religione sit constituta, qua unus Deus colitur, et purgatissima pietate cognoscitur principium naturarum omnium, a quo universitas et inchoatur et perficitur et continetur: hinc evidentius error deprehenditur eorum populorum, qui multos deos colere, quam unum verum Deum et Dominum omnium maluerunt"

[14] Ibid, 10.18: "Quamobrem sit tibi manifestum atque perceptum, nullum errorem in religione esse potuisse, si anima pro Deo suo non coleret animam, aut corpus, aut phantasmata sua, aut horum aliqua duo coniuncta, aut certe simul omnia: sed in hac vita societati generis humani sine dolo temporaliter congruens, aeterna meditaretur, unum Deum colens; qui nisi permaneret incommutabilis, nulla mutabilis natura remaneret."

[15] Ibid, 25.46: "Sed nostrum est considerare, quibus vel hominibus vel libris credendum sit ad colendum recte Deum, quae una salus est." ("But it is our job to consider which people or books to believe, that we might rightly worship God, in whom is salvation.")

[16] Ibid, 1.1.

called it the "true worship of the true God."[17] The two parts of this alternate formulation suggest two distinct sets of interlocutors, two ways a religion could be false. Traditional Greek and Roman religionists, Augustine thought, failed to worship the true God. Donatists and the Jews worshiped the true God, but in the wrong way.[18] The virtue of true religion is closely connected to the practice of the true religion (in Augustine's view, Christianity). The virtue of true religion helps a person practice the right religious practices in in service of the right God the right way.

What is worship in the right way? In *On True Religion*, he expressed a worry about religions whose rites and sacraments were wrong or bad, such as the Ophites and the Manicheans.[19] He also objected to religions that used the similar rites to Catholicism but had different beliefs, including the Photinians and the Arians.[20] By "true worship," therefore, Augustine seems to have meant conducting one's worship in accordance with the correct rituals and practices.

However, Augustine also believed that a person does not truly worship unless he worships with the correct attitudes. The mistaken religious attitude that occupied his attention most is pride. In *On the Spirit and the Letter*, he argued that pride can upset the bond between

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[17] *ver. rel.*, 2.2: "Non enim sic isti nati erant, ut populorum suorum opinionem ad verum cultum veri Dei, a simulacrorum superstitione atque ab huius mundi vanitate converterent." ("These men were not destined to convert their people to the true worship of the true God and away from idolatrous superstition and worldly vanity."); *civ. Dei.*, 10.10 ("vero veri Dei cultu").

[18] Thanks to Melissa Lane for this point. Augustine was explicit that Jews worship the true God. In *de vera religione* 3.4, he called Israel "the one region on earth in which only the one God was worshiped." ("una regione terrarum, in qua sola unus colebatur Deus"). Later, he wrote that "The Jews pray to the one all-powerful God, but only expecting from Him temporal and visible goods." ("Iudaei vero quamvis uni omnipotenti Deo supplicent, sola tamen temporalia et visibilia bona de illo exspectantes"). Augustine's relationship to Judaism and Jews plays in an important role in Chapter Five. For now, suffice it to say that Augustine, like most Christians in his day, had strong anti-Jewish sentiments.

[19] *ver. rel.* 5.9

[20] Ibid.

humans and God that religion is meant to cultivate.[21] He exhorted Christians to meditate on God in a holy way, which he contrasted with prideful meditation. Prideful meditation consists in making oneself "the chief end of living."[22] This theme is present also in *On True Religion,* where Augustine claimed that those who practice the true religion "should adhere submissively to God, the one author of all things, by loving him more than themselves." The true worship involved in true religion, therefore, is characterized by humility. This humility is the appropriate reaction to humanity's radical dependence on God which was, as we have seen, the starting point for true religion for Lactantius and Augustine.

Like Lactantius, Augustine associated the various false religions with various civilizations.[23] Each civilization's collection of practices, institutions, and beliefs are jointly identifiable as a religion, and each religion can be categorized as true or false. The true religion will succeed in binding humans to God; false religions will fail. Even more than Lactantius, Augustine was explicit that the false religions attempt to reunite humans with God – they simply don't succeed in their efforts.[24]

Recall that for Lactantius (following on from Cicero), religion is a matter of justice: it concerns what is due to God. Though the question of what is due to God is not prominent in *On True Religion,* it is in *City of God* 10:

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[21] *spir.* 11.18: "It is owing to this sin of vulgar pride that even some great men have drifted from the sure anchorage of the divine nature, and have floated down into the shame of idolatry." (trans. P. Holmes and R.E. Wallis)
[22] Ibid, 7.11 (trans. Holmes and Wallis)
[23] Throughout *de vera religione,* the main culprits are the Greeks; in *de civitate Dei,* it is the Romans.
[24] *conf.* 10.42.67: "Quem invenirem, qui me reconciliaret tibi? Ambiendum mihi fuit ad angelos? Qua prece? Quibus sacramentis? Multi conantes ad te redire neque per se ipsos valentes, sicut audio, temptaverunt haec et inciderunt in desiderium curiosarum visionum et digni habiti sunt illusionibus." ("Whom could I find, who could reconcile me to you? Ought I to have solicited the angels? By what prayer? By which sacraments? Many people, trying to return to you and not able to through their own strength, I have heard, try and fall into the desire for curios visions and were able to be deceived.")

> And it is entirely true that by this word 'worship' (*cultus*) is in its most basic sense meant none other than that which is due to God, but since it is said in reference to other things, in Latin it is not possible to signify with just one word the worship that is owed to God.[25]

Augustine then suggested that the word 'religion' is in some ways a better candidate but is sometimes used to refer to interpersonal relationships as well. It is clear, therefore, that Augustine believed that the true religion gives God the worship that God is due. Augustine further believed that justice is the virtue that gives others their due.[26] Thus, Augustine made religion a part of justice, just as Lactantius had before him.

Thus, like Lactantius, Augustine took religion to be the part of justice concerned with the worship that is due to God in virtue of our radical reliance on God. The true religion offers the true God true worship; false religions fail to do so. By worshipping God properly, humans can be reunited with God, recovering a bond lost due to sin and obscured by the devil. Augustine's account of religion followed in near lockstep with Lactantius's: the origin story; designating religion as a part of justice; the identification of religion with worship; the cross-cultural categorization of all religions as either true, if they worship the true God, or false, if not.

The following section turns to Augustine's understanding of worship. Before that, however, it's important to note a difference between Augustine and Lactantius on religion. For Augustine, religion is about finding happiness in God. If Lactantius believed that religion is about happiness, he did not thematize it in the way Augustine did.

Augustine adapted Lactantius's origin story to show that true religion – and therefore happiness – cannot be discovered without divine help. His version of the story went like this.

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[25] *civ. Dei.,* 10.1: "Ac per hoc cultum quidem non deberi nisi Deo propria quadam notione verbi huius omnino verissimum est; sed quia et aliarum rerum dicitur cultus, ideo Latine uno verbo significari cultus Deo debitus non potest."

[26] *civ. Dei.,* 19.21: "Iustitia porro ea uirtus est, quae sua cuique distribuit." ("Again, justice is that virtue which gives to each what is his or hers.").

Humans need God to be happy.[27] This consists in the eternal enjoyment of God.[28] There is a divine plan to secure happiness for humans. It involves rebinding humans to God – this is the work of religion.[29] This plan requires humans to understand certain timeless "spiritual things."[30] Sin renders humans unable to do so on their own.[31] When humans submit in faith and obey God, they receive help from God to understand the spiritual realities.[32]

This is why Greek and Roman philosophers failed to recognize true religion. Faith precedes understanding.[33] Understanding is required for true religion. Therefore, faith precedes true religion. Faith is a trust in the Christian teachings about God that issues in obedience to Christian moral norms. True religion therefore presumes a host of theological commitments. Accordingly, though *On True Religion* began with a criticism of Greek religion, it quickly moved into an exposition of Christian theology.[34]

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[27] *ver. rel.,* 1.1. See also *conf.* 1.1: "et inquietum est cor nostrum, donec requiescat in te" ("our heart is restless until it finds rest in you.") and *civ. Dei.,* 10.3.
[28] Ibid, 10.19
[29] *ver. rel.,* 55.111
[30] *ver. rel.,* 7.13: "Huius religionis sectandae caput est historia et prophetia dispensationis temporalis divinae providentiae, pro salute generis humani in aeternam vitam reformandi atque reparandi. Quae cum credita fuerit, mentem purgabit vitae modus divinis praeceptis conciliatus, et idoneam faciet spiritalibus percipiendis, quae nec praeterita sunt, nec futura, sed eodem modo semper manentia, nulli mutabilitati obnoxia." ("The principle reason this religion is to be followed is the management by history and prophecy of this time by divine providence, for the wellbeing of humankind, reforming and preparing it for eternal life. When this is believed, a way of life amenable to divine precepts will purge the mind and make it suitable to perceive spiritual things, which are neither past nor future but always remain the same, in no way liable to change.")
[31] Recall *lib. arb.*, 3.18.52.178: "Nam sunt revera omni peccanti animae duo ista poenalia, ignorantia et difficultas. Ex ignorantia dehonestat error, ex difficultate cruciatus affligit." ("There are in fact two penalties for all sinful souls, ignorance and difficulty. As a result of ignorance error dishonors the soul; as a result of difficulty, the soul is afflicted by torments.")
[32] *ver. rel.,* 7.13
[33] Augustine frequently used Christian Scripture to drive home this point. His version of the Latin Bible rendered Isaiah 7:9 as *nisi credideritis, non intellegetis*, "Unless you believe, you will not understand." By my count he refers to this verse at least thirty times over the course of his writings, typically to punctuate an argument that some things cannot be understood before they are believed.
[34] Over the course of *de vera religione,* Augustine went through many loci in Christian theology: creation (18.55, 23.44), sin and punishment (12.23-25), providence (39.72-43.81), incarnation (16.30-32; 24.45), resurrection (44.82), the interpretation of the Old and New Testaments (17.33-34, 28.51), faith and reason

2. Worship and Slavery

We see, therefore, that Augustine endorsed Lactantius's account of religion and true religion, although Augustine emphasized that religion is about finding happiness, a theme that Lactantius did not develop at length. Below, I will argue that Augustine took the idea that slavery to God is universal to follow from this picture of religion. But to understand why, we must first clarify Augustine's connection between religion and slavery. As we have seen, for Lactantius and Augustine alike, worship was an important part of the definition of religion and true religion. Augustine conceptually connected the verbs 'to worship' (*colere*) and 'to serve' (*servire*) and their nominal forms, slavery (*servitus*) and worship (*cultus*).

Augustine had begun to explore this connection in *On True Religion*.[35] There, he connected superstition – worship of the wrong object – and slavery.[36] When he did so, he specified that superstition is a deficient kind of slavery. Sometimes he called it misdirected.[37] Other times he called it bad.[38] This is unsurprising. We saw in Chapter One that Augustine denied that slavery is necessarily bad. Rather, slavery to God is good; all other slavery is bad.

(25.46-47, 28.52-31.58), the prohibition of idol worship and atheism (36.66-38.71), and the love commands (46.86-89). It is no wonder that it has primarily been read as a theological text (e.g., Hill 2005, 15-24 but also Ando 2010, 70-79).

[35] *ver. rel.*, 55:111: "Qui autem nos invitant ut sibi serviamus, et tamquam deos colamus, similes sunt superbis hominibus, quibus si liceat, similiter coli volunt." ("Those, who summon us to serve them and worship them as gods are like proud men who in the same way, would wish to be worshiped, were it legal.")

[36] Augustine did not pull this idea out of thin air. Among others, Lactantius had accused false religionists of being "slaves of many foolish superstitions." ("variis et ineptis superstitionibus serventis") in *div. inst.*, 3.1.1. However, Augustine thematized and developed this idea to a far greater degree than had Lactantius.

[37] Ibid, 20.39: "Sed superstitio malum est, qua creaturae potius quam Creatori servitur." ("But superstition is an evil by which the creature, rather than the creator, is served.")

[38] Ibid 38.69: "Errare homines qui superstitioni se involvunt, et misera implicant servitute." ("People err who wrap themselves up in superstition and involve themselves in such wretched slavery.")

Augustine's specification that superstition is a misdirected or deficient form of slavery fits with his general categorization of slavery.[39]

By the time of *City of God* 10, Augustine connected worship and slavery even more explicitly. As we saw above, *City of God* 10 begins with Augustine searching for a word to name the worship (*cultus*) that God is owed.[40] Greek, he wrote, uses λατρεία. Augustine's Latin Bible translated λατρεία as *servitus*.[41] He accepted that *cultus* and *servitus* both describe what God is owed. But he sought another term because both are too generic: a person could offer *cultus* to the wrong deity, so *cultus* is not specific enough to God.[42] Similarly, *servitus* describes not just one's slavery to God, but also slavery between humans.[43] That Augustine suggested *servitus* and *cultus* as potential translations of λατρεία, and then rejected each for essentially the same reason, demonstrates the conceptual connection between the two.

Humans are slaves of God in virtue of their radical reliance on God. As humans are completely under God's power, they are God's slaves: recall the definition of a slave from

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[39] Cf. Tertullian, *ap.* 17

[40] *civ. Dei.,* 10.1.2: "Hic est enim divinitati vel, si expressius dicendum est, deitati debitus cultus, propter quem uno verbo significandum, quoniam mihi satis idoneum non occurrit latinum, graeco ubi necesse est insinuo quid velim dicere." ("This indeed is the worship due to a divinity, or to speak more clearly, a deity. There is no one word for this worship in Latin that occurs to me and is suitable, so I will substitute as is necessary a Greek word.")

[41] Ibid: "Λατρεία quippe nostri, ubicumque sanctarum Scripturarum positum est, interpretati sunt "servitutem." ("Λατρεία, wherever it is found in the Holy Scriptures, is translated 'slavery.')

[42] Ibid: "Consequently, while it is quite true that, using the word in a special sense, cult can be rendered to none but God, yet, as the word is applied to other things besides, the cult due to God cannot in Latin be expressed by this word alone." (trans. M. Dods)

[43] Ibid: "But that service which is due to men, and in reference to which the apostle writes that servants must be subject to their own masters, is usually designated by another word in Greek, whereas the service which is paid to God alone by worship, is always, or almost always, called λατρεία in the usage of those who wrote from the divine oracles." (trans. M. Dods)

Chapter One, that a slave is one under the power of a master.[44] Worship is the appropriate response to this radical reliance. Thus, worship and slavery go together.

Nothing I have said so far makes worship a key part of Augustine's understanding of slavery. It merely suggests that slavery to God is a brute fact, and that worship is the right response to that fact. However, Augustine went further than this. Worship was a key term for him because he believed that worship not only responds to but also fosters radical reliance. Thus, the person who worships God commits himself to God as a slave – this is why Augustine associated worship with faithful slavery.[45] By contrast, the person who worships something else fosters a master-slave relationship between himself and that which he worships. This is why Augustine believed that the worshipers of false gods are enslaved to those false gods.[46]

Augustine, therefore, believed that all worship involves slavery. However, we ought not to conflate the slavery involved in worship and chattel slavery.[47] He took great pains to distinguish between slavery of the body and slavery of the soul.[48] Chattel slavery is slavery of the body. As we saw in Chapter One, Augustine believed it to be benign when compared to other forms of slavery, because it expires when either the master or the slave dies.[49] By contrast, the

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[44] Gaius, *inst.* 1.7.48-52; Justinian, *dig.* 1.6.10; Brunt 1988, 282-291; Skinner 1998, 39-41; Stacey 2007, 25; Hammer 2014, 52-58.

[45] *civ. Dei.*, 1.10: "Ut bonus servus magnas facultates haberet ipsam sui Domini voluntatem" ("As a good slave, he [Job] considered the will of his Master a prized possession.")

[46] *ver. rel.*, 37.68: "Ut non modo diligant, sed etiam serviant creaturae potius quam Creatori, et eam colant per partes eius, a summis usque ad ima venientes." ("They [false religionists] do not only love but also serve creature rather than Creator and worship the parts of creation from the highest down the lowest.")

[47] Indeed, as we saw in Chapter One, it was possible to believe it true, good, and right that humans are slaves of God and also believe that chattel slavery is wrong and sinful. Lactantius believed both of those things; for him, the wrongness of chattel slavery followed from God's mastery.

[48] Ibid, 55.111: "Aliud est servitus animae, aliud servitus corporis." ("Slavery of the soul is one thing; slavery of the body is another.")

[49] Ibid: "Sed istos homines perpeti minus periculosum est. Omnis enim hominum dominatus in homines, aut dominantium aut servientium morte finitur." ("It is less dangerous to endure those sorts of men [masters]. The mastery of man over man ends with the death of either masters or slaves.")

slavery involved in religious worship is of the soul. Since the soul is immortal, slavery of the soul continues after death.[50] In this context, Augustine treated the eternality of slavery as a threat because he was discussing the slavery to false gods. However, we will see that he treated the eternality of slavery as welcome when in the case of eternal slavery to the true God.

3. Slavery as Universal

With Augustine's account of true religion and his connection of worship to slavery in view, we are prepared to turn to Augustine's theses about the universality and eternality of slavery. This section will consider the universality of slavery; section 6 will consider the eternality of slavery. So far, I have treated the idea that slavery is universal as one thesis. In fact, as we will soon see, for Augustine, it comprised three closely related claims. The most important is that all humans are slaves of God. However, his account of true religion also generated two closely related corollaries: first, that all are either faithful slaves or fugitives, and second, that every fugitive is enslaved to some other master.

3.1 | All are slaves of God

It should now be clear why Augustine believed that while everyone is a slave to whatever they worship, everyone is also a slave of God, regardless of whether one worships God. Everyone depends completely on God. Those who worship anything aside from God take on other masters as well, but in doing so they cannot leave their position of radical reliance on God. Thus, slavery to God is universal.

[50] Ibid: "Servitus autem sub angelorum malorum superbia, propter ipsum tempus quod est post mortem magis metuenda est." ("But slavery under the pride of evil angels is more fearful because of that time which comes after death.")

3.2 | All are either faithful slaves or fugitives

We are also now in a position to understand why Augustine believed that all are either faithful slaves or runaways. Humans originally enjoyed unity with God.[51] True religion is about being united with God. Thus, humans originally existed in a state of true religion. True religion requires worship of God. As we have seen, Augustine identified worship with slavery. By his lights, humans were, therefore, originally faithful slaves of God. Having sinned, they fell away from union with God. They are therefore slaves who have fled their service: runaways, fugitives.[52] This does not free them from service to God – as we have seen, all without exception are slaves of God. Fugitives are slaves on the run. Those who return to the true religion are thereby re-united with God.[53] In being reunited, they return to the service of God. They become faithful slaves once more.

Augustine believed the true religion to be Christianity.[54] Importantly, however, not everyone who participates in the church's sacraments is a member of the true religion. Some people participate in the church's sacraments without being eternally bound to God.[55] Given that he also praised the church for refusing the sacraments to those who do not affirm its teachings,[56] Augustine must have meant that some people participate in the sacraments illicitly, ignoring the church's teaching. Regardless, though the true religion is Christianity, those who participate in

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[51] *civ dei* 10.3: "Hunc eligentes vel potius religentes (amiseramus enim neglegentes) hunc ergo religentes, unde et religio dicta perhibetur, ad eum dilectione tendimus, ut perveniendo quiescamus, ideo beati, quia illo fine perfecti." ("Being attached, or rather, re-attached (for we had lost hold by detaching ourselves), therefore being re-attached (from which 'religio' gets its name), let us stretch towards God in delight, that we might arrive at rest in him, who is happiness, in whom we complete our end.") See also *ver. rel.*, 11.21
[52] Augustine's language to describe this act in *ver. rel.* 11.21 is *defectu.* This can mean failure or weakness. But it can also mean, as Edmund Hill (2005) translates it, defection.
[53] *ver. rel.*, 55.113
[54] Ibid, 7.12-13.
[55] *civ. Dei.*, 1.35
[56] *ver. rel.*, 5.8

the sacraments but are not genuinely bound to God do not share in the true religion. Faithful slavery requires sincere worship of God.[57]

3.3 | Fugitives serve multiple masters

Augustine was less explicit about his reasons for believing the third claim – that fugitives are all also slaves of a master that is not God. However, in *On True Religion* one can find clues to an argument for it. Since Augustine did not make each step of the argument clear, I will provide what I take to be a faithful reconstruction of the argument implicit in *On True Religion.* This reconstruction relies on attributing premises to Augustine that he did not articulate. I will try to be clear about when I am doing this and justify the attributions I make. Because the argument has a few moving parts, it will be worth outlining it here before filling in the details.

1. Everyone desires to be happy.
2. Fugitives either worship false gods or no god.
3. Anyone who worships false gods is enslaved to false gods.
4. Anyone who worships no god is enslaved to whatever he believes will make him happy.
5. Thus, all fugitives are enslaved to something aside from God.

Consider first the claim that everyone desires to be happy**.** Augustine never said this in *On True Religion*. But he did take it as a given in a slightly earlier treatise, *On the Happy Life*.[58] Like most of his philosophical and theological sources – Plato, Cicero, Seneca, Plotinus, and Ambrose among others – Augustine understood ethics as "the science [of] how to be happy."[59] Augustine thought that non-Christian philosophers failed to answer this question in a satisfying way. Thus, in *On the Happy Life* – as well as in *On True Religion* – he argued that Christianity succeeds where philosophy fails.[60] Christianity, he thought, provides a path to happiness.

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[57] *civ. Dei.,* 4.23: "Pietas est enim verax veri Dei cultus." ("Piety is the sincere worship of the true God.")
[58] *beat. vit,* 2.10 (in Foley 2019). Augustine wrote *beat. vit* in 386 and *de ver relig* in 391.
[59] Foley 2019, 5
[60] Ibid, 11

The argument's second premise is that fugitives either worship false gods or no god. Though Augustine did not explicitly claim this either, it is implicit in his claim that everyone is either a faithful slave or a fugitive. Faithful slaves worship God; fugitives do not. There are two ways to not worship God: worshiping a false god or worshiping no god.

Third: anyone who worships false gods is enslaved to false gods**.** We should already be inclined to accept that Augustine thought this, given that we have seen that he connected worship of false gods and slavery to false gods in *On True Religion.* But Augustine also explicitly said that those who worship false gods are slaves of those gods in his argument that anyone who worships no god is still enslaved. He argued that those who worship nothing do so because they see that the worshipers of false gods are enslaved to those gods. They are right in thinking that the superstitious are enslaved to the gods they worship. [61] Their error is in thinking that by avoiding worship altogether they can avoid slavery.

This brings us to the fourth premise: anyone who worships nothing is still enslaved. Augustine's argument for this premise was built on his claim that everyone desires to be happy. Those who worship nothing still seek happiness. They believe, Augustine thought, that they can find happiness in temporal goods. He focuses on three goods: pleasure, honor, and discovery.[62]

Augustine believed that God and virtue are eternal goods (we will consider this in more detail in Chapters Five and Seven). The characterization of each as an eternal good was already

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[61] *ver. rel.*, 38.69: "People err who wrap themselves up in superstition and involve themselves in such wretched slavery."

[62] Ibid: "Sed frustra hoc sentiunt: non enim efficiunt ut non serviant; remanent quippe ipsa vitia, quibus ut ipsa colenda opinarentur attracti sunt. Serviunt enim cupiditati triplici, vel voluptatis, vel excellentiae, vel spectaculi." ("But they realize this in vain. They do not thereby free themselves; naturally, their vices remain by which they were drawn to suppose that such things ought to be worshipped. They are thus enslaved to three desires: pleasure, honor, and discovery.") As Edmund Hill (2005: 75fn134) notes, this is Augustine's interpretation of 1 John 2:16.

implicit in book 1 of *The Free Choice of the Will*.[63] Though he did not finish this entire treatise until 395, Augustine had finished book one by 391.[64] This is the same year he finished *On True Religion*. I emphasize the dates these texts were written to show that at or around the time he was writing *On True Religion*, Augustine had begun to think that there are at least two kinds of eternal good: virtue, and friendship with God. Therefore, we might expect that Augustine considered it possible for a person to seek happiness in virtue, and thus pursue an eternal good that is not God. If so, then those who worship nothing might still seek happiness in an eternal good, and not simply in temporal ones.

But Augustine did not consider this possibility, at least explicitly, in *On True Religion*. As he did not, the best we can do is speculate as to why. I suggest two reasons: one more trivial, the other more substantive. The trivial reason is this: of all the people who claimed to seek virtue, none of the ones whom Augustine respected most – Plato, Socrates, and Cicero – claimed to worship no god. Thus, he would not have thought to place them in the category of those who worship no god. The more substantive reason: Augustine may have believed that those who claimed to seek virtue were in fact confusing virtue with temporal goods like honor, pleasure, and discovery. He held that people have a deep capacity for self-deception.[65] Perhaps he believed it inevitable for those who pursue virtue without the true religion.[66] If so, the eternal good of virtue cannot be realized apart from the eternal good of friendship with God.

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[63] *lib. arb.*, 1.12.26.86
[64] King (in Augustine 2010), xvii
[65] *conf.* 3.6.10
[66] Though this is not quite what Augustine said in *civitate Dei* 5.19, it is closely related: "sine uera pietate, id est ueri Dei uero cultu, ueram posse habere uirtutem." ("Without true piety, which is the true worship of the true God, it is not possible to have true virtue.")

Next, Augustine claimed that anyone who seeks happiness through one of these goods becomes a slave of them. His argument for this claim resembles the Senecan arguments about slavery to externals we saw in Chapter One.[67] Someone who believes that his happiness is contingent on pleasure (or honor, or discovery) subordinates his will to these goods. He does whatever he can to win pleasure. Pleasure therefore rules his will. Afraid of anything that can threaten his pleasure, he relates to all such things with servile fear.[68] By contrast, a faithful slave of God will prize God above all temporal goods – even bodily life itself.[69]

Augustine thereby committed himself to the view that fugitives are enslaved to something other than God. The superstitious are enslaved to the false gods they worship; atheists are enslaved to whatever they believe will bring them happiness. Furthermore, given the conceptual connections Augustine made between worship, slavery, and happiness, we can infer that he in fact thought something fundamental unites true religionists, false religionists, and atheists. Each is devoted to whatever she thinks will deliver happiness. Each will be a slave of whatever she is devoted to.

This is clear in the dialectic of *On True Religion* 55.107-113, where Augustine seemed to presume a continuity between atheists, false religionists, and true religionists, on these grounds. He used a similar hortative construction to rally for true religion and against atheism and false religion. Against the atheist, he wrote, "let us not set our hearts on" various candidate desires:

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[67] See, e.g., Seneca, *eps.* 23 and 92

[68] *ver. rel.*, 38.69: "His autem rebus quibus quisque beatus vult effici, serviat necesse est, velit nolit. Nam quocumque duxerint, sequitur; et quisquis ea visus fuerit auferre posse, metuitur." ("Anyone who wishes to make himself happy by these sorts of things necessarily is enslaved to them whether he likes it or not. He follows wherever they lead, and fears anyone who seems to be able to take them away from him.")

[69] *civ. Dei.*, 1.28: "Non itaque vobis, o fideles Christi, sit taedio vita vestra," ("Therefore, you who are Christ's faithful, do not be burdened by your life.")

pleasure, ambition, discovery.[70] Against the false religionist: "let our religion not consist in the worship of" various candidate gods: imaginary entities, animals, demons.[71] He closed by exhorting the true religionist: "let our religion, then, bind us to the one almighty God."[72]

Though Augustine did not use the word 'worship' to describe the activity of the atheist, his language suggests a deep connection between the activity of worship and the activity of locating one's happiness in something.[73] This follows from what we have seen about the connection he presumed among religion, happiness, and slavery. The implication seems to be this: true religionists, false religionists, and atheists alike depend on whatever they think will bring them happiness, and in so doing, foster their enslavement to that thing. True religionists become faithful slaves of the true God. False religionists become slaves of false gods. Atheists become slaves of pleasure, ambition, and discovery. The latter two forms of slavery are just slavery to sin by another name.

4. Varro on the Task of Theology

Any complete discussion of Augustine on religion must engage his treatment of Varro. Augustine devoted books 6 and 7 of *City of God* to the theology of Roman religion as exposited by Varro.[74] Aside from this, Varro appears throughout *City of God*, especially in books 4 and 18.[75]

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[70] Ibid, 55.107
[71] Ibid, 55.108
[72] Ibid, 55.113
[73] We might be tempted to think that Augustine took the term *cultus* to refer exclusively to deities. But he did not; in *civ. Dei.*, 10.1, he admits that people use *cultus* to describe the veneration of humans as well.
[74] See also *civ. Dei.*, 18.40, where Augustine referred to Varro as "*non enim parvus auctor*," ("no minor authority").
[75] e.g., *civ. Dei.*, 4.1, 4.9, 4.22, 4.27, 4.31-2; *civ. Dei.*, 18.2-3, 18.5, 18.8-10, 18.13, 18.17, 18.23, 18.40

Despite the importance of Varro to Augustine, tracing this influence is a profoundly – and ironically – difficult task. Here is the difficulty: the text of Varro's that Augustine engages most directly, the *Human and Divine Antiquities*, is lost. Augustine's *City of God* is our most detailed guide to it. This means that most of our knowledge of Varro comes via Augustine. This is why it is profoundly difficult to trace Varro's influence on Augustine; to do so requires separating the historical Varro from Augustine's Varro.[76] And here is the irony: as Daniel Hadas has shown, Augustine is likely the reason that the *Human and Divine Antiquities* have been lost. Augustine's medieval readers were so thoroughly convinced by Augustine's attacks on Varro that they considered the *Human and Divine Antiquities* "a failure."[77] Readers believed themselves to be able to get just as good an account – and a more sophisticated analysis – of Roman religion from *City of God.* Thus, the *Human and Divine Antiquities* were relegated to the dustbin of history: not to be read, and certainly not to be copied.[78]

The next two sections discuss Augustine's use of Varro. Augustine viewed Varro as proof that Roman religion was inherently impious and designed to be instrumentalized. Augustine's criticisms of Varro, though often unfair, are clear in light of Augustine's theory of religion, especially the connection that he drew between worship and slavery. I begin in this section by outlining some of Varro's aims in *Human and Divine Antiquities*, then turn in the following section to Augustine's response.

Like Cicero, Varro attempted to systematize Roman religion in response to unwelcome changes in religious practice in the late republic.[79] He was especially concerned with high levels

[76] Ando 2008, 85; North 2014, 240
[77] Hadas 2017, 80
[78] Hadas 2017
[79] Rüpke 2012: 2, 172-185

of religious neglect, discussed earlier.[80] Where Cicero's innovation was to use the tools of Greek philosophy to respond to these changes, Varro's focus on history would have been more recognizably Roman to his contemporaries. Varro's *Human and Divine Antiquities* aimed to present Roman religion as a received tradition that was useful to re-elect and perhaps even contained deep truths about the world. His focal conception of religion was not as a virtue but as an institution.[81] Accordingly, when I refer to 'religion' in discussing Varro, I mean the institution outlined at the beginning of Chapter Two: the offices, rituals, and practices that together comprise what we now call Roman religion.

Scholars disagree on the relationship between usefulness and truth in Varro. We can organize the various positions on this question into three categories: first, that Varro cared about religion's usefulness, not its truth; second, that he prioritized religion's usefulness over its truth; third, that he took questions of usefulness and truth to both be crucial. Arnaldo Momigliano held the first view:

> Varro was not the man to conceal his preferences and convictions, but one of his convictions was precisely that there are truths which should remain unknown to the ordinary man and there are falsehoods which should be spread among the mob as truths. Civic religion was ultimately not a matter of truth but of civic cohesion: the Romans owed their empire to their own piety.[82]

Jörg Rüpke holds to the second view: "What are the criteria for civic theology regarded as an intellectual enterprise? These criteria are not truth or error, but utility and functionality."[83] Peter van Nuffelen defends the third view, arguing that Varro took it to be important that "tradition

[80] Goar 1972, 95; Rüpke 2012, 176; Wynne 2019, 73
[81] I will discuss this in greater detail below. But see Rüpke 2014, 266.
[82] Momigliano 1984, 203. Van Nuffelen discusses other representatives of this position in van Nuffelen 2010.
[83] Rüpke 2012, 175-6

and truth [do not] contradict each other: antiquarian research helps to uncover the philosophical truth hidden in religion."[84]

The first interpretation of Varro cedes a great deal to Augustine's interpretation, perhaps more than is fair.[85] Augustine reported that Varro divided all of theology into three types: mythical, physical, and civil.[86] As van Nuffelen argues, Varro associated mythical theology with the production of the poets[87] and rejected it as a legitimate form of theological inquiry, because the poets "want to please the audience, not to tell the truth."[88] Augustine came rather close to admitting as much, saying that Varro felt free to criticize mythical theology and leave physical and civil theology untouched.[89]

Varro found the physical and civil theologies to be more promising. Physical theology, also called natural theology, is carried out by the philosophers.[90] They aimed to use theology to explain the workings of nature: in it, "the gods stand for the elements."[91] Though Varro did not think that physical theology was a non-starter the way he did mythical theology, he identified in

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[84] van Nuffelen 2010, 186

[85] See Momigliano's heavy reliance on Augustine (1984: 203), though as discussed above, this is one of the main challenges in studying Varro.

[86] Augustine, *civ. Dei.,* 6.5: "Deinde illud quale est, quod tria genera theologiae dicit esse, id est rationis quae de diis explicatur, eorumque unum mythicon appellari, alterum physicon, tertium ciuile?" ("Now, what sort of thing does Varro mean when he says that there are three types of theology – that is, of the account given concerning the gods? And of these, one is called mythical, another physical, and a third civil?") In *civ. Dei*. 6.5, Augustine moves between 'physical' and 'natural,' but eventually uses "natural" more often. It's for this reason, that the division is generally described in the terms, "mythical, natural, civil."

[87] Ibid: "Mythicon appellant, quo maxime utuntur poetae." ("They call the theology that is primarily used by poets 'mythical'")

[88] van Nuffelen 2010, 185

[89] *civ. Dei.,* 6.5

[90] Ibid: ""Secundum genus est," inquit, "quod demonstravi, de quo multos libros philosophi reliquerunt." ("'The next kind of theology that I have mentioned,' he says, 'is what the many books of philosophers that have been given to us concern.")

[91] Rüpke 2012, 173

it two problems. First, philosophers don't agree about their conclusions.[92] Second, philosophy is challenging; it is often too difficult for ordinary people to understand.[93] This does not mean that Varro was unconcerned about the truth of the philosophers' theological efforts. All it means is that he worried that the philosophers had not yet succeeded in settling on truths about the gods that could be promulgated to the public in an effective way. In other words, Augustine's inference from Varro's turning away from physical theology that Varro didn't care about truth was unwarranted. We aren't licensed to infer anything more than that Varro did care about usefulness.

And so, Varro believed that the best bet for theology was civil theology. The project of civil theology was to study the various gods, rites, practices, and institutions as they existed at Rome, using them to understand what they communicated about the gods.[94] Unlike the Greeks, who had sought to provide a theoretical justification of their religious practices based on philosophical reflection about the gods,[95] or Cicero, who would attempt to use the tools of Greek philosophy to systematize the disparate Roman religious practices,[96] Varro sought to "[give] theoretical status to practice itself."[97]

This is because Varro believed that a theological vindication of Roman religion needed to begin from Roman religion as it was and had been practiced. This might not have been so for a

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[92] *civ. Dei.,* 6.5: "In quibus est dii qui sint, ubi, quod genus, quale est; a quodam tempore an a sempiterno fuerint dii; ex igni sint, ut credit Heraclitus, an ex numeris, ut Pythagoras, an ex atomis, ut ait Epicurus." ("In which books they treat what the gods are, what their origin and kind is, whether they came into being in time or always existed, whether they are of fire, as Heraclitus thinks, or numbers, as Pythagoras thinks, or atoms, as Epicurus says.")
[93] Ibid, 6.6.
[94] Rüpke 2012, 175-6; MacRae 2016, 28
[95] Rüpke 2012, 177
[96] Wynne 2019, 1-2
[97] Rüpke 2012, 179

society's founders, but it would be true for anyone who came after them. "At the historical start of a society," Varro believed, civil and physical theology would be "identical," because the founding theologians would have had direct access to knowledge of the gods and be able to establish a civil theology that reflected the truth about the gods' nature.[98] Lamentably, Varro was not in the position of founder. Rather, he was a theologian of recovery, attempting to rescue the gods "from destruction" caused "by the neglect of the citizens."[99] Still, perhaps because of his origin story about civil and physical theology, Varro's approach to civil theology privileged what he took to be the intentions of Rome's earliest rulers and religious founders, most of all Numa.[100]

Careful attention to the existing religious rituals would reveal, for example, that the various gods held authority over various aspects of human life, especially its most crucial parts: sex, marriage, birth,[101] and death.[102] They governed in a manner strikingly similar to that of the magistrates who ruled Rome: individually, each deity with authority over its own activity; jointly, the deities governing the whole of life together in a sort of cooperative rule.[103] Varro thus established that worshiping the various deities in the way traditional Roman practices recommended was sensible: doing so respected the authority that each god had over a particular area of life, and helped ensure the gods' favors in one's future endeavors pertaining to that area.

Varro hoped that, armed with a renewed understanding of their own received tradition, Romans might recommit themselves to their traditional religion. He was not Pollyannish about the prospects for civil theology: he worried that it sometimes communicated falsehoods about the

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[98] Rüpke 2012, 176.
[99] Varro, *ant.* fr. 2 (Cardauns) cit. in MacRae 2016, 54.
[100] Goar 1972, 95; van Nuffelen 2010; MacRae 2016, 31; Wynne 2019, 1.
[101] Rüpke 2012, 181-182
[102] *civ. Dei.,* 6.9; 7.3
[103] Rüpke 2012, 183

gods. Some of cult images on display in Roman religion, for instance, had led the people away from the truth about the gods.[104] However, while he believed that Roman religion in its actual practice contained some fundamental errors,[105] he also thought that civil theology could communicate truths about the gods to practitioners of the traditional religion.[106]

Peter van Nuffelen has argued that Varro's *Human and Divine Antiquities* united truth and tradition. According to van Nuffelen, Varro believed that the ancients, who had established the Roman religion, had had access to mysteries concerning the gods and the universe. They "encoded" these mysteries in the rituals that they established and passed down to others.[107] Thus, practitioners of the traditional religion would also be able to learn important truths about the gods through careful attention to and study of their religious practice.[108] We saw above that Varro believed that at the founding of a society, civil theology and physical theology would be identical. Van Nuffelen's argument further complicates the division between civil and physical theology: they weren't competitive, but instead "different forms of the same truths."[109]

5. Masters of the Gods

Let us now examine why Augustine's theory of religion committed him to his criticism of Varro. I will focus first on what I take to be Augustine's central contention. He accused Varro of placing Rome before Roman religion, and humans before the gods in origin and import.[110] This turned the gods into slaves of humans. By contrast, Augustine believed that the true religion was

[104] van Nuffelen 2010, 180-184
[105] Thus, Varro contrasted his efforts with what it would be like to create a new polity, with a new religion, from scratch. MacRae 2016, 28-9; Rüpke 2012, 176; Goar 1972, 95.
[106] *civ. Dei.*, 7.5
[107] van Nuffelen 2010, 163
[108] Ibid, 174-185
[109] Ibid, 186
[110] Ando 2008, 84-85

not founded by any earthly city but by God. It is the foundation of the heavenly city and as old as the human race.[111]

Recall that Augustine believed that religion is the worship of the deity upon whom one depends. If a city established the gods, then the gods depend on the city, not the other way around. He categorized this dependence as slavery. Thus, if the gods depend on humans, then the gods are slaves of humans, rather than masters.[112] I will argue in a moment that Augustine's criticism of Varro turned on the unfair assumption that the fact that a religion is invented means that the gods of the religion were invented. For now, however, notice that Augustine took Varro's claim that the city established the gods to be proof of Rome's impiety. He granted that Varro had condemned images of gods being slaves of humans in mythical theology.[113] However, he accused Varro of admitting as much in his own civil theology, positing certain gods as slaves of humans, assigned menial and undignified tasks by and for the sake of their human masters.[114]

Thus, in Augustine's view, Roman religion at its very best was impious. Taking its best representative, Varro, seriously, would commit one to viewing the gods as slaves, rather than masters. He further thought that Varro's account of religion would inevitably lead to disregard for truth and the instrumentalization of religion. If the gods are the invention of humans, then

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[111] Ibid: "Iste ipse Varro propterea se prius de rebus humanis, de diuinis autem postea scripsisse testatur, quod prius extiterint ciuitates, deinde ab eis haec instituta sint. Vera autem religio non a terrena aliqua ciuitate instituta est, sed plane caelestem ipsa instituit ciuitatem. Eam uero inspirat et docet uerus Deus, dator uitae aeternae, ueris cultoribus suis."

[112] Consider too Varro's claim that his goal was to "rescue" the gods from "neglect." Varro, *ant*. fr. 2, cited in MacRae 2016, 54.

[113] Ibid, 6.5 ('citing' Varro): "In hoc enim est ut deus alius ex capite, alius ex femore sit, alius ex guttis sanguinis natus; in hoc ut dii furati sint, ut adulterarint, ut servierint homini; denique in hoc omnia diis adtribuuntur quae non modo in hominem, sed etiam quae in contemptissimum hominem cadere possunt." ("In this [mythical theology] it says that one god was born out of the head, another from the thigh, another from drops of blood; in this, the gods are thieves, adulterers, and slaves of humans. In sum, to these gods are attributed all manner of things that could befall humans, even the lowliest of all humans.")

[114] *civ. Dei.,* 7.3

there is no fact of the matter about what they are like, except for what humans decide. There is no truth about the gods against which theological claims can be judged. Moreover, if humans invented religions for some other purpose, then religion could rightly be instrumentalized.[115]

Clifford Ando has argued that we can summarize Augustine's criticisms of Varro in three main ideas: first, that Augustine insisted that religion be true; second, that he believed that religion must precede human societies, not the other way around; third, that God communicates the theological truths to his worshippers.[116] On my interpretation, what Ando calls the second contention was Augustine's main point against Varro. The first and third follow from it; if religion is invented, then its concern is not truth but utility. If religion is a human invention, then there is no truth about religion to be given by a deity.

However, Augustine's criticism was not fair to Varro. While Varro believed that humans had established religious institutions,[117] he had never said that Rome had invented the gods.[118] Augustine seems to have inferred from the idea that humans established religion to the idea that humans established the gods. This inference would perhaps be licensed by Augustine's theory of religion, according to which humans are able to discover the true religion because God sent prophets to show humans how to return to the worship of God. The true religion was something to be discovered, not invented, for the same reasons that the true God was to be found, not founded. But Varro did not hold to Augustine's theory of religion. He took religion to be established by humans attempting to come up with the right way to respond to the gods.[119]

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[115] Augustine's accusations of instrumentalization under the Varronian picture (*civ. Dei.*, 6.12) echo his criticisms of Scævola's religion (*civ. Dei.*, 4.27)
[116] Ando 2008, 84-5
[117] Van Nuffelen 2010; Rüpke 2012, 172-185
[118] Ando 2010, 77
[119] Ando 2010; Rüpke 2012

Furthermore, several Romans also believed that the various religious practices could actually be used to discover how the gods wanted Rome to respond to them.[120] If they were right, then Roman religion was not pure invention; it involved learning about the gods from their responses to Roman religious practices.

Augustine also accused Varro of separating natural from civil theology in an attempt to separate truth from utility and denigrate truth. There is good reason to think that Varro was concerned about truth. If van Nuffelen's interpretation of Varro's project is correct, then Varro actually aimed to elevate truth.[121] Notice, however, that even if it is not, and Rüpke is right that Varro prioritized usefulness over truth, Augustine's criticism of Varro on this point was not fully fair either. It is a far cry from the idea that usefulness is more important than truth to the idea that truth doesn't matter at all.

It would be tempting to infer from Augustine's criticisms of Varronian civil theology that Augustine thought of the projects of religion and politics, or true religion and civil religion, as fundamentally different or at odds.[122] However, to do so would be an error. Like Cicero, Scaevola, Varro, Lactantius, and most Romans who theorized religion, Augustine thought of religion as a political good. By his lights, it constitutes a city, is a necessary virtue for citizens of that city, and informs the city's laws. Augustine was a Roman, and like most Romans, took

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[120] Ando 2010, 62

[121] In *civ. Dei.*, 6.10, Augustine claimed that Seneca knew that civil theology was false, but practiced it anyway, referring to Seneca's (now lost) *De Superstitione* at length. Augustine thus accused Seneca of hypocrisy, a charge that mirrored Lactantius's accusation of hypocrisy against Cicero. What was the implication for Varro? Either that Varro was not wise enough to see what Seneca showed was so plain – that civil theology was false – or that Varro, like Seneca, was a hypocrite. See also *civ. Dei.*, 18.10

[122] This inference is at play in, *inter alia,* Fortin 1980; Harding 2008, 83-87; Weed and von Heyking 2010, 8-9, Riedl 2010; Bobb 2010; Hollingworth 2010, 43-64. I also take this story to be implicit in Markus 1988 and 2006 and Elshtain 1995.

religion to be a civic good. I mention this here to forestall the interpretation of Augustine as opponent of civil religion, a position whose flaws will be exposed more fully in Chapter Six.

6. Eternal Slavery

The first part of this chapter argued that Augustine took slavery to God to be inescapable in the sense of being universal: he believed that everyone is a slave of God, regardless of their *patria* or religious practice. I then used this framework to interpret Augustine's criticism of Varro's religious project in the *Human and Divine Antiquities*. In this section, I will show that Augustine also took slavery to God to be inescapable in the sense of being perpetual: he believed that everyone is a slave of God forever, regardless of how faithful a person is.

One might have expected Augustine to have thought that a person's slavery to God ends once a person can no longer fall victim to sin. After death, Augustine believed, Christians attain a status where they are unable to sin.[123] Call this status 'glorification,' and a person who attains it 'glorified.' Though humans need God as a master to protect them from sin, one might expect that the glorified person no longer needs this protection. Perhaps then the glorified person ceases to be a slave and instead becomes a friend.

John 15:15 is sometimes cited as evidence for the view that I have just outlined, that Jesus offers friendship to those who have served as faithful slaves. It reads: "I do not call you slaves any longer, because the slave does not know what the master is doing; but I have called you friends, because I have made known to you everything that I have heard from my Father." Augustine's interpretation of this passage is important for our purposes because Augustine aimed for his account of slavery to be faithful to the New Testament witness. John 15:15 is a striking

[123] *corr. et grat.* 12.23: "Prima ergo libertas voluntatis erat, posse non peccare; novissima erit multo maior, non posse peccare." ("The first freedom of the will was to be able not to sin; the last will be far greater, to be unable to sin.")

passage because it captures a common intuition, that slavery and friendship are mutually exclusive. Friendship requires mutuality such that a master and a slave cannot be friends.

Augustine rejected this. He believed slavery and friendship to be compatible.[124] His commitment that slavery to and friendship with God are mutually entailing framed his most extensive discussion of John 15:15. He began as we might expect: "it is possible for the good slave to be both slave and friend."[125] But he immediately ran into an interpretive problem, given that Jesus appears to treat slavery and friendship as incompatible.[126] Associating faithful slavery with obedience to God[127] thus forced Augustine to read the text as paradoxical:

> What an astonishing thing! Whereas unless we do what God commands, we cannot serve him, how do we cease to be slaves by doing what he commands? If I cease to be a slave in obeying his commands, and I cannot be a slave unless I obey his commands, then in my slavery I cease to be a slave.[128]

Here, we might have expected Augustine to relinquish his view that slavery to and friendship with God are mutually entailing. But he did not. Instead, he argued that there are two sorts of slavery that can characterize a person's relationship to God. Each sort of slavery is related to a species of fear. One sort of fear is bad; it is the fear that "perfect love casts out."[129] Here Augustine referred to 1 John 4:18. He marshaled Romans 8:15 to make the same point. There Paul says, "You did not receive a spirit of slavery to fall back into fear." Augustine did not give this sort of fear a special name; he simply referred to it as fear (*timor*). Following Aquinas, I will

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[124] I will explain why in more detail in Chapters Six and Seven.
[125] *in evang*. 85.1: "Potest igitur esse servus et amicus, qui servus est bonus."
[126]Ibid, 85.2: "Ita nomen constituit amici, ut auferat servi; non ut in uno utrumque maneat, sed ut alterum altero decedente succedat." ("He establishes the name 'friend' to remove 'slave,' not that the two remain included in the one term but that one takes the place left by the other.")
[127] This idea is developed in more detail in Chapter Five.
[128] *in evang*. 85:2: ""O rem mirabilem! Cum servire non possimus, nisi praecepta Domini fecerimus, quomodo praecepta faciendo servi non erimus? Si servus non ero praecepta faciendo, et nisi praecepta fecero, servire non potero; ergo serviendo servus non ero."
[129] Ibid: "Est timor quem perfecta caritas foras mittit." Here Augustine is referring to 1 John 4:18.

call it servile fear.[130] Servile fear also seems related to the treacherous fear (*timore subdolo*) that Augustine thought characterizes unjust slaves of human masters.[131]

The second sort of fear is good. Augustine gave it a special name, pure fear (*timor castus*) and developed his conception of it somewhat in the *Tractates on the Gospel of John*.[132] And following Psalm 19:9, he characterized this fear as eternal.[133] He offered more descriptions of pure fear in *City of God*. It helps people resist sin, not out of anxiety but from a peace secure in perfect love. Here too, Augustine took his cue from Christian Scripture, quoting Romans 11:20: "do not be high minded, but fear."[134] If Paul enjoined his readers to fear, there must be a sense of fear that is good. Because such fear is characterized by perfect love, it endures forever.[135]

Slaves of God who relate to God in servile fear fail to love God. When Jesus substituted friendship for fear, Augustine argued, he meant to replace servile fear. By contrast, pure fear lasts forever. Jesus could not have meant to displace it with friendship.[136] On Augustine's reading, therefore, Jesus meant to turn fugitives into friends. But those with pure fear are already faithful slaves, and therefore friends. Since pure fear, unlike servile fear, lasts forever, Christians are faithful slaves of God forever.

One reason we might have thought that slavery to God expires once the threat of sin is neutralized is that Augustine often discussed slavery to God in the context of freeing humans from slavery to sin. As we saw in Chapter One, this context is predominant in Augustine's

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[130] *ST* II-II, 19.2-4
[131] *civ. Dei.,* 19.15
[132] *in evang.*, 85.3: "Et est alius timor castus permanens in saeculum saeculi" ("There is another fear which is pure and lasts forever.")
[133] Psalm 19:9: "The fear of the Lord is pure, enduring forever; the ordinances of the Lord are righteous and true altogether."
[134] *civ. Dei.,* 14.7: "Noli altum sapere, sed time."
[135] *civ. Dei.,* 14.9; *in evang.* 85.3; *in evang.* 88.1
[136] *in evang.* 85.3

discussion of the slave/master relationship in *City of God*. But his discussion of John 15:15 shows that Augustine could not have thought that slavery to God is merely the solution to the problem of sin. Since the glorified person is still a slave of God, Augustine must have assigned this status a deeper ontological reality. He did so because, as we have seen, he believed that humans are slaves in virtue of their radical reliance on God as creator and sustainer of the world.

And in fact, elsewhere, Augustine said precisely this. In a commentary on Psalm 122, he described all creation as enslaved to God.[137] Humans remain creatures forever, even upon glorification. Thus, humans are always slaves of God in virtue of their status as creatures. As we saw in Chapter One, Augustine believed there to be no question about whether humans are slaves of God. For him, the question was – and apparently will always be – whether they are faithful slaves or fugitives.

7. Conclusion

Augustine adopted the theory of religion that Lactantius had offered almost a century earlier. Religion aims to reunite humans to God, restoring the bond between them that was lost by human sinfulness. The true religion does so successfully; the various false religions do not. Religion's characteristic activity is worship, inspired by an acknowledgment of humans' radical dependence on God. This radical dependence means that all humans are slaves of God, regardless of whether they worship God. However, worship also fosters slavery between the worshiper and the object of worship. Thus, those who worship the true God become faithful slaves of God. Those who worship anything aside from the true God become slaves of whatever they worship in addition to God. Since the radical dependence that characterizes slavery to God is eternal, slavery to God is eternal – it does not expire upon death, or even glorification.

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[137] *en. ps.*, 122.5

Augustine took Varro – Augustine's avatar for Roman religion – to be proof that the wrong account of religion would lead to all sorts of other religious errors. Augustine wrongly inferred from Varro's claim that cities invent their religions that Varro conceded that Rome had invented its gods. Invented gods, Augustine thought, cannot be masters; they depend on the humans that invented them, rather than the other way around. Thus, Augustine accused Varro of impiety – of turning the gods into slaves of humans. He took this impiety to also explain what he perceived as Rome's tendency towards the instrumentalization of religion and its disregard for truth. Though these criticisms were not fair, they follow from Augustine's account of religion's nature, aims, and purpose.

The first three chapters of this dissertation have focused on Augustine's account and permission of slavery. In Chapter One, I argued that Augustine's justification of slavery as a site for conversion was tied to his understanding of humans as slaves of God. Over the last two chapters I have traced a history of religion from Cicero to Lactantius to Augustine and argued that because of his views on religion, Augustine took slavery to God to be universal and eternal.

Augustine's discussions of slavery to God and slavery to humans are inextricable. Clarifying the relationship between these kinds of slavery puts us in a position to examine related political concepts in his thought. The rest of this dissertation turns to how slavery functions in Augustine's broader ethical and political thought. I focus on law and citizenship.

The heavenly city, Augustine thought, is established by true religion.[138] Citizenship in it is better than citizenship in any earthly city, because cities are judged according to their laws. The heavenly city, unlike any earthly city, has perfect laws delivered by a perfect ruler.[139] True

[138] *civ. Dei.,* 6.4
[139] Recall Augustine's construction of "ordained obedience of faith to the eternal law" in *civ. Dei.,* 19.13 and 14.

citizenship consists in rationally assenting to these laws. Those who rationally assent to God's law are faithful slaves of God.[140] Thus, becoming faithful slaves of God together makes a people into a citizenry. This directly contrasted with Cicero's account, in which citizenship and slavery are opposites.

This contrast merits our attention because it frames Augustine's project in *City of God*. In book 2, Augustine promised to show that by Cicero's definition, Rome was never a republic because it never had true justice.[141] By book 19, he took himself to have successfully demonstrated his claim.[142] Why he believed himself to have done so is not, on first blush, clear. First, this claim seems to turn on Augustine's having shown that Cicero's definition of a republic entails that all republics manifest true justice. But Cicero did not mention "true justice" in the definitions Augustine cites. So, why did Augustine infer from Cicero's definitions that all republics manifest true justice? Second, it seems to require Augustine to have proven that Rome never had true justice. To demonstrate this, Augustine would have needed to specify the meaning of true justice. If true justice meant perfect justice, then his job would be easy, but so trivial that it would render his argument against Rome feeble. If it meant something else, then its conditions need to be very clear for the argument to be plausible as a polemic against Rome.

Augustine explained himself by appealing to various contrasts. We have already encountered his contrast between true religion as slavery to God and false religion, as slavery to

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[140] *in ioh*. 85.
[141] *civ. Dei.,* 2.21: "Secundum definitiones ipsius Ciceronis, quibus quid sit res publica et quid sit populus loquente Scipione breuiter posuit… numquam illam fuisse rem publicam, quia numquam in ea fuerit uera iustitia." ("Following Cicero's own definitions concerning what a republic is and what a people is, briefly set in Scipio's speaking…[Rome] was never a republic, because true justice never was in it.").
[142] Ibid, 19.21

wicked masters[143] (or, in the case of Varronian religion, false religion as the enslavement of the gods). Part 2 of this dissertation turns to the eternal law and the laws of particular nations. Part 3 considers heavenly and earthly citizenships. To understand his reply to Cicero, we must understand these contrasts. This means understanding the Roman conceptions of law and citizenship that Augustine knew about, and why he thought he could provide a better account of each. For Augustine and his Roman interlocutors alike, slavery played a prominent role in their understandings of law and citizenship. With his account of slavery in view therefore, we are better equipped to understand what Augustine took himself to be saying and doing. Or so I hope to show.

[143] Ibid: "Plane hoc exemplo satis edoctum est quibusdam esse utilem seruitutem, et Deo quidem ut seruiatur utile esse omnibus… Quapropter ubi homo Deo non seruit, quid in eo putandum est esse iustitiae?" "This example [God's rule over man, reason's over passion, etc.] clearly shows that there are some for whom slavery is useful, and that slavery to God is useful for all… When a man does not serve God, what justice can be reckoned to him?" In the same passage, he characterizes adherents of Roman religion as serving not God, but demons ("qui non seruit Deo seruitque daemonibus")

PART II

Law and Freedom

4

Lactantius, Theologian of Law

> "If the duties are divided up among them [many gods], we return to the same place, that each of them is unable to do them all. None will be perfect, who can govern everything, should the others be remiss. Thus, to rule the world it is necessary to have the perfect virtue of one instead of the weakness of many."
> Lactantius, *Divine Institutes,* 1.3.11[1]

Some slaves of God are faithful, others, runaways. But Augustine thought all are under the same, eternal law. This law helps runaway slaves return into God's service and guides faithful slaves to blessedness. Thus, it is universal, binding runaway and faithful slaves alike. Faithful slavery requires right dispositions and virtue as well as right action. Thus, the eternal law must be concerned with dispositions and able to help lead its observers towards virtue.

Like Cicero, Augustine believed that temporal laws have authority only insofar as they are consistent with the eternal law and that the best temporal laws diverge least from the eternal law. [2] The best temporal laws will also be concerned with observers' dispositions and able to help observers progress towards virtue.

The brief account of Augustine's understanding of law that I have just outlined differs significantly from the standard interpretation of Augustine's philosophy of law. According to the standard interpretation, Augustine did not believe that temporal laws ought to be concerned with eternal goods, including the virtue of those they govern.[3] Anton-Hermann Chroust, its most prolific expositor, summarizes it as follows:

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[1] "Si partiti sunt inter se officia, eodem reuoluitur res, ut ex iis quilibet sufficere, omnibus nequeat. Perfectus igitur iam non erit, qui, cessantibus caeteris, non potest omnia gubernare. Ita fit ut ad regendum mundum unius perfecta uirtute magis opus sit, quam imbecillitate multorum."
[2]Cicero, *leg*. 2.13-4 Augustine, *lib. arb.*, 1.5.11.33. 'Eternal' and 'temporal' law were not Cicero's terms. As I will argue, 'temporal law' played an analogous conceptual role for Augustine to the one 'civil law' played for Cicero. Similarly, 'eternal' and 'natural' law for Augustine and Cicero, respectively.
[3] In the following chapter, I will show that Augustine took the two paradigmatic eternal goods to be virtue and blessedness, by which he meant right relationship with God.

> [The] human laws, which concern themselves exclusively with the proper adjustment of man's secular affairs, deal primarily with the mere prevention of the worst excesses of human wickedness and not, as it were, with the promotion of virtue and the virtuous life.[4]

According to this interpretation, Augustine thought that temporal laws do not instruct people in virtue and cannot help them secure eternal goods. They certainly should not coerce people in the aim of helping them attain eternal goods. Temporal laws should instead aim for more modest goals: civil peace, chastened justice, nothing more.

In the following chapter, I will argue that this interpretation of Augustine's account of law is mistaken. He insisted that temporal laws ought to be concerned with eternal goods and endorsed the use of coercion to help the governed attain these eternal goods. The best temporal laws, he held, will indirectly help people secure eternal goods. 'Indirectly' is a crucial qualifier. The view that temporal laws ought to help people become more virtuous is sometimes associated with an account of virtue via habituation. Aristotle and Aquinas, for example, believed that laws can help a person become virtuous by enjoining them to practice acting rightly. Right action practiced habitually, they thought, leads to virtue.[5]

Augustine had a very different mechanism for virtue formation in mind. He believed that a person cannot attain virtue without God's help, grace. The best temporal law directs its observers to turn to God for this grace. Thus, temporal laws should be concerned with virtue, crafted in order to help people become virtuous, and are integral to the process of virtue formation. However, they cannot help people develop virtue on their own.

Though he did not believe that the Mosaic law on its own could help people develop virtue, Augustine endorsed it as the ideal historical promulgation of the eternal law. By 'eternal

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[4] Chroust 1946, 28. See also Chroust 1944, 201 and 1973, 24.
[5] On Aristotle, see Duke 2019, 11-39. On Aquinas, see Aquinas, *ST* I-II 95.1; I-II 96.2 and 3 and Kaveny 2012. For criticisms of this view, see Feinberg 1990, 277-317, esp. 289ff.

law,' he meant what Cicero and Seneca called the natural law. Thus, Augustine coordinated Roman jurisprudence and Christian theology. But Augustine could have coordinated them differently. Many early Christians viewed the Mosaic law with skepticism, even outright hatred. These views were held alike by some Christians we now call 'orthodox,' such as Tertullian, and others we now call 'heterodox,' such as Ptolemy and Marcion. Augustine developed much of his account of law in explicit contrast to one such heterodox figure, Faustus the Manichean. Had Augustine interpreted Scripture differently – more like Tertullian – his account of the Mosaic law and its relationship to the eternal law would have doubtless been different.

Tertullian, or Lactantius. For in his own day, Lactantius had similarly attempted to coordinate Christian theology and Roman jurisprudence. Like Augustine, Lactantius used this union to criticize the Roman legal regime. This chapter argues that Lactantius's account of law is similar to the account that has often been wrongly attributed to Augustine. Lactantius held that temporal laws should not coerce people towards the eternal good of right relationship with God. It is unclear whether he thought that law should not coerce people towards any eternal goods at all, but (unlike Augustine) he rejected religious coercion.

Lactantius is, therefore, a helpful foil for our study of Augustine. The two gave similar diagnoses of Roman law. They endorsed similar ideas in Ciceronian jurisprudence. Yet they differed crucially on the question of the ends to which temporal laws should coerce observers.[6]

[6] See, e.g., Drake 2000, 401-2, 441-483. Bowlin 2006 disagrees with Drake. Bowlin thinks that the main difference between Lactantius and Augustine concerns the details of the cases: Lactantius believed that Christians are to be tolerated because they want to be allowed into Roman community; Augustine believed that Donatists are to be compelled because they want to be allowed out of Christian community. I agree with Bowlin that the differences between the particular cases Lactantius and Augustine were responding to go some way to explaining their differences. However, I will show that Lactantius and Augustine also had significant theoretical differences on the nature of law and that these differences help explain their differing views on coercion.

By attending to Lactantius's account of law and comparing it to Augustine's, we can better identify the contingencies involved in Augustine's synthesizing decisions. We can also better understand how these decisions informed and were informed by Augustine's philosophy of law which contrasts with Lactantius's. Lactantius is therefore an excellent example of what Augustine might have said, were Augustine as he is too often described. Some of the differences between Lactantius and Augustine can be explained by their different historical positions: Lactantius wrote under conditions of persecution; Augustine from a position of political power. But their differences were also driven by their differing theological approaches.

This chapter begins with Cicero and Seneca. As I show in section one, their shared Stoic commitments led them to agree on much regarding law's nature and purpose. Section two turns to distinctive aspects of each that were relevant for Lactantius and Augustine. Section three provides a brief overview of four legal developments between the 1st and 3rd centuries CE. These were due in large part to the jurisprudence of Gaius, Ulpian, and Paul. Most relevant for Lactantius were: 1) the development of the idea of the emperor as the source of law; 2) the emergence of the category of public law and its implications for religious toleration; 3) the case for polytheism as grounds for political unity; and 4) the break between civil and natural law.

Finally, I turn to Lactantius himself in section four. Much of his account of law developed polemically, as he used Cicero and Seneca to criticize the recent legal developments and defend Christianity. Lactantius's legal philosophy in turn deeply influenced Constantine and thus fourth-century Roman law.[7] Using Ciceronian arguments, Lactantius criticized the views that the emperor is the source of the law and that a civil law that disagrees with the natural law can be authoritative. He used an argument that he called Ciceronian to argue against religious

[7] DePalma Digeser 1999 111-145, esp. 133-8 and 2006, 78-82; Drake 2000, 192ff; Bowlin 2006

coercion. As we will see, however, in calling this argument Ciceronian, he attributed to Cicero crucial commitments that Cicero never expressed. Most dramatically, Lactantius attempted to use Ciceronian premises to argue that the Roman jurists' legal commitments were incompatible with the worship of many gods. In other words, Lactantius developed a political theology of Roman law.

I take up Augustine's Roman-Christian synthesis in the next chapter. Augustine made central some commitments that were peripheral for Lactantius. Most important was Lactantius's endorsement of the Mosaic law. Augustine also reversed some of Lactantius's commitments, including his account of religious coercion. Since Augustine endorsed coercion towards eternal goods, and he considered right relationship with God to be an eternal good, his endorsement of religious coercion is unsurprising.

Detailing his intellectual setting helps bring Augustine's account of law into relief. However, in his writings on law, the influences of Cicero, Seneca, and Lactantius are far less explicit than they are in his writings on slavery, citizenship, and religion. There is no evidence, in fact, that Augustine read Cicero's *On the Laws* or any of Seneca's writings on law.[8] Augustine did read Lactantius's *Divine Institutes,* which engaged significantly with Cicero and Seneca's accounts of natural law. However, Augustine never referred to Lactantius in his writings on law. If he had Lactantius in mind, it was likely as a foil; Augustine would have disagreed with Lactantius's account of law. As we will see in the following chapter, Augustine's most systematic treatments of law developed in conversation with Faustus, a Manichean. Accordingly, over these two chapters I will try to surface moments where Augustine's arguments reflect or

[8] I rely here on the work of Hagendahl 1967. See Appendix C for a survey of Augustine's classical sources.

reject themes present in the legal thought of Cicero, Seneca, or Lactantius, even if Augustine did not have them in mind as he developed and refined his views.

1. Law's Purposes: Sociability and Liberty

For Cicero and Seneca alike, law's purpose is to secure the benefit of those it governs.[9] Though law benefits people in many ways,[10] two dimensions are especially salient for the discussion of Lactantius to follow: sociability and liberty. Cicero believed that the natural law demarcates a social community of those who participate in and are governed by it. Rationality distinguishes humans from other animals.[11] The natural law is the rule of reason in the mind of the wise person. As humans are rational, they can participate in the natural law together.[12]

One reason that equality before the law is important, according to Cicero, is that it helps law foster sociability.[13] Citizens share in the law.[14] Through it they partner together and govern their association. If some citizens have more rights in virtue of citizenship than others, the association among the citizens is threatened. Good relations among citizens will not be stable, if they obtain at all.[15] For this reason, a state whose affairs are entirely under the control of a senate

[9] See Dyck 2004, 47; Inwood 2008 233-4; Atkins 2013, 202; Annas 2017, 178-9
[10] For example, the law protects the innocent and punishes the guilty (Cicero, *leg.* 2.13).
[11] Cicero, *leg.* 1.22: "animal hoc…quem vocamus hominem, … solum est enim ex tot animantium generibus atque naturis particeps rationis et cogitationis, cum cetera sint omnia expertia" ("This animal…which we call 'man' … is alone, out of all the types and characters of animals, to share in reason and reflection, which all other animals lack.")
[12] Ibid, 1.23: "est igitur, quoniam nihil est ratione melius eaque est et in homine et in deo, prima homini cum deo rationis societas; inter quos autem ratio, inter eosdem etiam recta ratio communis est; quae cum sit lex, lege quoque consociati homines cum dis putandi sumus." ("Since there is nothing, therefore, that is better than reason, and it is in both human and god, the first thing that humans and god have together is reason. Among those who both have reason, there is a share in right reason. Since that is law, humans must be believed to be closely linked with the gods by law.") Annas 2017, 173-4
[13] Cicero, *rep.* 1.49. Atkins 2013, 137
[14] Cicero, *off.* 1.53
[15] Though Cicero did not make this comparison, notice the similarities between his argument here and what Plato argued for in the *Laws*, 6.757-7.

is unstable; a monarchy even more so.[16] In any state there will be inequalities among people, for example in property or ability.[17] Equality before the law unites citizens across differences.[18]

It was important for Cicero that the law preserve and promote sociability in a way that is proper to humans. It befits humans, or at least those with the capacity for self-rule, to obey the law by rationally assenting to it.[19] Thus, though law must sometimes be coercive,[20] coercion represents a breakdown. It indicates that either a citizen has acted badly, or the law has been crafted poorly. The best laws persuade, rather than having to coerce.[21] The best citizens obey willingly, not reluctantly. Recall, furthermore, that Cicero thought that a free populace governs itself via laws.[22] Thus, laws that make people unfree undermine the laws' very purpose.

Like Cicero, Seneca thought that laws ought to protect and promote human sociability. Humans, Seneca believed, are social by nature. [23] Thus, laws that undermine sociability violate

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[16] Cicero, *rep.* 1.49: "And so, when the senate gains control of affairs, the condition of the state is never stable, and that is all the more true of monarchies: as Ennius said, 'there is no holy bond or trust' in a monarchy." (trans. J.G. Zetzel)

[17] Ibid: "Even if equality of property is not appealing, and if the mental abilities of all cannot be equal, certainly the rights of all who are citizens of the commonwealth ought to be equal. What is a state if not the association of citizens under law?"

[18] Benardete 1987 shows that Cicero performed this unity in his methodological pluralism in *leg.* He endeavored to unite various schools of thought in *de legibus* (on this, see Rawson 1973, 340-9; Atkins 2013, 165-9). By having Marcus and Atticus remain friends despite their disagreements about the place of reason Cicero presented the sort of unity between citizens that law aims to preserve and strengthen.

[19] Cicero, *leg.* 1.23-4. Cicero developed this in discussing the possibility of friendship between humans and gods as citizens of the same cosmic city. This development is important for the discussion of Augustine's place in the republican tradition to come in Chapter Four.

[20] Ibid, 3.6: "Iusta imperia sunto, isque civis modeste ac sine recusatione parento; magistratus nec oboedientem et noxium civem multa vinculis verberibusve coherceto" ("The powers shall be just, and the citizens shall obey them in a disciplined manner and without refusal. The magistrates shall constrain a disobedient and harmful citizen by fine, imprisonment, or flogging.")

[21] Cicero raised the question of persuasion rather than compulsion in his discussion of Plato's *Laws* in *leg.* 2.14. Annas (2017, esp. 172-9) argues that Cicero agreed with Plato that the laws should "persuade rather than compel." As Atkins 2013 (163ff and 214) notes, Marcus presents his religious laws with the intention of persuading citizens that the gods exist. Cicero thus enacts the Platonic principle he endorses in the discussion of laws of religion.

[22] Atkins 2013, 208-213; Hammer 2014, 10ff; *leg.* 1.42; *off.* 2.24

[23] So did Cicero, as I discuss in greater detail in Chapter Five. Atkins 1990.

the natural law. Civil laws can and should be judged by the extent to which they agree with the natural law. The tyrant's paradigmatic activity undermines sociability and thereby abandons the natural law.[24] By contrast, we see in *On Benefits* Seneca's conception of the person with a robust appreciation for human sociability.[25] Such a person is disposed to help another out of a natural concern for the other's well-being.[26] In fact, Seneca argues in *Letter* 9, the sage is best able to be a good friend.[27] The sage will not exploit his friends for his own happiness. Instead, he pursues friendship for its beauty and practices virtue in this context.[28]

Like Cicero, Seneca emphasized that humans ought to rationally assent to the law. As we saw in Chapter One, Seneca took humans and gods to be potential citizens of the cosmic city. Humans and gods enjoy this position because they are rational.[29] To be a true citizen of this city, a person must be free. Seneca often construed liberty negatively, as the absence of slavery to externals. But this negative sense has a positive corollary, adherence to right reason. Seneca's philosophy of law was thus closely tied to his ethics: the task of ethics is to understand the demands that the natural law makes on all potential citizens of the cosmic city.[30]

A person is not free, however, who follows the natural law fearfully or begrudgingly. To be free, she must recognize that the natural law is rational. Then she must respect it as rational

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[24] Inwood 2008, 230

[25] Seneca describes the giving and receiving of benefits as what "constitutes the chief bond of human society." (Seneca, *ben.* 1.4.2). In Seneca 1935, trans. J.W. Basore.

[26] Ibid, 1.6.1.

[27] There is a tension in Stoic thought between independence and friendship. If the sage is independent, then he should not need friends to be happy. Seneca recognized the tension and dealt with it explicitly in *eps.* 9 and 109. To put it reductively, Seneca's solution was this. The sage does not need friends to be happy. But he knows that friendship is inherently beautiful and provides an arena to practice virtue. Thus, the sage seeks to befriend others (Evenpoel 2006, 186-190; Edwards 2015, 42-44).

[28] Clark and Motto 1993; Motto 2007; Edwards 2015, 44

[29] Seneca, *ep.* 92.27: "Ratio vero dis hominibusque communis est; haec in illis consummata est, in nobis consummabilis." ("Reason, however, is common to both gods and humans; in gods it is completed; in us it can be completed")

[30] Inwood and Miller 2007, 147-153 (in Miller and Biondi 2007); Inwood 2008.

and follow it because she rightly judges it "reasonable and fair."[31] Seneca's freeperson rationally assents to the natural law instead of conceiving of it as a "brute force of overmastering fate."[32]

This attitude ought to extend, Seneca believed, even to the law of mortality. Humans might be inclined to complain about the fact of death or accept it only begrudgingly. But Seneca argued that the right way to respond to mortality is to recognize that though uncontrollable, death is fair. Even aspects of the law that are beyond one's control demand one's rational allegiance.[33]

For a similar reason, a proper understanding of the natural law excludes fear of the gods. Someone who believed that the gods governed the universe capriciously might adopt a servile posture, making herself abject to secure benefits from them.[34] But this posture is unbecoming: the good person is not a slave even of the gods.[35] Piety is not supplicating to the gods. Rather, it begins by recognizing that the divine law governs the universe with unflinching rationality.[36] This recognition results in willing obedience to this divine law because it is rational.[37]

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[31] Inwood 2008, 233-4.
[32] Ibid, 234. Inwood reads this as Seneca's argument for autonomy over heteronomy.
[33] Ibid, 243
[34] Ibid, 235
[35] Seneca, *prov.* 5.7: "Nihil cogor, nihil patior inuitus, nec seruio deo sed assentior, eo quidem magis quod scio omnia certa et in aeternum dicta lege decurrere." ("Nothing compels me, I suffer nothing against my will, neither I am a slave to God, but I willingly assent to him, even more so because I know that everything is fixed and proceeds by an eternal law.")
[36] Seneca, *ep.* 76.23: "Virum bonum concedas necesse est summae pietatis erga deos esse. Itaque quicquid illi accidit, aequo animo sustinebit; sciet enim id accidisse lege divina, qua universa procedunt." Quod si est, unum illi bonum erit, quod honestum; in hoc enim positum est et parere dis." ("A good person, you concede, must have the highest piety towards the gods. Thus, he will put up with whatever befalls him with equanimity; he will know that it befell him by divine law, by which the universe moves.")
[37] Ibid, 76.23-4: "Unum illi bonum erit, quod honestum; in hoc enim positum est et parere dis nec excandescere ad subita nec deplorare sortem suam, sed patienter excipere fatum et facere imperata." ("Only one thing will be good for him: the honorable. One thing it establishes is that one obeys and neither flares up at unexpected misfortunes nor laments one's lot. Instead, one understands fate and does what it commands"). Though Cicero did not make this argument in his discussion of law, we will see in Chapter Six that his description of *superstitio* in *de natura deorum* was very similar to what Seneca is guarding against in his description of piety.

2. The Form and Value of the Law

Despite their various commonalities, Cicero and Seneca had different conceptions of the form of the natural law. When Augustine and Lactantius compared Roman law to the natural law, they invoked a picture of natural law that is Ciceronian in some respects and Senecan in others. Both Cicero and Seneca identified natural law with the reason of the divine force guiding the universe.[38] However, for Seneca this lawgiver is impersonal. The law is not much more than natural regularities.[39]

Cicero, by contrast, thought of the natural law as "right reason in the mind of the wise person." When Cicero spoke of 'the wise person,' he meant something different from our colloquial sense of a wise person. He meant a perfectly wise person – someone who knows everything, is completely virtuous and rational, and has an undivided will.[40] As Julia Annas puts it, "[Cicero's] wise person gets everything right."[41] By contrast, we tend to conceive of wisdom as coming in degrees. Two people can be wise, though one person is wiser than the other. As such, by our locution, a wise person need not get everything right. For the purposes of discussing Cicero, we can call his wise person 'the perfectly wise person.' The mind of the perfectly wise person is not available to any individual. At best, therefore, legal systems approximate right reason in the mind of the perfectly wise person.[42] At best, they approximate the natural law.

The content of right reason in the perfectly wise person's mind will not have the form of the law: it will not consist in general rules about what ought and ought not to be done.[43] A

[38] Benardete 1987, 297; Inwood 2008, 231ff; Atkins 2013, 169ff; Annas 2017, 168ff.
[39] Inwood 2008, 231-2
[40] Annas 2017, 182
[41] Ibid, 183
[42]Following Striker, 1996, we might interpret Seneca's account of natural law as more uncomplicatedly Stoic. Cicero's account is Stoic insofar as it understands the natural law as ideal divine reason. But it departs from traditional Stoicism insofar as natural law's form is not law-like.
[43] Ibid, 181-5.

perfectly wise person evaluates each situation with attention to its details. Right reason in such a person's mind could not, therefore, issue in general rules. They would not be able to account for precisely the nuances of situations that the perfectly wise person must account for.[44]

Particular legal systems should approximate the natural law.[45] They do so by attempting to realize the ideal of right reason in a particular community – securing the virtue and happiness of the members of that community.[46] But unlike the natural law, they must issue general directives and prohibitions.[47] Different systems can be judged as to how well they achieve this goal.[48] Cicero judged the Roman legal system to have come closest to this goal.[49] With a few alterations, the Roman law could be authoritative for all communities as human wisdom's best approximation of the natural law so far.[50]

Cicero thought that human laws, at best, approximate divine reason. They only aspire to the most excellent thing. The laws described in *On the Laws* are fitted to the customs of Rome.[51] This is because the laws presented are meant to be the laws of the "best practicable regime." In *On the Commonwealth*, Cicero identified this as an idealized version of the Roman Republic.

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[44] As Annas argues, Cicero leaves room for one such general law: "a law prescribing *virtue*" (Annas 2017, 181; emphasis original. See also Inwood and Miller 2007, 145). But since virtue can be realized through myriad actions, a natural law in this respect would still not prescribe specific actions. It would be too general to function as a directive.

[45] *leg.* 2.11

[46] Ibid. See too Atkins 2013, 203-4

[47] Annas's reading resolves a tension that Inwood and Miller (2007) identify in Cicero, between natural law as universal, general principles and specific, action-guiding directives. If Annas is right, then this is no tension for Cicero after all. The natural law does not consist in specific, action-guiding directives. It wasn't meant to. Communities construct action-guiding directives as a best approximation of the natural law. Some of these, like Rome, are such excellent approximations that they deserve the name 'ideal.'

[48] e.g., *leg.* 2.13, where Marcus and Quintus agree that to the extent that a system of precepts fails to achieve this goal, it "should not even be given the name of law." (trans. J. Zetzel)

[49] More specifically, Cicero judged that an idealized version of the Roman law was the best approximation of the natural law available. Thus, Marcus's laws are very close to the laws of Rome in many respects, but include alterations (Atkins 2013, 208-217; Annas 2017, 179ff)

[50] Annas 2017, 183

[51] Ibid, 195-8

Laws that fail to account for any customs of this regime will not be appropriate to this regime.[52] On a straightforwardly Stoic conception of natural law, this would be contradictory. The ideal law is the law that is higher than the laws of any polity, against which all such laws should be judged. As a result, it will not account for the contingent conventions of any polity.[53] But Cicero took the ideal law to fit the ideal polity. The ideal polity is a slightly modified version of the historical republic, with its own customs and conventions. Thus, his ideal laws, to fit to the ideal state, needed to take these conventions into account.[54]

Some of these conventions were meant to accommodate human flaws. For example, Cicero believed that if humans were perfectly rational, they would not need temples to worship the gods.[55] Since they are not, they do. Accordingly, the laws should account for this.[56] If the laws simply insist that humans not worship in temples, they will demand more than most people can give. They would be laws for sages, perhaps, but not for us. They would therefore fail to be laws for the "best practicable regime."[57]

Nonetheless, Cicero did not take the accommodation of human flaws to count against law's value. *On the Laws* presents a dialogue among Cicero (Marcus), his brother Quintus, and their friend Atticus.[58] A state without law, Marcus says, is worthless. The absence of law is

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[52] Laws cannot account for all customs of a regime. Suppose a regime has a custom that allows citizens to take one another as slaves. Such a custom should be legislated against, not accounted for. On the other hand, some customs that are not fully rational are accounted for, e.g., the custom of worshiping in temples, which I discuss shortly. Perhaps Cicero's principle was as follows: any custom, the elimination of which would make a society worse, should be accounted for. All other customs should be legislated against. Thanks to Melissa Lane for this point, and her formulation of the principle.

[53] Inwood and Miller 2007, 142-5; Atkins 2013, 196ff.

[54] As Julia Annas discusses, the ideal laws are universally applicable because any wise person can recognize their wisdom; still, to be applied to non-Roman societies, they would need to be fitted and adapted to those societies (Annas 2017, 183-4).

[55] Atkins 2013, 213

[56] *leg.* 2.19-21

[57] Atkins 2013, ch.6

[58] As Atkins 2013, 157 argues, we ought not to simply *identify* Cicero with Marcus; Marcus is a character that Cicero creates to participate in the fictional dialogue. Cicero did not express all of his views through

enough to make an otherwise good state worthless: law is "among the best things."[59] Laws are worthwhile because, but not simply because, they punish crime and protect the innocent. They are also worthwhile because they provide guidance on how people can live excellent, happy lives.[60] In this respect, a city's laws are still of fundamental value.[61]

Seneca had a different account of the law's limits. For Seneca, the content of the natural law is coextensive with Stoic ethics. No legislative system, however, can be coextensive with ethics. Thus, legislative systems are always inferior to the natural law.[62] We moderns might be tempted to think that this is because law can only restrict bad action through threats of punishment; it can neither instruct nor encourage a person in right action.[63]

Seneca's account, however, is more complicated than this. In *Letter* 94, Seneca distanced himself from that position, which he attributes to Posidonius, who (on Seneca's telling) thought that law's purpose is not to instruct in good actions, but only to restrict bad ones.[64] Seneca sided instead with Plato: the laws can instruct. They do not always succeed. But we shouldn't infer

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the explicit sayings of Marcus. Nonetheless, Marcus tends to be a good guide to understanding Cicero's commitments in *de legibus,* especially when there is no countervailing reason to doubt that Cicero would have agreed with the view he attributes to Marcus.

[59] *leg.* 2.12: "**Marcus**: I ask you then, Quintus, according to the custom of the philosophers:2 if there is a certain thing, the lack of which in a State compels us to consider it no State at all, must we consider this thing a good?
Quintus: One of the greatest goods, certainly.
M. And if a State lacks Law, must it for that reason be considered no State at all?
Q. It cannot be denied.
M. Then Law must necessarily be considered one of the greatest goods.
Q. I agree with you entirely." (trans. C.W. Keyes)

[60] Ibid, 2.13

[61] Atkins 2013, 204-8

[62] Inwood 2008, 226-7

[63] See J.S. Mill's famous statement of the harm principle: "The only purpose for which power can be rightfully exercised over any member of a civilized community is to prevent harm to others" (*On Liberty,* ch1). Cathleen Kaveny (2012, esp. 17-22) associates this commitment, to varying degrees, with most contemporary liberal legal philosophy.

[64] *ep.* 94.38. Posidonius had argued that a law that instructs instead of compels is no law any more than a doctor who instructs instead of cures is no doctor.

from this that the laws can't instruct. After all, he reminds his reader, philosophy is not always successful in instructing people, but no one thinks that it is thereby useless for instruction.[65]

Nevertheless, Seneca observed that law cannot address the full range of right action. Some things lose their value once legislated. Take, for example, gifts. Gifts are valuable only if given freely from a disposition to help others. If we are legally required to provide them, they lose their value. Legislating gift-giving would compel that which is only valuable when it is not compelled.[66] Seneca also emphasized that a person can at once act viciously and legally.[67] Sometimes a person fails to break laws only because he is too incompetent to break them: "some crimes we have done; some we have intended; some we have hoped for; some we have supported; in some cases, we are innocent because we did not succeed."[68]

In the following chapter, I will argue that Augustine's account of law played a Senecan conception of natural law against a Senecan conception of positive legal systems. On the one hand, like Seneca, Augustine thought that there is a highest law that is coextensive with the demands of morality. Seneca called this the natural law; Augustine called it the eternal law. Like Seneca, Augustine thought that most legal systems are second-best because they don't capture the full extent of morality. But unlike Seneca, Augustine thought that one legal system does capture the full extent of morality – the Mosaic law. Thus, one legal code of a concrete, historical political community – the people of Israel – was coextensive with morality.

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[65] Ibid, 94.39: "'At non apud omnis proficiunt.' Ne philosophia quidem; nec ideo inutilis et formandis animis inefficax est." ("'But they do not always accomplish this.' Neither does philosophy; but it is not therefore useless and ineffectual at forming souls.")
[66] *ben.* 3.6-7
[67] Seneca, *de ira* 2.28.3: "Quanto latius officiorum patet quam iuris regula! Quam multa pietas, humanitas, liberalitas, iustitia, fides exigunt, quae omnia extra publicas tabulas sunt!" ("How much wider does duty extend than legal rules! How much do piety, humanity, generosity, justice, and loyalty weigh on us, which all fall outside of public regulations!")
[68] Ibid, 2.28.3-4: "Alia fecimus, alia cogitavimus, alia optavimus, aliis favimus; in quibusdam innocentes sumus, quia non successit."

3. Legal Developments in the Early Empire

Many scholars have noted the influence of a Ciceronian conception of law on Lactantius and Augustine.[69] So too, I will argue, were they influenced by a Senecan picture. However, each also developed his account of law against the backdrop of legal developments in the first three centuries CE. Each often plays the earlier figures against later developments in Roman law.[70] Therefore, to understand Lactantius and Augustine better, we must turn to some of the intervening developments.[71]

I will briefly discuss four developments, with a special focus on law's relationship to religion. This discussion is necessarily limited. Each development could be given in far more detail. Moreover, Roman law underwent far more changes than I discuss. But my aim is to give enough background while keeping Lactantius's concerns in view. The developments are: first, the conception of the emperor as the source of law; second, the emergence of the category of public law and its implications for regulating religion; third, the understanding of polytheism as grounds for political unity; fourth, the break between civil and natural law. I will consider each in turn.

3.1 | The Emperor as The Source of Law

Cicero took the natural law to be right reason in the mind of the wise person. He proposed an idealized version of the Roman law code. This code, he thought, was "the nearest anyone [had] come, historically, to the best law code," the natural law.[72] Thus, for him, natural law and Roman law were closely knit. After Cicero, Gaius (in the second century CE) and

[69] See, e.g., Chroust 1950; DePalma Digeser 1998, 141-3; Inwood and Miller 2007, 148
[70] See, e.g., DePalma Digeser 2000, 46-64
[71] The following historical overview is deeply indebted to the work of Elizabeth DePalma Digeser, esp. DePalma Digeser 1998, 2000, and 2006.
[72] Annas 2017, 184

Ulpian (in the third) developed this connection within the context of the rule of the emperor.[73] By the second and third centuries, many educated Romans believed that natural law was an expression of divine will.[74]

During the Republic, a law was not legitimate unless the body of citizens, the Assembly (*comitia*), agreed to it or to the mechanism by which it was established. Republicans argued that otherwise citizens would have had no say in the laws that governed them. They would therefore not be free, as citizens ought to be, but slaves.

In the imperial era, this legitimating mechanism became obsolete. Different Roman legal theorists suggested different mechanisms as substitutes. Gaius broke Roman civil law into five parts: statutes, plebiscites, decrees, imperial constitutions, edicts, and opinions.[75] He referred to only one of these five parts – statutes – as *lex*. Statutes were established by the whole body of citizens.[76] The emperor, by contrast, had the authority to issue imperial constitutions (*constitutionibus principum*).[77] Gaius argued that the emperor had this authority because it was

[73] DePalma Digeser 2000, esp. 47ff.
[74] Ibid, 48
[75] Gaius, *Inst.* 1.2: "Constant autem iura populi Romani ex legibus, plebiscitis, senatus consultis, constitutionibus principum, edictis eorum, qui ius edicendi habent, responsis prudentium."
[76] Ibid, 1.3: "Lex est, quod populus iubet atque constituit… populi appellatione universi cives significantur"
[77] We should not confuse *constitutionibus principium* for the Roman constitution. The Roman constitution was a mostly unwritten set of principles that, among other things, established the balance of power between the chief political institutions. When Gaius mentions *constitutions principium*, he means legal decrees given by the Emperor, as opposed to those established by the senate, the magistrates, the plebeians, and the people. *Inst.* 1.5: "Constitutio principis est, quod imperator decreto vel edicto vel epistula constituit." ("An imperial constitution is that which the emperor establishes (*constituit*) by decree or edict."). Noel Lenski (2016: 167-8) outlines five types of common imperial legislations: edicts ("general laws with regional or imperial scope"); mandates ("instructions to officials to perform specific commands"); decrees (imperial decisions on a legal case); rescripts ("responses to petitions, usually answering a legal question by interpreting or adapting existing law"); and letters, ("laws addressed to individuals or officials").

given to him by statute.[78] The emperor could create law by fiat, but only because the citizens had legislated his authority to do so.

Ulpian agreed with Gaius that the emperor's authority was delegated to him by the citizens. But he united this understanding of authority with the "increasingly popular view that the emperor was the embodiment of the law."[79] The emperor, thus, was at once under the citizenry's authority while having authority over the citizenry as the law's embodiment. In Ulpian's view, the emperor was "a dynamic and personal revelation of divinity."[80] He could therefore fulfill the role of Cicero's wise man. As Cicero thought that no wise man was available, he disbursed the power and responsibility to construct the laws to the body of the citizens.[81] Ulpian reassigned power and responsibility to the emperor by identifying him as the wise man.[82]

3.2 | Public Law and the Regulation of Religion

Ulpian is also commonly credited with introducing the distinction between public and private law into Roman jurisprudence.[83] Public law was concerned with public goods (*rei Romanae*), while private law was concerned with individuals' well-being (*singulorum utilitatem*). Public law included religious rites (*sacra*) as well as the duties of the magistrates. [84]

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[78] Ibid, 1.5: "Constitutio principis est, quod imperator decreto vel edicto vel epistula constituit. Nec umquam dubitatum est, quin id legis vicem optineat, cum ipse imperator per legem imperium accipiat."
[79] DePalma Digeser 2000, 49
[80] Ibid.
[81] Annas 2017, 178
[82] This conception would later be complicated by subsequent Christian emperors. Justinian's *Digest* was significantly influenced by Ulpian, but Justinian conceived of himself as authorized by God to resolve legal ambiguities by fiat, rather than being above the law (Banchich, Marenbon and Reid Jr. 2007, 251-254; in Miller and Biondi 2007). Two centuries before Justinian, Constantine was reconsidering his authority to tolerate divergent religions as predecessors like Galerius did. But where Galerius was able to appeal to "imperial providence and divinity," Constantine thought of his own authority as derived from the authority of God (Lenski 2015, 128).
[83] Ando and Rüpke 2006, 7-8; DePalma Digeser 2006, 70. Watson (1992: 29) says that the distinction between private and public law is already present in Cicero. But, as Ando and Rüpke (2006) argue, this distinction doesn't seem to have been a technical feature of Roman law until after Cicero.
[84] Ulpian, *dig.* 1.1.1.2

Romans did not imagine law and religion as separate domains.[85] One reason for this is that a community's religious rites partially constituted its identity.[86] Furthermore, the gods were thought to respond to worship by protecting the community. Thus, public rites (*publica sacra*) were legally regulated.[87] Since the well-being of the state turned on rites being carried out properly, rites fell under public law.[88] A person judged to have incurred sacred guilt was cut off from the community via the practice of *noxae deditio*.[89] The community thereby relinquished responsibility for his guilt. If a god took vengeance on that person, it would be visited upon the individual alone, not the whole community.[90]

Families and individuals also performed private rites. However, as these rites purported to secure private goods, they were not formally considered under the purview of public law.[91] Thus, for example, though there was a legal censure on magic, it was almost exclusively invoked in cases concerning the use of substances to kill or harm another person.[92] We should not, however, think of the distinction between public and private religion in Roman law as impermeable. Under Roman law, some putatively private religions, like the cult of Bacchus, were censured because of their secrecy. Officials were concerned that this secret organization should not become a conspiracy. [93]

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[85] See, e.g., Watson 1992; the introductions to Ando and Rüpke 2006 and Tellegen-Couperus 2011; and Lenski 2015 and 2016b.
[86] DePalma Digeser 2006, 69
[87] Rüpke 2006, 36; Ando 2006 (both in Ando and Rüpke 2006)
[88] Cicero, in *leg.* 2.29 also named more mundane reasons for having good religious regulations. For example, having regular holidays and festivals breaks up the sequence of legal disputes and promotes friendship.
[89] Scheid 2006; Tellegen-Couperus 2011
[90] Scheid 2006, 27-30
[91] Ando and Rüpke 2006, 9; Rüpke 2006, 36. In this, the later Roman jurists agreed with Cicero. See *leg.* 2.22.
[92] Rives 2006 (in Ando and Rüpke 2006)
[93] North 1979; Garnsey 1984, 8-9; Watson 1992, 58-62; Baudy 2006, 105-9 (in Ando and Rüpke 2006)

This conception of law's relationship to religion was already present in Cicero. Though Cicero thought private rites should not be banned, he also thought that all private gods needed to be state-sanctioned.[94] However the formalization of public law as a distinctive technical legal category made the need for state regulation of religion more salient. The need for private religions to be state-sanctioned may also partially explain Rome's preferring ancient cults to new ones.[95] If a rite had been practiced for a long time and had not brought public harm, there might be good reason to allow it to continue.[96] New, untested rites warranted suspicion.

3.3 | Polytheism and Political Unity

Romans understood a community's religion as constituting its ethnic and political identity.[97] Different peoples were identified by their historical cults. As a result, when Emperor Caracalla extended citizenship rights to all foreigners living under the Roman empire in 212 CE, Roman religion accommodated this change.[98] It did so by using a theology that could explain how a variety of different cults could belong to one, unified, political community.

One such theology was offered by Neoplatonists like Plotinus and Porphyry. Porphyry understood Platonism to have proven a One: a fundamental, transcendent entity from which all other objects derived their existence.[99] But this One "reveals itself" in the form of many gods.[100] These many gods co-exist non-competitively, since they are revelations of the same One. This

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[94] Watson 1992, 59-60
[95] Cicero, *leg.* 2.24; Galerius, *Edict of* 311 (as found in Lactantius's *mort. persec.*); Porphyry made the same point in his polemic against Christians. See DePalma Digeser 1998, 137
[96] This is a corollary to Garnsey 1984, 2: "The very existence of [a] community was proof not just of the existence of its gods, but also of their general satisfaction at the attentions they were receiving from the people whom they were protecting."
[97] DePalma Digeser 2006, 72-3
[98] This change was also inspired by Ulpian, who, along with other Severan lawyers, sought to make Roman law "more uniform and universal" across the Empire (DePalma Digeser 2000, 49-50).
[99] Plotinus, *Enneads*, 2.3
[100] DePalma Digeser 2006, 72

explains why the gods of conquered peoples could be "summoned out" (*evocatio*) of their old communities and brought under the same pantheon. There they could together protect Rome (and in so doing protect their old worshippers) and enjoy the worship of all Roman citizens.[101]

For this to work, however, the political community needed to unite in worship of the whole cult. Citizens needed to be united in religious practice to be united politically. Thus, the edict simultaneously proposed that Romans "join the foreigners" in the worship of foreign gods and extended to foreigners the "citizenship of the Romans."[102] This transferred not only rights but also duties of citizenship to many who had previously not been citizens. Participation in the Roman cult was a duty of citizenship because it was meant to secure a public good. Those made citizens by Caracalla's edict were conscripted into a polytheistic system. This development affected many Christians, most of whom were not citizens before 212. Before, their practices could be regulated to curtail secret conspiracies. Now, refusal to worship the Roman gods constituted treason.[103]

Rome has sometimes been accorded the "reputation of having been…tolerant" with respect to religion.[104] Whether to call Roman religion tolerant is a vexed question. Though it did not always accommodate foreign gods, sometimes it did.[105] Historically, scholars judged Rome as tolerant for this reason. The understanding of toleration implicit in this judgment seems to be the accommodation of difference. Roman religion was tolerant, on this understanding, because it welcomed in gods that had not been in its pantheon before.

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[101] Garnsey 1984, 7
[102] DePalma Digeser 2000, 50
[103] Ibid, 50-1
[104] Garnsey 1984, 6
[105] North 1979, 85

More recently, some scholars have argued that this is not the right understanding of toleration. For example, Peter Garnsey defines toleration as the active "unwillingness to take action against those" of whom you disapprove.[106] However, Rome often did not disapprove of the foreign cults it admitted. Furthermore, in cases of disapproval, Rome sometimes put up with objectionable religious practices because it sensed that some cults were simply beyond their control.[107] According to the first conception of toleration I mentioned, both of these examples would count as toleration: both involve Rome accommodating difference. Garnsey, however, argues that neither is. The first is not insofar as it does not involve disapproval. The second is not either: it is "passive acquiescence" of difference, not active unwillingness to act against those of whom one disapproves.[108]

Thankfully, we can sidestep the question of whether to call Roman religion tolerant. [109] More important for our purposes are the effects of the new policy on the lives of practitioners of non-traditional religions. The crucial effect that concerned Lactantius was the change in regulation of religious practice. After 212, Christians were more liable to be persecuted.

3.4 | The Break between Natural and Civil Law

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[106] Ibid, 1

[107] Ibid, 9.

[108] Lenski (2015, 126) follows Garnsey in this understanding of toleration. So does DePalma Digeser (1998, 142; 2000). Like Garnsey, each therefore takes toleration to have emerged as a concept in disputes between Christians and Roman religious traditionalists while Christians were being persecuted. Further, each thinks toleration was first adopted as imperial policy by Christian emperors. North (1979, 85) includes the 'disapproval' condition in his definition of toleration, as does Garnsey. However, he rejects the applicability of 'toleration' to Roman religion for a different reason. He argues that toleration presumes that the choice of religious commitments are up to the individual, and rejects that this applies to Rome at all. See also John Bowlin's (2016) constructive account of tolerance as a virtue, where tolerance is understood as "patient endurance of objectionable difference."

[109] Rainer Forst argues that one kind of toleration involves esteem of another person's or group's practices, even if one does not wholeheartedly endorse that practice (Forst 2013, 31-2). This seems relatively close to what *evocatio* achieved. This suggests that the dispute over whether Romans were tolerant of other religions is not a dispute about what 'true toleration' (cf. Lenski 2015, 126) consists in. Rather, it is a dispute about two conceptions of toleration.

As we saw earlier, both Cicero and Seneca distinguished between natural and civil law.[110] Cicero thought of the natural law as right reason in the mind of the wise person. The civil law is the law of any regime. Civil laws should aim to align as closely as possible to the natural law. They do so by modeling themselves on the laws of the best practicable regime, which Marcus proposes. Thus, though Cicero conceived of a gap between civil and natural law, he took civil law to be normative only to the degree that it aligned with natural law.[111]

Like Cicero, Ulpian and Paul distinguished between natural and civil law.[112] But they did not take up his idea that civil law was normative only to the degree that it aligned with the natural law. As a result, Ulpian could simultaneously assert one thing to be valid according to the natural law and its opposite to be valid according to civil law.

An especially striking example of this concerns Ulpian's discussion of the status of slaves. For basically Stoic reasons, Ulpian judged that no one was a slave by nature. On the other hand, the civil law designated some as slaves and others as freepersons.[113] Recall, furthermore, that the civil law did not regard slaves as legal persons. Thus, considered by the lights of the civil law, slaves were not persons; considered by the lights of the natural law, they were.[114]

Ulpian did not consider this a contradiction. When investigating whether a slave can have obligations, he argued that a slave can have natural obligations but not civil obligations.[115]

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[110] See Atkins's (2013, 217-221) instructive discussion of the relationship between Cicero's tripartite division in each text: natural law, Marcus's law, and civil law in *de leg* and natural law, *ius gentium* and civil law in *off*.
[111] *leg*. 2.13-14
[112] Ando 2006, 139.
[113] Levy 1949, 58; Honoré 2010, 202
[114] Levy 1949, 58.
[115] Levy and Honoré both point out that in certain marginal cases (for example, when statutes were contradictory) the civil law could be suspended, and natural law could function as a tie-breaker. But such cases aside, Ulpian does not seem to have felt an obligation to bring civil law under the normative frame of natural law.

Natural law generates a universal political community in which slaves were included; civil law generated a local community in which they were not.[116] The slave has two statuses, each depending on the legal system one uses to evaluate the slave.

The slave's ambivalent status generated confused legal decisions. For instance, during the Principate there was a general agreement that Roman citizens could not be tortured for their testimony. In addition to this, Ulpian held that evidence procured via torture of a person was unreliable. Since slaves were not citizens, therefore, they could be tortured. But since they were persons, testimony procured from them under torture was inherently unreliable. By the lights of civil law, torturing a slave was permissible. By the lights of natural law, it was useless.[117]

4. Lactantius against the Roman Lawyers

Historically, Lactantius's *Divine Institutes* has been read almost exclusively as a theological primer.[118] However, recent scholarship has emphasized that law is at its heart. Its title, introduction, structure, and content all take their cue from Roman legal thought. Its title, 'Divine Institutes,' is an analogy to institutes of civil law that were required reading for Roman students of law.[119] Gaius, for example, wrote an *Institutes* in the second century.[120]

Lactantius introduced the *Divine Institutes* by contrasting its aims with the mundane aims of institutes of civil law. These focus on "gutters, or water-theft, or common affray."[121] Divine law, by contrast, is concerned with "hope and life, salvation and immortality, and God, for the

[116] Honoré 2010, 205-6
[117] Bradley 1988, 486-7
[118] For overviews of the historical scholarship, see Roots 1987, 466 and DePalma Digeser 2000, ix.
[119] DePalma Digeser 2000, 57; Bowen and Garnsey 2003, 13
[120] In the 6th century CE, Justinian would publish his own *Institutes*, largely based on Gaius's. Though Justinian's *Institutes* long post-dates Lactantius, this further shows that Lactantius' title clearly evoked a legal context.
[121] *div. inst.,* 1.1.12, trans. A. Bowen and P. Garnsey

eternal settlement of superstition and error, which are foul and lethal."[122] This directly alludes to *On the Laws*.[123] There Cicero introduces his topic by saying that the study of the universal law is more important than the minutiae of civil law: "water running off roofs or…shared walls."[124]

For this reason, Lactantius framed his project as a legal intervention just like Cicero's. Like Cicero, he hoped to transcend the mundane details of civil law and treat fundamental questions of law. This stance – aligning with earlier jurists, like Cicero, against later legal figures – shapes many of Lactantius's arguments. Though Gaius, Paul and Ulpian understood themselves to be developing Roman law in a way consistent with Cicero's core insights, Lactantius argued that Christianity is more akin to Ciceronian jurisprudence than was law in the late Empire.[125]

Thus, Lactantius explicitly endorsed much of Cicero and Seneca on law. He named each as part of a praiseworthy tradition of Greek and Roman philosophers who recognized that a single providence governs the universe. Though they disagreed about how to identify this providence, Lactantius argued that each was in fact pointing to what is in reality the one Christian God.[126] Cicero rightly judged that the whole universe is governed by god, and even understood that this god was immortal, immaterial, and beyond the laws of the universe.[127]

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[122] Ibid
[123]Bowen and Garnsey 2003, 58fn3; DePalma Digeser 2003, 11
[124] *leg.* 1.14
[125] Bowen and Garnsey 2003, 15-17; DePalma Digeser 2003, 57-60
[126] Lactantius, *div inst.* 1.5.20: "Horum omnium sententia, quamvis sit incerta, eodem spectat, ut providentiam unam esse consentiant. Sive enim natura, sive aesther, sive ratio, sive mens, sive fatalis necessitas, sive divina lex, sive quid alius dixeris; idem est, quod a nobis dicitur Deus." ("All of these ideas, however uncertain they may be, nonetheless note the same thing; they agree that there is one providence. Whether you call it nature, aether, reason, mind, the necessity of faith, divine law, or anything else, it is the same as what we call 'God'.")
[127] Ibid, 1.5.25: "Quid autem sit Deus, in Consolatione definit: 'Nec uero Deus ipse, qui intelligitur a nobis, alio modo intelligi potest, nisi mens soluta quaedam et libera, segregata ab omni concretione mortali, omnia sentiens ac mouens.'" ("[Cicero] defines what God is in his *Consolatio*: 'Now the true God, whom we understand, can in no way be understood except as mind unbound and free, apart from all mortal matter, perceiving and moving all things.'")

Lactantius reserved even higher praise for Seneca. Seneca recognized God's providence and rightly offered God praise in response.[128]

Lactantius agreed with Cicero and Seneca that one purpose of the law is to establish sociability. He often used the term 'God's law' to refer to what Cicero and Seneca called 'natural law.'[129] God's law helps humans live justly.[130] This consists in giving various parties their due. Justice has two components: the first is giving God God's due – religion. The second is giving fellow humans their due – humanity.[131] He also agreed with Cicero that humans have a unique capacity to obey God's law by rationally assenting to it.

4.1 | Against the Emperor as a Source of Law

With these commitments on the table, let us now examine Lactantius's response to the second- and third-century legal developments discussed earlier. One such development is the conception of the emperor as a source of law, which Lactantius resisted. More precisely, he resisted one version of this conception, using a Ciceronian argument to do so. Following the Elder Seneca,[132] Lactantius narrated the history of Rome as akin to the history of a person. In its youth, the story goes, Rome was ruled by kings who educated it to be able to rule itself by laws. When it reached maturity, it no longer needed to be ruled by kings. However, in its old age,

[128] Ibid, 1.5.26: "Annaeus quoque Seneca, qui ex Romanis uel acerrimus Stoicus fuit, quam saepe summum Deum merita laude prosequitur" ("Annaeus Seneca too, who was of the Romans the keenest Stoic, often gives to the God Most High the praise he deserves.")
[129] In fact, Lactantius used the term 'natural law' in his own voice very rarely. Most of his uses of this term were in reference to other philosophers, like Zeno (*div. inst.* 1.5.20) and Carneades (*div. inst.,* 5.16.3)
[130] DePalma Digeser 2006, 80
[131] *div. inst.,* 6.10.1-3
[132] In the text itself, Lactantius did not specify which Seneca he refers to. In identifying the reference as the elder Seneca, I follow Bowen and Garnsey 2003, 423, fn.68.

Rome had given up its freedom and submitted to kings once more.[133] The rule of kings is slavery and, by corollary, the rule of law is liberty.[134]

It would be overreaching to read this as a wholesale attack on the emperor as a source of law. As we have seen, Gaius thought that the emperor's authority derived from the people delegating him power. Ulpian paired this notion with an understanding of the emperor as authoritative simply in virtue of his unique status as the "personal revelation of divinity." Lactantius' argument can be read as an attack on Ulpian's conception rather than Gaius's. What he says here is consistent with the emperor enjoying authority that is derivative from the laws. All it resists is the emperor having authority that cannot be controlled by the law.

By equating this type of kingly authority with slavery, Lactantius advanced a Ciceronian conception of political liberty. Recall that Cicero thought that those ruled by kings were slaves just as those ruled by tyrants were. This is because a free person is one not under the arbitrary rule of another.[135] A free people rule themselves according to a set of laws they establish.[136] The rule of a king instead of laws is the arbitrary rule of another.[137] Thus, it is slavery.[138]

Lactantius, therefore, used a Ciceronian conception of the purpose of the law – to keep a people free – to challenge Ulpian's understanding of the emperor as a source of law. He used this sort of argument frequently, marshalling Ciceronian and Senecan arguments to challenge newer

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[133] *div inst.*, 7.15.14-6.
[134] Ibid, 7.15.14: "Cum jam quasi adulta esse coepisset, servitum non tulisse, et rejecto superbae dominationis jugo, maluisse legibus obtemperare quam regibus." ("As soon as Rome was beginning its adulthood, it could not bear slavery, and refused the yoke of arrogant power, preferring to submit to laws instead of kings.")
[135] *off.*, 1.53
[136] Hammer 2014, 56-58.
[137] *off.*, 2.24
[138] DePalma Digeser 2003, 8

legal developments.[139] In so doing, he allowed himself to describe his project not as an innovation but as a return to the old legal principles and practices that Romans often praised.[140]

4.2 | Reuniting Civil and Natural Law

As discussed above, Ulpian and Paul developed a conception of civil law as a legal domain with its own authority independent from natural law's authority. For these later Roman figures civil law was authoritative even if it required something that natural law forbade. Lactantius resisted this development, attempting instead to bring civil law under the authority of the natural law. On his account, civil laws that contravene the natural law thereby lose their authority. In this, Lactantius took himself to be calling Roman law back to a Ciceronian picture.[141] It is worth attending to Lactantius's rhetoric in making this case.

Throughout the *Divine Institutes,* Lactantius moves between two senses of 'law' to describe civil laws. Sometimes 'law' is morally loaded. Other times it is morally neutral. The morally neutral sense is akin to Ulpian and Paul's conception of civil law. A law is a law regardless of whether it is just. The morally loaded sense is akin to Cicero's use of law: recall Cicero's point that unjust laws don't even merit the name 'law.'[142]

Consider some examples of the morally neutral sense. According to Lactantius, the Tauri had a *law* that permitted human sacrifice to Diana.[143] Rome "ratified the most unjust and unfair *laws* in the name of justice so that they could protect their robbery and greed from mob

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[139] Ibid, 59-63
[140] Ibid, 40-5.
[141] DePalma Digeser 2003, 62
[142] Cicero, *leg.* 2.13-4
[143] *div. inst.,* 1.21.1: "Erat lex apud Tauros, inhumanam et feram gentem, uti Dianae hospites immolarentur." ("There was a law among the Tauri, an inhumane and uncivilized people, that strangers were sacrificed to Diana.")

violence."[144] Civil regulations mimic justice. When certain actions become frequent, they are often normalized. Normalized, they become socially permissible. In *On the Death of the Persecutors,* Lactantius reports that during persecution, it became customary for the officials to seize Christian property. As a custom, it became permissible (*licitum*). He did not mean that seizures were just; he calls them wrongs (*malorum*).[145] Rather, social mores permitted them.

In such cases, Lactantius did not intend to concede that these laws carry authority.[146] After all, at other times, Lactantius criticized calling unjust precepts law:

> What are you to do with people who call it law when elderly tyrants turn butcher and go rabid against the innocent? They are teachers of injustice and cruelty, and yet they want to seem just and wise when they are blind and stupid, and ignorant of facts and truth. Is justice something you hate so much, you poor lunatics, that you set it on a par with the greatest of crimes?[147]

Calling unjust precepts 'law' is foolish and unjust. The powerful use such sophistry to justify their crimes. Nevertheless, as we saw above, Lactantius sometimes called unjust precepts 'law' in the morally neutral sense.[148]

His reasoning appears to be this. Lactantius sought to strip unjust regulations of their authority. He pursued two strategies in service of this end. Sometimes he ceded the name 'law' to unjust regulations but then took back their authority by calling them unjust and unfair, and their propagators savage and inhuman. Other times, he denied such regulations the name 'law' under the assumption that law has normative authority. Taken together, the effect of the two strategies is this: you may call these regulations 'law' if you grant that they have no authority.

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[144] Ibid, 5.6.2: "Leges etiam sibi nomine justiae iniquissimas injustissimasque sanxerunt quibus rapinas et avaritiam suam contra vim multitudinis tuerentur." (emphasis mine)
[145] Lactantius, *de mor. pers.* 7.11: "Iam illud praetereo, quam multi perierint possessionum aut opum gratia. Hoc enim usitatum et fere licitum consuetudine malorum."
[146] See also, e.g., 1.9.1. where Lactantius used 'law' as interchangeable with 'morality' in a criticism of Hercules.
[147] Ibid, 5.12.1-2 (trans. Bowen and Garnsey)
[148] Ibid, 1.21.1 and 5.6.2

But if you insist that all law is authoritative, then these cannot be law. Whatever name you prefer, these precepts are unjust. Since justice is the standard of authority, these precepts lack authority.[149]

4.3 | Against Religious Coercion

From its earliest days, Christianity had been a matter of public concern. But Caracalla's edict making Christians Roman citizens raised the stakes significantly. If, as citizens, they failed to practice the traditional cult, their guilt would attach to the whole citizenry. As citizens, therefore, Christians needed to be coerced into right religious practice.

Lactantius rejected the legitimation of religious coercion. He provided arguments against it in *Divine Institutes* book 5, chapter 20. He began by citing Marcus's very first religious law in *On the Laws*: "Let [the people] approach the gods in purity, let them display piety, let them remove luxury. Should anyone behave otherwise, the god himself will enforce the law."[150] From this principle, Lactantius argued that coercing religion is impious for two reasons.[151]

First, coercing religious belief is impious because it denies that the gods are powerful. Lactantius joked that coercion implies that the gods of Rome must be powerless to make Christians worship them,[152] since otherwise they would not need help from humans to do so.

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[149] These strategies are also implicit in Lactantius' criticism of Carneadeas' case against justice (*div. inst.,* 5.14-17).
[150] *div. inst.,* 5.20.3; *leg.* 2.19
[151] Cf. DePalma Digeser (2000, 109), who discusses only what I'm calling the second argument from piety.
[152] *div. inst.,* 5.20.2-4: "Quasi vero si dii essent, indigerent hominum auxilio, adversus contemptores suos. Quid ergo nobis irascuntur, si illi nihil possunt?" ("As if the gods, if they truly existed, need help from humans against their despires. What, therefore, makes them angry with us, if their gods are powerless?")

Coercion, therefore, presumes that the gods are powerless.[153] Since true worship requires recognizing gods' power, coercion is impious.[154]

Second, Lactantius argued that coerced worship benefits neither the worshipper nor the worshipped:

> It is not a benefit, which, when refused, is forced. But people should be counseled against their will, when they do not know what is good. If they desire their wellbeing, why cruelly harass, torture, and incapacitate them? Or from where does such impious piety come from, that in this miserable way they ruin or disable those whom they wish to counsel?[155]

Lactantius began here by assuming that we should default to non-coercion over coercion.[156] We might expect this assumption to be defeasible – perhaps it could be permissible to coerce someone who is unaware of their good. Lactantius granted something like this, though interestingly, not this exactly. He refused to grant that people can be compelled against their will, only that they may be counseled against their will. Even counterfactually, he seems to have been unwilling to cede the right of compulsion to his opponents. Though Lactantius framed both the counterargument and his reply in the language of counsel, his reply was broad enough to deny the rightness of compulsion in these cases. If compulsion truly is for the sake of the compelled, it had better not harm and debilitate them to the degree that they are unable to enjoy the benefit. Put simply: there is no way to torture and kill people for their own good.

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[153] Ibid: "Nisi, quod ipsi deos suos destruunt, de quorum potestate diffidunt, magis irreligiosi quam qui omnino non colunt." ("Indeed, by this they destroy their gods: they do not trust in the power of the gods. This is to be even more irreligious than those who worship nothing altogether [atheists]")

[154] Ibid, 5.20.4: "Neque enim fas est desperare de Deo, quem ideo colas, quia potetentem putes." ("It is not, therefore, lawful to lack hope in God; you should worship him because you believe him to be powerful.")

[155] Ibid, 5.20.5-6: "At non est beneficium, quod ingeritur recusanti. Sed consulendum est etiam nolentibus, quando quid sit bonum nesciunt. Cur ergo tam crudeliter vexant, cruciant, debilitant, si salvus volunt? Aut unde pietas tam impia, ut eos miseris modis aut perdant, aut inutiles faciant, quibus velint esse consultum?"

[156] Indeed, much of the argument of *div. inst.* 5.19 is that Christianity is superior to non-Christian religions precisely because it chooses to win people by persuasion rather than coercion.

But Lactantius failed to consider a deeper argument in favor of coercion. Grant that licit behavior performed because of coercion is imperfect. It is imperfect because a person does what is right, but not because he takes it to be right. Grant further that for this reason, coercion is bad. This does not mean that coercion is necessarily self-defeating. If coercion can help guide a person towards performing licit behavior because he comes to judge the behavior to be right, then viewed diachronically, coercion can achieve its purposes. It may, therefore, be good after all; perhaps even morally necessary. As a student of classical thought, Lactantius should not have overlooked this claim about coercion. It features centrally in the legal thought of two of his favorite thinkers, Plato and Cicero.[157] Augustine, as we will see in the next chapter, used a similar idea to explain why coercion is sometimes necessary – albeit with a crucial variation. The first half of Lactantius's argument is incomplete, failing to account for this possible defense of coercion.

Though Lactantius himself did not make the following move, we could extend his argument to respond to this defense. Lactantius thought that arguments that coercion can benefit the coerced had no traction in the setting of the persecution of Christians, since the means of coercion were more harmful than the coercion could be beneficial.[158] He could have extended a similar response in reply to this deeper defense of coercion. In the case of persecution, torture and incapacitation are profoundly ill-suited to help a person develop habits of religious piety over time. However, as I will argue below, Lactantius may not have argued this for fear that it would undermine the fundamental point he wished to make about the wrongness of coercion.

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[157] Annas 2017, 114ff; 178ff

[158] *div. inst.,* 5.20.6: "Cur ergo tam crudeliter vexant, cruciant, debilitant, si salvus volunt? Aut unde pietas tam impia, ut eos miseris modis aut perdant, aut inutiles faciant, quibus velint esse consultum?"

After arguing that coerced worship does not benefit the worshiper, Lactantius argues that coerced worship does not benefit the gods. Gods who are worthy of worship would want only freely given worship. A god who received coerced worship would merit contempt, not worship.[159] This should remind us of Seneca's argument against legislating benefits. A gift given under duress loses its value. The true value of the gift is the uncoerced good will the giver has to the receiver.[160] Lactantius thought the same is true of sacrifices made to gods.[161] Thus, coercing worship undermines its very purpose; it aims to bring about piety via impious means.

Lactantius couched this argument as Ciceronian, introducing it by citing Marcus's first law in *On the Laws*, that the people are to approach the gods in piety. At first dint this is unsurprising; as we have seen, one of Lactantius's general strategies in the *Divine Institutes* was to invoke Cicero against later legal developments. But upon further reflection, his decision to treat this argument as following from Cicero's statement is puzzling. Marcus's statement is very general, and nowhere does any of the speakers in *On the Laws* develop what piety consists of in

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[159] Ibid, 5.20.8: "Si dii sunt isti, qui sic coluntur, vel propter hoc solum colendi non sunt, quod sic coli volunt; digni scilicet detestatione hominum, quibus cum lacrymis, cum gemitu, cum sanguine de membris omnibus fluente libatur." ("If these are the gods who are thus worshipped, then in fact, on account of this alone they are not to be worshipped, because they desire this worship. They are certainly worthy to be cursed by humans, who receive libations of tears, groans, and blood flowing from every organ.")

[160] Seneca, *ben.*, 3.7.1-3: "First of all, the best part of a benefit is lost if it can become actionable, as is possible in the case of a fixed loan or of something rented or leased. For the most beautiful part of a benefit is that we gave it even when we were likely to lose it, that we left it wholly to the discretion of the one who received it. If I arrest him, if I summon him before a judge, it gets to be, not a benefit, but a loan. In the second place, although to repay gratitude is a most praiseworthy act, it ceases to be praiseworthy if it is made obligatory; for in that case no one will any more praise a man for being grateful than he will praise one who has returned a deposit of money, or paid a debt without being summoned before a judge. So we spoil the two most beautiful things in human life—a man's gratitude and a man's benefit. For what nobility does either one show—the one if, instead of giving, he lends a benefit, the other if he makes return, not because he wishes, but because he is forced? There is no glory in being grateful unless it would have been safe to be ungrateful." (trans. J.W. Basore)

[161] Ibid, 5.20.7: "At non est sacrificium, quod exprimitur invito. Nisi enim sponte atque ex animo fiat, execratio est; cum homines proscriptione, injuriis, carcere, tormentis, adacti faciunt," ("But it is not a sacrifice, that which is squeezed out unwillingly. Indeed, unless it is freely given and comes from the soul, it is blasphemy. When people are driven to make sacrifices by proscription, injury, imprisonment, or torture [it is blasphemy].")

this context. Lactantius supplied Cicero with two features of piety that Cicero may have accepted but did not explicitly discuss in this context: recognizing the power of deities and giving them gifts out of a good will towards them.[162]

Notice that this does not meet some of the arguments for coercion head on. Porphyry, for example, argued that the coercion of Christians was necessary because Christianity opposed the public goods Roman religion sought. As practiced in his day, Porphyry thought, Christianity deviated from a traditional cult. Jesus, a man, rightly worshipped the one God. But "traditional Greco-Roman theology…taught that the supreme God did not become human."[163] Christians, who worshipped Jesus as God incarnate, thus opposed Roman religion and philosophy. Instead, Porphyry wished to reform Christianity to make it compatible with the Roman cult.[164]

Lactantius argued that Christians in fact worship God, not a mere human.[165] Indeed, he attempted to turn the argument about human-worship back on the Roman religionists, arguing that the traditional Roman religionists, not the Christians, worshipped humans.[166] However, for

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[162] It is very possible that Lactantius was using Tertullian's description of piety in his *apologeticus* to fill in the details of Cicero's law of piety. In *institutiones divinae* 5.4.3, Lactantius mentioned Tertullian's *apologeticus*, arguing that Tertullian had responded to the attacks on Christianity but not given a positive account of Christianity (this suggests that Lactantius was not aware of the breadth of Tertullian's corpus, given Tertullian's other writings in dogmatic theology). With respect to the defense of Christianity, Tertullian accused those who persecute Christians of impiety (*ap.* 28, 35) and the act of seeking veneration from those who are unwilling to venerate impious (*ap.* 29). He also argues that persecution generates irreligion for reasons much like the ones Lactantius gives. Coerced worship is not free, but religious worship is freely given (*ap*. 35). Thanks to Jed Atkins for this suggestion. See also Wilken 2019, 7-21. Wilken claims that Lactantius "restated Tertullian's fundamental point." (Wilken 2019, 19).

[163] DePalma Digeser 1998, 137

[164] Ibid, 140-1

[165] Specifically, Lactantius says that Jesus is the Son of God (*div. inst.,* 4.12.17) and that the Son of God is God (Ibid, 4.8.12). Thus, Jesus is God. That said, Lactantius' description of the Incarnation is not straightforwardly orthodox (see, e.g., Micka 1943, 100fn70)

[166] See *div. inst.,* 1.8 for Lactantius' general case. He then applies it to specific gods in *div. inst.,* 1.9-11. Perhaps Lactantius did not pose this as a reply to Porphyry's accusation because he knew it was a flawed response. Roman theology was open to the deification of humans. It could, therefore, be permissible to worship a human who had become divine (DePalma Digeser 1998, 137). Porphyry's accusation against Christians is the opposite: though humans can become gods, the one God, Porphyry thought, cannot

the most part, Lactantius avoided meeting Porphyry's arguments about the badness of Christianity head on. Instead, he focused on the nature of piety. By doing so, Lactantius made room for a more fundamental point. Porphyry, Lactantius contended, was wrong to think that Christians worship humans. He was also wrong to suppose that Christianity is bad for Rome. But even if he were right, that wouldn't be sufficient reason to coerce Christians to worship. Coercing worship is always impious and therefore always self-defeating. Sidestepping Porphyry's particular concerns with theology gave Lactantius more fundamental grounds for toleration. Don't tolerate religious practices because you judge them to be compatible with the empire's mission. Tolerate them because coercion is self-defeating.[167]

Of course, as we have seen, Lactantius's arguments are limited to the extent that he didn't consider the potential benefits of coercion. He might have been helped by taking up the reply I suggested earlier – that in the case of persecution, torture and incapacitation are ill-suited to help people develop good habits. However, this would have limited the scope of his defense of coercion. Lactantius seems to have aimed at providing a general case against coercion. At best, the modified version of his argument I suggested earlier only rules out coercion that cannot be directed towards a person's good and is ill-suited to help the coerced develop good habits.

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become a human. Porphyry would, therefore, have been moved neither by Lactantius's defense of Christianity nor his accusation against traditional Roman religion.

[167] Lactantius's arguments highlight a credal component of his conception of religion: a person's beliefs about the gods and the resultant dispositions. Isolating the credal aspect of religion is crucial for later arguments for religious toleration like John Locke's. But for some polytheists, tolerating those who fail to worship the gods is surely off the table because the polytheists believed that this failure as directly harmful to the empire. That said, we ought not to put too fine a point on belief, for two reasons. First, Lactantius does not isolate beliefs from practice; second, Lactantius was not the first Roman to think that religion has a credal component. For example, Cicero, following Plato (cf. Annas 2017, 123-139), thought that the kind of religion that is fitting for a just society will involve certain beliefs about the gods: that they exist (*nat. deor.* 1.17) and are concerned with human affairs (Ibid, 1.2). Plato also thought that the gods are not susceptible to human gifts (Annas 2017, 139-141). While Cicero never said this, he did try to resist superstition by insisting that the gods are not capricious (*nat. deor.*, 1.17)

4.4 | Monolatry as a Pre-Requisite for Legal Coherence[168]

Perhaps Lactantius's most imaginative legal arguments involve turning Cicero against the entire Roman religious-legal frame. He did so in two legal arguments against the practice of worshipping many gods. Because Lactantius took himself to be arguing from premises that the Roman philosophers accepted, we should understand this as an effort in immanent critique.

Angelos Chaniotis has coined the term 'megatheism' to refer to "an expression of piety… based on the experience of" one highest god, superior to other, lesser gods.[169] Megatheism therefore does not deny the existence of other gods. Other scholars have called the belief in one unified god that takes the form of many gods 'henotheism.'[170] Porphyry was something like a megatheist or a henotheist. Like henotheists, he believed in a unified One who takes the form of multiple gods. Like megatheists, he thought of the One as higher than all the gods of the peoples. Importantly, however, Porphyry did not think that worship was due *only* to the highest god. He believed that the worship of one's local gods, each an incomplete but valid representation of the infinite One, was valid. In this too, he was akin to Chaniotis's megatheists.[171]

Lactantius rejected this view.[172] He even thought that some philosophers themselves rejected it. They knew that the popular view that there are many gods is wrong, and that reason

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[168] I have resisted using the terms 'monotheism' and 'polytheism' as shorthand in this section. As we saw in Chapter Two, Lactantius believed that God is the only true deity (all other entities worshipped as deities are demons). Lactantius was therefore a monotheist. But his legal arguments against the Roman philosophical religionists did not seek to establish the existence of only one god. They simply sought to show that it is only appropriate to worship one god. It would, therefore, be a mistake to argue that Lactantius was making a legal argument for monotheism. Thanks to Jeff Stout for pushing me to make this clarification.
[169] Chaniotis 2010, 112-3.
[170] Ibid, 113fn2
[171] Ibid, esp. 117ff.
[172] *div. inst.*, 2.5, esp. 2.5.38-42.

proves there to be only one god.[173] But his legal arguments neither presumed nor sought to establish the existence of only one god. Instead, Lactantius aimed to show that someone who believed that there is one highest god revealed in the form of many lower gods should direct worship solely to the highest god. That is to say, he argued for monolatry, the worship of one God. He offered two main arguments in service of this conclusion.

The first went like this. Grant that there are many gods. Since each governs only a part of the universe, the whole universe does not come under one governance. If the whole universe is not under one governance, no force keeps it hanging together: "unless there were one to whom the care of the whole can be referred, the universe will scatter and collapse."[174] The best polytheist poets and philosophers[175] accept that a single law governs the universe: the natural law.[176] The god that issues it must have more authority than any of the gods governing a part of the universe.[177] Indeed, each god's authority must derive from the authority of this one.[178] Thus, one god must rule over the various gods. If there is such a god, it – not the other gods – merits

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[173] *div. inst.* 1.5.18: "Antisthenes multos quidem esse populares deos, unun tamen naturalem, summae totius artificem." ("Antisthenes says that the popular gods are many, but one by nature, creator of everything.")
[174] Ibid, 1.3.19: "Nisi unus fuerit, ad quem totius summa cura referatur, univera solventur et corruent."
[175] As DePalma Digeser (1998, 143) emphasizes, most important for Lactantius is that Cicero held this, since Cicero's jurisprudence lies "at the heart of the Roman legal tradition." But Lactantius appeals to a wide variety of agreeing poets, philosophers and jurists on this point, as if to marshal a broad base of agreement. Over the course of *div. inst.* 1.5, he argues that this is true of: Orpheus, Homer, Virgil, Ovid, Thales, Pythagoras, Cleanthes and Anaximenes, Chrysippus, Zeno, Aristotle, Plato, Cicero, and Seneca.
[176] *div. inst.*, 1.5.3, 15.
[177] *div. inst.*, 1.3.21: "Quod quia intelligunt isti assertores deorum, ita eos praeesse singulis rebus ac partibus dicunt, ut tamen unus sit rector eximius" ("Those championing the gods understand the point: they say that the gods are each in control of one thing and region, such that nevertheless there is one select ruler.")
[178] Ibid, 1.3.22: "Jam ergo caeteri dii non erunt sed satellites ac ministri, quos ille unus maximus et potens omnium his officiis praefecerit; et ipsi eius imperio ac nutibus seruient. Si uniuersi pares non sunt, non igitur dii omnes sunt. Nec enim potest hoc idem esse, quod seruit, et quod dominatur." ("Now therefore the others will not be gods, but attendants and servants. The highest god, with power over everything, will assign each to his office, and they will serve his commands and will. If they are not all equal, they therefore are not all gods. It is not possible that there is similarity between slave and master.")

worship.[179] If philosophers like Porphyry were committed to there being one highest god, Lactantius argued, they should also commit to the worship of this highest god alone.

The second argument was closely related. Each god has authority over its worshippers, as a parent has authority over children, or a master over slaves. This authority extends to lawgiving: a god has the authority to give laws that command its worshippers.[180] Someone who worships multiple gods will be under multiple authorities. If these authorities issue competing commands, he will necessarily disobey one of them.[181] By contrast, someone who recognizes the natural law as the will of the highest god, will obey the highest god and understand all the other gods as submissive to this highest god. This person should thus direct all worship to the highest god.[182]

Cicero, Lactantius argued, knew it was a mistake to worship many gods. He did not argue this in public; he thought that losing the public cults would be worse for the state.[183] Lactantius

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[179] Ibid, 4.3.

[180] Ibid, 4.3.11-18

[181] Ibid, 4.3.19-21: "Ergo contra rationem contraque naturam sunt religiones multorum deorum; siquidem nec patres multi possunt esse, nec domini: deos autem et patres, et dominos nuncupari necesse est. Teneri ergo veritas non potest, ubi homo idem multis patribus dominisque subjectus est, ubi animus in multa disperses, huc atque illuc divagatur. Nec habere ullam firmitatem religio potest, quando certo et stabili domicilio caret" ("Therefore the worship of multiple gods is is contrary to reason and nature. Fathers cannot be many, and neither can masters, and gods are, of necessity, called both fathers and masters. It is thus impossible to hold onto truth, where the same person is subject to many fathers and masters, and his soul is diffused in many directions, romaing here and there. Neither can religion have any firmness, when it lacks a sure and stable home.")

[182] Ibid, 4.3.14: "Unus igitur colendus est, qui potest vere pater nominari. Idem etiam dominus sit necesse est." ("Therefore, only one [god] is to be worshiped, who can truly be called father. And this same must be Lord."

[183] Ibid, 2.3.2: "Intelligebat Cicero falsa esse, quae homines adorarent. Nam cum multa dixisset quae ad eversionem religionem valerunt, ait tamen non esse illa vulgo disputanda, ne susceptas publice religiones disputatio talis extinguat." ("Cicero knew that the gods the people worshipped are false. Even though he said many things which are helpful for the destruction of cults, he nonetheless says that this should not be debated in public, lest the argument be taken up such as to quench public religion.")

also accused Cicero of fearing public censure.[184] Lactantius therefore used Cicero to criticize Cicero. Had Cicero been consistent, he would have openly resisted the traditional religion.[185]

Lactantius seems to have expected that his Neoplatonist interlocutors could be moved by these arguments. But the arguments don't defeat the Neoplatonic case for the worship of many gods. Porphyry had argued that though there was one highest god, this god revealed itself in myriad ways, through myriad gods.[186] Each god gave its own set of laws. It counted in Rome's favor that its civil laws reflected the multiplicity of the gods. Lactantius's legal arguments are more convincing as a case *for* the worship of one god than *against* the worship of many.

5. Conclusion

Against second- and third-century developments in Roman jurisprudence, Lactantius insisted that the emperor cannot be the source of law and that civil laws that violate the natural law are invalid. He also believed the worship of one God to be the only theological framing that could explain the idea of one coherent system of natural law. As we will see in the next chapter, Augustine endorsed the changes Lactantius argued for, often explicitly, sometimes implicitly.[187] Lactantius was more explicit than was Augustine about the use of Cicero and Seneca to argue against the later legal developments, but each made many of the same substantive moves.

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[184] Ibid, 2.3.5: "Sed nimirum Socratis carcerem times, ideoque patrocinium veritatis suscipere non audes." ("But evidently you fear the prison of Socrates, and for this reason you do not have the courage to take up a defense of the truth."

[185] As I discuss in greater detail in Chapter Six, Lactantius's arguments against Cicero's religion hinge on a misreading of the account of religion Cicero advocated in *On the Nature of the Gods* and *On Divination*.

[186] DePalma Digeser 2006, 72

[187] Augustine's most famous legal dictum, in *lib. arb.,* 1.5.11.33, serves this point: "*nam mihi lex esse non videtur, quae iusta non fuerit*" ("It does not seem to me to be a law, that which is not just."). Since Augustine thought that temporal laws derive their authority from the eternal law, and since he believed the eternal law is established by God, God – not any human – can be the source of a law's authority. Augustine also thought that the purpose of law was to help humans secure happiness (*civ. Dei.,* 2.7), and that this was only possible through the worship of one God (*ver. rel.,* 1.1).

These similarities form the backdrop against which we can consider one important question about which Augustine and Lactantius disagreed – whether temporal laws should use coercion to attempt to help observers attain eternal goods. At the start of this chapter, I argued that the view of law that is often attributed to Augustine – that law's purposes were primarily negative – was not Augustine's view, though it was Lactantius's. Lactantius opposed the use of coercion as a method for improving citizens for reasons akin to his worries about slavery. He believed that only persuasion, and never force, can respect humans' special status in the created order. Slavery, and coercion more generally, are species of violence, not persuasion.[188] Mastery is an office, and coercion for the sake of moral improvement is its paradigmatic activity. Both are reserved for God.[189] I will argue in the next chapter that Augustine's views on coercion were also of a piece with his views about slavery. The connection between each one's views on coercion and slavery was not accidental.

Why did Augustine and Lactantius agree on so much while differing so sharply on the proper uses of coercion? One reason simply has to do with their respective historical settings. Lactantius wrote from the position of a persecuted minority; Augustine wrote as a bishop in a church that wielded great political power. Perhaps the best the religious minority might hope for was the end of coercion, whereas the well-connected bishop was less fearful of the law being used persecute his community.

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[188] *div. inst.,* 5.19

[189] *div. inst.*, 4.3.16: "Pater ideo appellandus est, quia nobis multa et magna largitur: dominus ideo, quia castigandi ac puniendi habet maximam potestam" ("Thus [God] must be called father because he grants many great gifts, and must be called master, because he has complete power to rebuke and punish."). Ibid 4.4.11: "Solus pater vocandus est, qui creavit; solus dominus nuncupandus, qui regit, qui habet vitae ac necis veram et perpetuam potestam." ("Only he is to be called a father who creates; only he is to be called master who reigns, who has true and perpetual power over life and death.")

This reason is plausible and important, but I do not give it pride of place in the following chapter. Instead, I turn to another potential reason. Augustine's views on law were more strongly influenced by his understanding of law's function in the Bible. In reading the Bible, especially in polemical conversation with Manicheans, Augustine found that one earthly legal system – the law of Moses – was well-suited to help its observers attain eternal goods.

5

Laws of Impious Gods

> "How, then, could gods such as these be expected to promulgate good and wholesome laws, either for the prevention of moral and social evils, or for their eradication where that had already sprung up?"
> Augustine, *City of God*, 2.14[1]

Augustine defended using Roman laws to coerce the Donatists into right religious practice. His expressed this most famously in a letter to Boniface, an officer in the Roman army. Donatism was a religious sect in North Africa that had broken off from Catholicism over disputes about clerical authority. The Donatists made arguments that echoed ones Lactantius had made a century earlier, which we encountered in the previous chapter: even if their actions were impious, the empire could not and should not attempt to compel their piety by law. Augustine's reply was memorable.

> [What] sober-minded person would now say to the kings, "Don't worry about those within your kingdom who are restraining or attacking the church of your Lord. It should be no concern of yours whether someone chooses to be devout or sacrilegious"? For one could hardly say to a king, "It should be no concern of yours whether someone chooses to be chaste or unchaste." Why, indeed, even when free choice has been granted to human beings, should adultery be punished by law, but sacrilege permitted? Or is it less important for a soul to keep faith with God than a woman with her husband?[2]

However, his reasoning has often troubled readers. Not only does he place personal piety under the law's jurisdiction, but Augustine also extends the law's jurisdiction to punish to all matters concerning a person's soul.

It is no wonder that scholars who argue that Augustine was skeptical of political coercion have found his response to the Donatists puzzling. Robert Markus, for example, argues that

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[1] "Quo modo igitur tanta animi et morum mala bonis praeceptis et legibus uel inminentia prohiberent, uel insita extirpanda curarent dii tales?"
[2] *Ep.* 185.20 (trans. E.M. Atkins and R.J. Dodaro)

Augustine's reasoning concerning the Donatists sits in "unresolved tension"[3] with his fundamental commitment that between Christ's initial and second comings – the *saeculum* – human law is "powerless or neutral with regard to the internal dispositions of men."[4]

I will return to Augustine's endorsement of coercing the Donatists at the end of this chapter. But I raise it here for two reasons. First, Markus's description of Augustine's account of law aligns with the standard interpretation of Augustine's legal philosophy, introduced in the previous chapter. Second, Markus is right that if the standard interpretation of Augustine on law is correct, then Augustine's views on coercing the Donatists make very little sense. We can, however, make sense of Augustine's views on the Donatists if we reject the standard interpretation of Augustine on law. In this chapter, I will argue that we ought to do so.

Most of the scholarship on Augustine on law has tried to reconstruct an Augustinian 'philosophy of law' by focusing on his programmatic statements about law, especially those concerning the relationship between law and morality.[5] This strategy runs into three problems. First, Augustine never wrote a treatise on law.[6] What he had to say about law is sprinkled across other discussions, as in *The Free Choice of the Will*.[7] Second, Augustine's programmatic

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[3] Markus 1970, 145-6. John von Heyking says that it "may be the most vexing problem in all of Augustine's political thought," for similar reasons (2001, 2).
[4] Ibid, 89
[5] See, e.g., Chroust 1944, 1946, 1950 and 1973; Friedrich 1958; Fortin 1978; Koterski 1980; Miethe 1980; Letwin 2005, 59-68; Coleman 2007 (in Miller and Biondi 2007).
[6] In this he is often contrasted, rightly to an extent, with Aquinas. Though Aquinas has no standalone treatise devoted to law, a collection of questions in the *Summa Theologiae* (I-II, qq.90-108) is typically taken to be the *locus classicus* of Aquinas on law. Together these 19 questions are often called the "Treatise on Law." Augustine has no parallel text that might be isolated as such a *locus classicus.* This may be part of the reason scholarship has had so much to say about Aquinas, and comparatively little to say about Augustine, on law. However, as recent Aquinas scholarship rightly emphasizes (e.g., Bowlin 1999, 2-3), even Thomas's discussions of law are minor compared to other themes in the *Summa Theologiae*, such as his anthropology (28 questions), his discussion of the habits (41 questions), and his treatments of particular virtues such as justice (62 questions) and temperance (30 questions).
[7] Augustine scholars often distinguish between Augustine's earlier thought – of which *De Libero Arbitrio* is an example – and his later thought – of which *civitate Dei* is the paradigm. See, for example, Deane 1963, 78-115, on law and Markus 1970, 72-104. My argument supports arguments for continuity across

statements about law are thin. They read like a generic Stoic account with some Christian inflections. Thus, Anton-Hermann Chroust frequently argued that Augustine's "most important and far-reaching contribution…to legal philosophy" was his personalization of the Stoic notion of "cosmic reason" as the source of the natural law.[8] Third, Augustine's most sustained analyses of legal systems occur in two texts that contain little programmatic philosophy of law: *Reply to Faustus* and *City of God*. *Reply to Faustus* is especially instructive because it presents Augustine's understanding of how law functions in the Bible.[9] As we will see, Augustine's understanding of law was determined by his interpretation of Christian Scripture: the Mosaic law as presented in the Hebrew Bible and discussed in the New Testament.

This does not mean that we should ignore Augustine's programmatic statements about law. Thin as they are, they are a necessary source for us to understand what Augustine considered the purpose of law to be. Accordingly, I will take Augustine's programmatic statements about law seriously. Focusing on *The Free Choice of the Will*, the first section of this chapter presents Augustine's schematic distinction between eternal and temporal law.[10] From his programmatic statements we might infer that Augustine thought that the purpose of temporal

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the 'early' and 'late' Augustines (e.g., Harrison 2006). One virtue of this interpretation is that it unites salient themes in Augustine's earlier and later writings on law. I suggest some core consistency across early, pre-*confessiones* works such as *de ordine* (385) and *de libero arbitrio* (387-395); works written in his anti-Manichean period, such as *contra faustum* (ca. 400); and his later, anti-Pelagian works, such as *de spiritu et littera* (412-3) and *civitate Dei* (413-426).

[8] Chroust 1944, 195. He made the same claim in Chroust 1946, 26. Chroust later calls this Augustine's "second most important contribution to Christian metaphysics and legal philosophy" (1950, 289) and makes a similar claim in Chroust 1973, 59. See also Dyson 2001, 105.

[9] The most comprehensive treatment of *contra faustum* is Paula Frederiksen's *Augustine and the Jews,* esp. 213-259. Though my reading of *contra faustum* is significantly influenced by Frederiksen's, my aim is different from hers. She uses *contra faustum* to draw out Augustine's theology of the Jews and Judaism. I use it to fill out his philosophy of law. These two aims are deeply connected -- Augustine's views on the Mosaic law were intertwined with his views of Jews and Judaism – but nonetheless distinct.

[10] Though I focus in this first section on *lib. arb.,* I take this text to be representative of Augustine's early programmatic writings on law. As I will argue, these programmatic statements are corroborated in other early texts like *ord.* and *mus.*

laws was negative: to restrain violence and punish wrongdoing. Most of the scholarship on Augustine's philosophy of law has focused on his programmatic statements. As a result, the standard interpretation of Augustine's philosophy of law is that temporal laws serve a negative purpose.

However, the standard interpretation fails to explain Augustine's analyses of two concrete legal systems. Section 2 presents Augustine's analysis of Roman law. He criticized the Roman legal system for failing to instruct Romans in virtue. That a law is deficient for failing to instruct citizens in virtue indicates that this instruction is one of its purposes. Furthermore, as section 3 argues, Augustine praised the Mosaic law for being well-suited to help the Israelites improve in virtue. It was a temporal law, given to a particular people, in a particular place, at a particular time, yet well-suited to help its observers attain the eternal goods of virtue and friendship with God. Section 4 presents how Augustine thought the Mosaic law could indirectly lead to its observers developing virtue.

The reading I pursue is therefore restricted neither to the standard texts and passages nor to the programmatic statements that typically command the attention of scholarship on Augustine on law. Instead, it expands the data to include Augustine's analyses of Roman and Biblical law. When we consider Augustine's analyses of the Roman and Mosaic laws in conjunction with his programmatic statements, the picture of Augustine I described in the previous chapter emerges. Augustine believed that temporal laws should govern citizens' dispositions and help them develop virtue. But he took the path from temporal law to virtue-formation to be indirect, leading observers through the backroads of God's grace, rather than the direct path of habituation.[11]

[11] Notice, therefore, that my focus is not on natural law, but law in general. For a recent account of Augustine and natural law (including a review of major work done on the subject), see Fogleman 2019.

1. Eternal and Temporal Laws

Augustine distinguished two kinds of law in *The Free Choice of the Will*, eternal and temporal. The eternal law governs all people in all places at all times because it is eternal and unchangeable.[12] Temporal laws govern particular people in particular places at particular times, because they are changeable and local.[13]

The eternal law is concerned with eternal goods like virtue and friendship with God. It aims to help humans to secure such goods.[14] As it governs everyone in every place at every time, the eternal law is universal and unchangeable. Moreover, it lends authority to temporal laws. This is commonly – and correctly – understood to mean that, for Augustine, temporal laws are valid only to the degree that they accord with the eternal law.[15] However, the connection between the eternal law and temporal laws goes further than this. As we will see, Augustine also believed that temporal laws should aim at eternal goods.

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[12] Ibid, 1.6.15.49: "Video hanc aeternam esse atque incommutabilem legem." ("I see that this law [the law of supreme reason] is eternal and unchangeable.")

[13] *lib. arb.,* 1.6.14.48: "Appellemus ergo istam legem, si placet, temporalem, quae quamquam iusta sit, commutari tamen per tempora iuste potest." ("Therefore, if it pleases you, let us call that law temporal, which, although just, can nevertheless justly be changed in time.")

[14] Ibid, 1.15.32.108: "Iubet igitur aeterna lex avertere amorem a temporalibus, et eum mundatum convertere ad aeterna." ("Thus, the eternal law commands that we turn our love away from temporal things and turn it, purified, towards eternal things.") Augustine did not, in *de libero arbitrio,* specifically delineate the eternal goods the way he did the temporal goods. However, he said of a good will that it is worth seeking "far ahead of all earthly kingdoms and all bodily pleasures." (*lib. arb.,* 1.12.26.86, trans. Peter King) He then identified the good will with the four cardinal virtues: prudence, courage, temperance, and justice. (*ibid,* 1.12.26.87-1.13.28.95) So too is union with God, since Evodius and Augustine agree that God is the only entity better than "a wise and rational mind." (*ibid,* 1.10.21.74) Joseph Clair (2013, 130-166) gives an excellent account of the eternal goods and their place in Augustine's schema. Clair identifies virtue, friendship with other humans, and friendship with God as the core cases of eternal goods. I agree, as I discuss in Chapter Five. However, for the purposes of *lib. arb.,* the only goods that Augustine comes close to identifying as eternal goods are friendship with God and virtue.

[15] Ibid, 1.6.15.48: "Per quam denique illa quam temporalem vocandam diximus, recte fertur, recteque mutatur." ("And in the end, through this [the eternal law] that which we have said ought to be called 'temporal' is rightly made and rightly change.")

However, temporal laws are also concerned with temporal goods like our bodies, freedom, relations, property, honor, and the state. Temporal laws aim to secure such goods: protecting people and their property, distributing honor justly, and guaranteeing civic peace.[16] This is one reason Augustine defines temporal laws in terms of their changeability and variability: different communities can reasonably value different goods in different ways, and there are often multiple good ways to secure the same temporal goods. Thus, different communities can rightly be governed by different temporal laws; indeed, a community might be governed by one law at one time and another law at another.

The distinction between eternal and temporal law is similar to the Stoic distinction we encountered in the previous chapter, between natural and civil law. This distinction was also crucial for Cicero. Augustine described the eternal law in language very similar to Stoic natural law. For example, in *On Order*, which Augustine wrote a year before *The Free Choice of the Will*, he claimed that eternal law governs the whole universe.[17] Though he did not repeat this claim in *The Free Choice of the Will*, he also never recanted it. Furthermore, much of *On Order* contains less developed versions of the account of law Augustine will offer in *The Free Choice of the Will.*[18] From this I infer that Augustine continued to conceive of the whole universe as governed by the "supreme reason" of God. This reason is called the eternal law.[19]

Non-human physical creatures lack wills. Thus, their obedience of the eternal law does not engage the will. They cannot voluntarily obey the eternal law because they cannot disobey the law.[20] Humans are unique among all physical creatures in their ability to obey the law

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[16] Ibid, 1.15.32.108-110
[17] *ord.,* 1.5.14.; see also, *con. faust.,* 22.28
[18] For example, *ord.,* 1.6.15-16 contains a more truncated account of the rationality of the eternal law than is found in *de libero arbitrio.*
[19] *lib. arb.,* 1.6.15.48-49
[20] *con. faust.,* 22. 28; Chroust 1973, 65

voluntarily. As did Cicero, Augustine explained this by appeal to human nature. We share with plants the activities of consumption, growth, and reproduction. We share with animals the ability to sense; indeed, many animals have keener senses than humans. However, of all physical creatures, only humans can reason.[21] This capacity makes humans superior to the rest of creation.[22] Most of the material world obeys the eternal law by natural impulse.[23] Humans obey by bringing natural impulses under the command of reason. When reason rules the other powers, humans participate in the eternal law. We rationally assent to the law, joining our reason with supreme reason. [24] One who fails to assent to the law remains under it, but as a fugitive slave.[25] The eternal law brings freedom only to those who come to rationally assent to it. Such a person comes to share in the eternal law in the way that befits humans. This is faithful slavery to God.

Those who rightly desire eternal goods will recognize that the eternal law provides the best way to secure those goods. They understand that the eternal law is ordained by perfect reason, and thus obey it. This can occur without them understanding *why* the law is so

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[21] *lib. arb.*, 1.8.18.61: "Illud est quod volo dicere: hoc quidquid est, quo pecoribus homo praeponitur, sive mens, sive spiritus, sive utrumque rectius appellatur (nam utrumque in divinis Libris invenimus), si dominetur atque imperet caeteris quibuscumque homo constat, tunc esse hominem ordinatissimum." ("Here is what I want to say: that thing by which humans are placed before animals, whether it is rightly called 'mind' or 'spirit', or either, (as we find both in the Scriptures), if it masters and commands the rest of what the person consists in, then the person is rightly ordered.")

[22] Ibid, 1.7.16.55: "Quaenam res sit qua homo excellit, ut nulla ei bestiarum, ipse autem multis imperare possit? an forte ipsa est quae ratio vel intellegentia dici solet?" ("What in the world is it by which a human excels such that none of the animals can command him, but he can command so many animals? Is it, by chance, what is customarily called reason or intelligence?")

[23] *con. faust.,* 22.28

[24] *lib, arb.*, 1.8.18.65: "Hisce igitur motibus animae cum ratio dominatur, ordinatus homo dicendus est. Non enim ordo rectus, aut ordo appellandus est omnino, ubi deterioribus meliora subiciuntur" ("Therefore, a person is called ordered when the movements of the soul are mastered by reason. For one is not called rightly ordered, or even ordered at all, where the better is ruled by the worse.")

[25] *mus.,* 6.5.13 and 6.14.48. I quote here from 6.14.48: "For the attention of the soul towards the temporal part as well as the love for some private enterprise causes restless activities, as the universal law is neglected, an enterprise, however, which cannot itself be alienated from the universe over which God rules. Therefore, he who does not love the laws is made subject to them" (trans. Martin Jacobsson).

ordained.[26] For Augustine, knowing *that* the law is ordained by God's reason gives a person sufficient reason to assent to it. Notice the similarities between Augustine's position and Seneca's. Like Seneca, Augustine thought that recognizing the eternal law's reasonability is sufficient reason for one to align one's will with it. This is so even if one does not understand the law.[27] Thus, humans must sometimes follow the divine law without understanding it.

This can go wrong in two ways, corresponding to sin's two principal effects on the soul.[28] Humans judge badly. And even when we judge well, we still sometimes fail to do the right thing. Augustine called these two effects ignorance and difficulty, respectively.[29]

One reason for difficulty is that most people are not sufficiently concerned with eternal goods.[30] The wills of such people are thus not aligned with the eternal law.[31] Though they should prefer eternal goods to temporal goods, people often prefer temporal goods: money, honor, and

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[26] Indeed, sometimes we do not even see the rationality in the eternal law's governance of the world: "in these earthly things much appears to us to be without order and confused, because we have been sewn on to their order in proportion to our merits, ignoring what kind of beauty divine providence accomplishes with us." (*mus.* 11.20, trans. Martin Jacobsson)

[27] Inwood 2008, 232-5

[28] *lib. arb.,* 3.18.52. 177-9; Couenhoven 2013, 40-42

[29] Ibid., 3.18.52.178: "Nam sunt revera omni peccanti animae duo ista poenalia, ignorantia et difficultas. Ex ignorantia dehonestat error, ex difficultate cruciatus affligit." ("There are in fact two penalties for all sinful souls, ignorance and difficulty. As a result of ignorance error dishonors the soul; as a result of difficulty, the soul is afflicted by torments.")

[30] Ibid., 1.15.31.106: "Cum igitur manifestum sit alios esse homines amatores rerum aeternarum, alios temporalium, cumque duas leges esse convenerit, unam aeternam, aliam temporalem." ("Therefore it is clear that some people love eternal things, others temporal things; And as is agreed, there are two laws; one eternal, the other temporal.")

[31] Ibid, 1.15.31.106-7: "**Evodius**: Puto in promptu esse quod quaeris: nam beatos illos ob amorem ipsorum aeternorum sub aeterna lege agere existimo; miseris vero temporalis imponitur. ("I think what you ask is easy to answer: I think that happy people, because of their love for eternal things, are under the eternal law; while the temporal law is imposed upon unhappy people")
Augustine: Recte iudicas, dummodo illud inconcussum teneas, quod apertissime iam ratio demonstravit, eos qui temporali legi serviunt, non esse posse ab aeterna liberos; unde omnia quae iusta sunt, iusteque variantur, exprimi diximus. ("You judge rightly, provided that you hold firmly to that which reason already demonstrated plainly. Those who serve the temporal law cannot be free from the eternal law, from which we said that all thing that are just and changed justly, come.")

bodily freedom.[32] Recall that these are the sorts of goods that temporal law seeks to protect and preserve. Good temporal laws protect property and the innocent, punish the guilty, and distribute honors and rank to people considered praiseworthy.[33] Augustine conceived of temporal law much like the Stoics did. Temporal law is local and changeable, aiming to secure public goods.[34] Temporal laws derive their authority from eternal law.[35] Some temporal laws are better and more authoritative than others. Laws that diverge significantly from the eternal law do not carry authority.[36] Like Cicero, Augustine believed that unjust precepts do not merit the name 'law.'[37]

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[32] Ibid, 1.15.31.104: **Augustine**. - Quid illi qui in mala voluntate perseverantes, nihilominus beati esse cupiunt? possuntne amare istam legem, qua talibus hominibus miseria merito rependitur? ("What about those who persevere in an evil will but still wish to be happy? Can they love this law, by which such people are appropriately compensated by unhappiness?")
Evodius. - Nullo modo, arbitror. ("There is no way, I think.")
A: Nihilne amant aliud? ("They love nothing, then?")
E: Imo plurima; ea scilicet in quibus adipiscendis vel retinendis mala voluntas illa persistit. ("No, indeed they love many things; certainly the things their evil will desires to obtain or retain")
A: Opinor te dicere divitias, honores, voluptates, et pulchritudinem corporis, caeteraque omnia quae possunt et volentes non adipisci, et amittere inviti. ("I think you speak of riches, honors, pleasures, and the beauty of the body, and all other things which they can both desire and fail to obtain and lose against their will")
E: Ista ipsa sunt. ("These are those things")
A: Num haec aeterna esse censes, cum temporis volubilitati videas obnoxia? ("Surely you do not suppose that these things are eternal, since you see that they are liable to the fickleness of time?")
E: Quis hoc vel dementissimus senserit? ("Who but an insane person would believe this?")
[33] Ibid, 1.15.31.108-112.
[34] For Augustine, 'changeable' is always a term signaling imperfection because 'unchangeable' is a term of strong endorsement. The only unchangeable things are usually God and God's properties. Changeable things are usually creations. This is because changeability is typically associated either with corruption or corruptibility. Something changeable can change for better or worse. If it can change for better, that means it is presently imperfect. If it can change for worse, then it can be made worse. Thus, the only unchangeable thing is God, who is perfectly good and incorruptible. When Augustine says that the temporal law is changeable and that the eternal law is unchangeable, he is associating the eternal law with God and the temporal law with creation.
[35] *lib. arb.*, 1.6.15.50: "In illa temporali nihil esse iustum atque legitimum, quod non ex hac aeterna sibi homines derivaverint." ("Nothing is just and legitimate in this temporal law which humans have not derived from the eternal law.")
[36] This is closely connected to Augustine's claim that all sin is the pursuit of temporal goods at the cost of eternal goods (1.16.34.115). Temporal laws are sinful when they aim to secure temporal goods while sacrificing eternal goods. Thus, they lose their authority.
[37] Ibid, 1.5.11.33: "Nam mihi lex esse non videtur, quae iusta non fuerit." ("It does not seem to me to be a law, that which is not just."). This does not necessarily mean that either believed it right to disobey all unjust laws. It is difficult to speculate on what Cicero and Augustine might have thought of civil

Temporal laws secure temporal goods.[38] Augustine believed that someone who is concerned with eternal goods will not need the temporal law. She will follow the eternal law to secure the eternal goods that concern her.[39]

It is not clear why Augustine concluded that someone who prioritizes eternal goods will have no need for temporal law. Suppose that a person follows the eternal law in order to secure eternal goods for herself. Nonetheless, she will need temporal laws to secure temporal goods. One might object that in a just society, everyone would give others the temporal goods due them. If Augustine is imagining a temporal society of people who are concerned about eternal goods – and thereby virtuous – then perhaps a just distribution of temporal goods would follow neatly.[40]

But this argument does not work. Even perfectly just people must coordinate their actions in such a way that they can in fact secure the temporal goods they hope to justly distribute. Suppose a group of just people have a custom of driving on the left side of the road. The neighboring group of just people have a custom of driving on the right side of the road. Insofar as these two groups will sometimes come into contact, they will need a law to govern which side of the road they will drive on, and when. Failing to do so will generate confusion and result in bodily harm or death – no matter how morally virtuous the citizenry.

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disobedience, as it is a topic neither took up in detail. Cf. Dyson 2001, 61. Aquinas, who referenced Augustine in claiming that unjust laws aren't laws at all, permitted civil disobedience in some, but not all cases. He took civil disobedience to be mandated when a law opposed divine law, e.g., laws mandating idolatry. While he thought that laws that oppose human good in general do not bind, even such laws should be obeyed to avoid scandal or political instability (Summa Theologica I-II 96.4).

[38] Ibid, 1.15.31.106

[39] Ibid, 1.15.31.107: "Eos vero qui legi aeternae per bonam voluntatem haerent, temporalis legis non indigere, satis, ut apparet, intellegis." ("You truly understand that those who cling to the eternal law through a good will, do not need the temporal law, as is clear.")

[40] Though Augustine did not cite Matthew 6:33 ("But strive first for the kingdom of God and his righteousness, and all these things will be given to you as well") in *de libero arbitrio*, one can imagine him as having this sort of idea in the background. He later interpreted this passage in a way favorable to such a reading in *de sermone domini* 2.16.53.

This is simply an instance of a general feature of the natural law, one which earlier thinkers like Cicero and later thinkers like Aquinas recognized. There are often many ways to act consistently with the natural law. Yet each of those ways may not be consistent with one another within a good society. The natural law does not specify that I may not drive on the left. Neither does it specify that you may not drive on the right.[41] Yet since it does teach us to value and protect human life, we are required to make temporal laws specifying which side of the road we, as a society, are to drive on. For this reason, Cicero understood the legal code he established in *On the Laws* to be a series of specifications of the natural law.[42]

We might be tempted to infer that Augustine simply didn't think that humans need any temporal goods. On this interpretation, when Augustine said that the person who obeys the eternal law has everything she needs, he meant that if she does not secure any temporal goods, she has not lost anything she needs. It is unlikely that Augustine meant this. In his commentary on the Sermon on the Mount, he wrote that temporal goods such as food and clothing are "necessary for this life" and as such worth praying for.[43] Citing Jesus' words in the sermon, Augustine emphasized that Christians ought not to be anxious for temporal goods and should

[41] Thus, neither British nor the American law violates the natural law with respect to its specification of which side of the road motorists are to drive on – even though the British and the American codes are mutually inconsistent.

[42] Atkins 2013, 217-226. Aquinas similarly made *determinationes* an important part of his account of human law. Human law may never violate the natural law. But there are many different legal systems that are consistent with the natural law. Accordingly, a magistrate must make *determinationes*, concretizations of the natural law with respect to the community that the law is meant to govern. Since the natural law often underdetermines what can guide human action, humans need human law to generate further, more determinate constraints. Thus, on Aquinas's picture, the human law is never superfluous. (Aquinas, *Summa Theologica* I-II 95.2; George 1996, 328-332; Finnis 2011, 179)

[43] *serm. dom.*, 2.7.25

prioritize eternal goods.[44] But he did not think that a person is wrong to be concerned with temporal goods; rather, he thought that temporal goods must simply be rightly valued.[45]

Since Augustine thought it appropriate to be concerned with temporal goods, and since temporal laws secure temporal goods, Augustine ought to have placed more explicit value on temporal laws in *The Free Choice of the Will.* That he did not seems to suggest a low view of temporal laws. Unjust temporal laws lack authority. Just temporal laws don't benefit good people and only benefit bad people in a limited way. [46]

2. Augustine against Roman Law

For these reasons, Augustine is often interpreted as thinking that the law's purposes are minimal and primarily negative. The law should restrain violence, punish wrongdoing, and achieve a minimal level of justice.[47] Augustine emphasized these purposes of law in *City of God* 19. Earthly cities can't restrain violence fully, but through law they can limit the amount of civil discord.[48] They can't secure full justice, but through law they can minimize harm to innocents.[49]

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[44] Matthew 6:25: "Therefore I tell you, do not worry about your life, what you will eat or what you will drink, or about your body, what you will wear."

[45] For more on the right valuation of temporal goods, see Clair 2016, esp. Chapter One.

[46] Ibid, 1.15.32.111: "Metu coercet ergo, et ad id quod vult, torquet ac retorquet miserorum animos, quibus regendis accommodata est." ("[The temporal law] coerces through fear. It twists back and forth unhappy souls, which it fitted to guide, to what it wants.")

[47] See, e.g., Friedrich 1955, 37-38; Deane 1963, 116-9; Markus 1988, 89; Rist 1994, 309; Dyson 2001, 46,60; Letwin 2005, 61; Coleman 2007, 196-8

[48] *civ. Dei.*, 19.26: "Propter quod et apostolus admonuit ecclesiam, ut oraret pro regibus eius atque sublimibus, addens et dicens: Vt quietam et tranquillam uitam agamus cum omni pietate et caritate, et propheta Hieremias, cum populo Dei ueteri praenuntiaret captiuitatem et diuinitus imperaret, ut oboedienter irent in Babyloniam Deo suo etiam ista patientia seruientes, monuit et ipse ut oraretur pro illa dicens: Quia in eius est pace pax uestra, utique interim temporalis, quae bonis malisque communis est." ("Therefore the apostle has urged the church that it should pray for the king and those in high positions, adding and saying: 'that we might lead a restful and peaceful life in all piety and love' and the prophet Jeremiah, who predicted that captivity would fall on the ancient people of God, gave a divine command that they go obediently into Babylon serving their God with patience. He also advised that they pray for them, saying 'In its peace is your peace,' that of the intervening time, where the good and bad are in community."

[49] Ibid, 19.16: "Si quis autem in domo per inoboedientiam domesticae paci aduersatur, corripitur seu uerbo seu uerbere seu quolibet alio genere poenae iusto atque licito quantum societas humana concedit,

They can't punish bad behavior perfectly, but through law they can make sure that crime is punished when it is found out, and not punished too harshly or too softly on the whole.

This more minimal account of the law's purpose is sometimes contrasted with Aquinas's account.[50] Aquinas thought that civil laws could help people become virtuous. This is because he took humans to develop virtue by habituation.[51] For example, suppose a law banning assault restrains the actions of someone who otherwise, when angered, would retaliate violently. This forces him to practice self-control. This act of self-control is not yet virtuous. The violent person does not refrain from violence because he has judged violent retaliation to be wrong. He only does it to avoid punishment. However, by repeatedly practicing self-control, he may be able to develop the virtue of self-control. Law can help people develop virtue by encouraging repeated behavior and habituation.[52] Augustine never developed anything like this account.

We should not, however, infer from the fact that Augustine did not think that law ought to perfect via habituation that Augustine did not think that law ought to perfect at all. We can, instead, find our way into Augustinian perfectionism by recalling his views about hierarchy, which we encountered in Chapter One. Augustine believed that hierarchy is just only when the more rational rules over the less to secure the good of the less. Rulers who fail to secure the good

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pro eius qui corripit utilitate, ut paci unde dissiluerat coaptetur." ("If someone in the household opposes the domestic peace, he is corrected by words or by the whip or whatever other kind of just and legal punishment that human society permits, for the benefit of him who is corrected, that he might join back with the peace from which he broke.")

[50] The right contrast between Aquinas and Augustine on law would avoid the general caricature of the contrast between Augustine and Aquinas on politics. See Gregory and Clair 2015 for an overview and refutation of the caricature. Leaving the caricatures behind opens space for more nuanced presentations of the places in which Augustine and Aquinas parted ways. One more nuanced account is that of Rhodes 2006.

[51] *ST* I-II 95.1

[52] Kaveny 2012, 15-43 provides a more detailed account of Thomas's perfectionist view of law ("law as moral teacher") contrasting it with the protectionist view ("law as police officer") more common in contemporary legal and political thought.

of the ruled are derelict in their responsibility to the ruled.[53] In *City of God* 19, he discussed this in the context of human relationships. But the same idea drove his criticism of the relationship between Romans and their gods in *City of God* 2.[54]

Parents owe their children good rules that will help the children live good and happy lives. So too did the Roman gods owe it to their worshippers to give them good laws for life:

> Why did those gods, from whose worship these ingrates bewail they are prohibited, give no laws to help their worshippers live a good life? Surely it was suitable that in the way these people cared for the worship of the gods, so the gods should for the people. 'But' it is replied, 'by each's own will is he bad.' Who has denied this? To be sure, however, it concerned the gods to provide clear laws for a good life to their worshippers, not to conceal them from people.[55]

This failure was moral and political: Rome's moral failure caused the republic's downfall.[56] Because the gods were derelict in their duties to Rome, they were no longer owed worship.

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[53] *civ. Dei*., 19.14, 16.

[54] Like Lactantius, Augustine did not consider the entities the Romans worshiped as gods to in fact be gods. He considered them to be demons (see, for example, *civ. Dei*. 8 and 9). Gregory Wiebe has noted that in calling these entities deities, Augustine follows the pattern of the Hebrew Bible and the Christian New Testament (Wiebe 2015, 5). Augustine continued to call them 'gods,' even though he denied that they were gods. I will follow Augustine in calling the Roman deities 'gods,' despite Augustine's rejection of their deity.

[55] *civ.dei.*, 2.4: "Dii autem illi, a quorum cultu se prohiberi homines ingratissimi conqueruntur, cultores suos ad bene uiuendum quare nullis legibus adiuuerunt? Vtique dignum erat, ut, quo modo isti illorum sacra, ita illi istorum facta curarent. Sed respondetur, quod uoluntate propria quisque malus est. Quis hoc negauerit? Verum tamen pertinebat ad consultores deos uitae bonae praecepta non occultare populis cultoribus suis, sed clara praedicatione praebere"

[56] Ibid., 2.22: "Sed quod pertinet ad praesentem quaestionem, quamlibet laudabilem dicant istam fuisse uel esse rem publicam, secundum eorum auctores doctissimos iam longe ante Christi aduentum pessima ac flagitiosissima facta erat; immo uero nulla erat atque omnino perierat perditissimis moribus. Vt ergo non periret, dii custodes eius populo cultori suo dare praecipue uitae ac morum praecepta debuerunt, a quo tot templis, tot sacerdotibus et sacrificiorum generibus, tam multiplicibus uariisque sacris, tot festis sollemnitatibus, tot tantorumque ludorum celebritatibus colebantur." ("But this is what pertains to the present question: however praiseworthy they say the commonwealth was or is, following their most learned teachers, long before Christ's coming, it had been ruined and rendered dissolute. Indeed, it was truly nothing and all had been ruined by its most degenerate customs. So that it not pass away, the gods, guardians of the people who worshipped them, should have given precepts for life and moral to those who worshipped in so many temples, with so many kinds of priests and sacrifices, with so many different rites, holidays of such solemnity, and so many games of celebration.")

Rome did have laws, and Augustine granted that some of them were good. But its good laws were not given by the gods. Some were the product of philosophy, especially Greek philosophy.[57] Other laws were borrowed; Rome took up Solon's laws from the Athenians.[58] If these other sources gave truly excellent laws, they were worthy of the worship Rome gave the gods.[59] But the gods, who failed to give such laws, were not worthy of such worship.

Furthermore, Augustine argued, when a human gives a law, she does so on borrowed authority. She may discover the eternal law. But to discover a law is not to issue a command, it is only to report on a command already issued.[60] Moreover, whatever laws she discovers, she does so by God's help.[61] And she may make mistakes, since humans are fallible.[62] Or, she may issue a temporal law. In this case, her authority to make law derives from the authority of the eternal law.[63] The most authoritative laws are the ones given by gods, not humans.

The Roman gods failed to give good laws because they were unable to do so. They were unable to do so because they were wicked.[64] Roman politics was ill-fated from the start. Because Rome worshipped the wrong gods it was never going to receive good laws. [65]

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[57] Ibid, 2.7

[58] Ibid, 2.16: "Si autem a diis suis Romani uiuendi leges accipere potuissent, non aliquot annos post Romam conditam ab Atheniensibus mutuarentur leges Solonis, quas tamen." ("Also, if Romans had been able to receive laws for life from their gods, they would not have borrowed the laws of Solon from Athens some years after Rome's founding.")

[59] Ibid, 2.7: "Verum tamen si philosophi aliquid inuenerunt, quod agendae bonae uitae beataeque adipiscendae satis esse possit: quanto iustius talibus diuini honores decernerentur." (Indeed, if the philosophers discovered anything which could be enough to lead to a good life and arrive blessedness: how much should they be given divine honors")

[60] Ibid, 2.7: "Still, the teachings of the philosophers are not the commandments of the gods but the discoveries of men."

[61] Ibid: "Some of them [the philosophers], by God's help, made great discoveries."

[62] Ibid: "But when left to themselves they were betrayed by human infirmity and fell into mistakes." Cf. *lib. arb.,* 3.18.52.178

[63] *lib. arb.,* 1.6.15.50

[64] Ibid, 2.14

[65] Ibid: "How, then, could gods such as these be expected to promulgate good and wholesome laws, either for the prevention of moral and social evils, or for their eradication where they had already sprung up?—gods who used their influence even to sow and cherish profligacy, by appointing that deeds truly or

What an odd claim! Bad people sometimes write good laws. In *The Free Choice of the Will,* Augustine's interlocutor Evodius raises this point. Augustine never denied or refuted it.[66] If bad people can write good laws, then the Roman gods should not have been unable to issue good laws simply in virtue of being wicked.

Augustine may have had in mind a parallel to Cicero's description of the source of natural law. Cicero thought that natural law was the judgment of a perfectly knowledgeable, rational, and virtuous person. He thought that the content of this person's mind was not readily available. In lieu of asking this person for the natural law, citizens come and reason together.[67] Each person is somewhat knowledgeable, rational, and virtuous. No one person will be able to get the whole natural law in her head. But together, a good group of people can make real progress as they aim at the perfect law.[68]

But the Roman gods were vicious: foolish and impious.[69] The content of their minds was highly distant from the perfect law. Whatever laws they issued were going to be incredibly distant from the perfect law. This is only compounded by the fact that Augustine took the Roman gods to be demons. As demons, they sought to lead those who followed them astray.[70] Their laws, therefore, were bound to be bad.

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falsely ascribed to them should be published to the people by means of theatrical exhibitions, and by thus gratuitously fanning the flame of human lust with the breath of a seemingly divine approbation. In vain does Cicero, speaking of poets, exclaim against this state of things in these words: 'When the plaudits and acclamation of the people, who sit as infallible judges, are won by the poets, what darkness benights the mind, what fears invade, what passions inflame it!'" (trans. M. Dods)

[66] *lib. arb.,* 1.5.12.35-6: "A good law can be enacted by a lawgiver who is not himself a good person. For example, if someone who had seized tyrannical power were to accept a bribe from an interested party leading him
to decree that it is illegal to run off with a woman, even for marriage, the law will not thereby be evil merely because the one who enacted it is unjust and corrupt." (trans. P. King)

[67] Annas 2017, 183

[68] Ibid, 183-4

[69] This is the central conceit of *civ. Dei.*, book 2, especially chapters 4-5, 7-8, 10-16, 18-19, 22-27, 29.

[70] Wiebe 2015.

Augustine considered a counterargument: that the gods gave good laws, but only to a secret, elect, few.[71] He did not judge this to help the gods' case. It means that the gods were double-tongued, instructing some in virtue and others in vice.[72] Moreover, if all worshippers are owed good rules for life, then the gods still failed to give many their due. Though Augustine did not explicitly refer to Lactantius, his argument is very much like one Lactantius made against philosophy. Wisdom and virtue are good for humans. If philosophy secures virtue and wisdom, then philosophy secures things good for all humans.[73] But philosophy took itself to benefit only a few.[74] This leaves only two possibilities. Either philosophy did not secure true virtue and wisdom.[75] Or it was hoarding a public good, which is vice.[76]

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[71] *civ. Dei.,* 2.6 and 2.26

[72] Ibid, 2.26: "Quod si ita est, hoc ipso callidior aduertenda est et conuincenda malitia spirituum noxiorum… Foris itaque populis celeberrimo strepitu impietas impura circumsonat, et intus paucis castitas simulata uix sonat." ("If this is so, it should clearly demonstrate the crafty malice of these evil spirits… thus in public, the noise of impiety and impurity resounds in the crowds while inside, feigned morality is heard by just a few people.")

[73] *div inst.,* 3.25.2: "Non est ergo sapientia, si ab hominum coetu abhorret: quoniam si sapientia homini data est, sine ullo discrimine omnibus data est, ut nemo sit prorsus qui eam capere non possit." ("Something is not wisdom if it is averse to human society: since if wisdom is given to humans it is given without discrimination to all, such that there is absolutely no one who is not able to get it."). Later, in *div. inst.,* 3.25.5 he says: "Quod si natura hominis sapientiae capax est, oportuit et opifices, et rusticos, et mulieres, et omines denique, qui humanam formam gerunt, doceri, ut sapient; populumque ex omni lingua, et conditione, et sexu, et aetate conflari." ("If the capacity for wisdom is natural for humans, wisdom should teach workers and farmers and women and indeed all who bear human form, and its population composed of those of all languages, conditions, sexes, and ages.")

[74] Ibid, 3.25.1: "Summus ille noster Platonis imitator existimavit philosophiam non esse vulgarem, quod eam non nisi docti homines assequi possint. 'Est,' inquit Cicero, 'philosophia paucis contenta judicibus, multitudinem consulto ipsa fugiens.'" ("The greatest imitator of Plato thought philosophy was not for common folk, because only educated people could pursue it. 'Philosophy is,' says Cicero, 'happy to have few judges, it intentionally flees the multitude.'")

[75] Ibid, 3.25.6: "Maximum itaque argumentum est, philosophiam neque ad sapientiam tendere, neque ipsam esse sapientiam, quod mysterium ejus barba tantum celebratur et pallio." ("Therefore, the best argument that philosophy neither aims at wisdom nor is itself wisdom, is the celebration of such secrecy by beard and cloak")

[76] Ibid, 3.25.3: "At illi virtutem humano generi datam sic amplexantur, ut soli omnium publico bono frui velle videantur." ("But those people [the philosophers] grasp onto virtue, a gift to humankind, seemingly that they wish to be the only ones out of everyone to enjoy a public good.")

Augustine analyzed the promulgation of good precepts to a few similarly. Any good precepts the gods could impart would have been good for all their worshippers. Almost anyone, he thought, can benefit from virtuous instruction and exemplars.[77] If what the gods had to impart wasn't fit to distribute to all worshippers, then perhaps it was not so good.[78]

A defender of Roman religion might have responded that it was appropriate for the gods to promulgate different laws to different sets of people. Perhaps people who are well-disposed to live highly virtuous lives might benefit from a different set of laws than those given to people who are not so disposed. If the gods were merely responding to this fact and distributing laws accordingly, they were not doing anything unjust. That Augustine did not consider this possibility is illustrative. He seems to have thought that the Roman gods, at best, gave good laws to some and bad laws to others. Were the gods trying to give well-fitted laws to different types of people, they would have distributed good laws all around: some good laws to some, other good laws to others. Each set of laws would have aimed at improving the virtue of their target audience. Since Augustine did not think the gods distributed such laws, they remained blameworthy in his view, and could not be vindicated by the differences among humans.

Because the gods did not give Romans good laws for life, Romans did not owe worship to their gods. Augustine never articulated the corollary, but it seems to follow: if the Christian God had failed to give His worshippers good laws for life, they would not have owed God worship. For Augustine, this was an impossible counterfactual. Because God is essentially good, he would never fail to give his people good laws. Though impossible, the counterfactual is

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[77] *civ. Dei.,* 2.26: "Tanta enim uis est probitatis et castitatis, ut omnis uel paene omnis eius laude moueatur humana natura, nec usque adeo sit turpitudine uitiosa, ut totum sensum honestatis amiserit." ("Such is the force of honesty and fidelity that all, or nearly all, are moved by its praise. Neither is human nature so vicious to the point of deformity that it loses its whole sense of honor.")
[78] *civ. Dei.,* 2.26

important. For Augustine, the worship of God is required not in virtue of divine fiat. No one, not even God, can simply demand worship by fiat. It is required because the rules that God promulgates are good. God is a good parent, so God's children owe God obedience and worship in response.[79]

By good rules, Augustine meant rules that would lead humans to "a good and blessed life."[80] Blessedness is the enjoyment of eternal goods, chiefly God.[81] The eternal goods are the best things, and the eternal law helps a person obtain them. In *Reply to Faustus,* he identified two central purposes of the eternal law and associates them with two eternal goods.[82] First, the law unites humans to God. Second, it unites humans to one another.[83] Like Cicero and Seneca, therefore, Augustine believed that one of the law's main purposes is sociability.

Unity with God may seem to be an obviously eternal good. That unity among humans – sociability – is an eternal good may be less obvious. We saw in the previous chapter that Cicero and Seneca both placed high value on sociability and believed that laws ought to be oriented towards protecting it. But neither Cicero nor Seneca thought of sociability as an eternal good.

I will treat this question in further detail in Chapter Seven. To summarize, however, Augustine believed that sociability that can be defeated by contingencies is not robust. This can always occur if sociability's value is understood as temporal. Suppose, for example, I am kind to

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[79] Thus, Augustine often pairs discussion of submission and obedience to God for the sake of achieving blessedness with the appellation of God as a "good father." (See, e.g., *conf.* 13.17 and *serm.* 11, 1-2). See also Lactantius, *div. inst.,* 4.3.15: "Pater ideo apellandus est, quia nobis multa et magna largitur" ("He [God] is to be called father because he gives us many and great gifts.")

[80] *civ. Dei.*, 2.7: "bonae uitae beataeque." M. Dods (1887) translates this phrase 'virtue and blessedness.' B. Ramsey (1990/2012) renders it 'the good life … and the blessed life.' Both capture what I take to be Augustine's point here: the best rules will help humans be both virtuous and happy. See also Clair 2013, 143ff.

[81] Ibid, 11.12

[82] Notice therefore that the early Augustine (*lib. arb.*), the middle Augustine (*con. Faust.*) and the late Augustine (*civ. Dei.*) all agree that ideal laws help people achieve eternal goods.

[83] *con. faust.,* 15.4. and 15.7. Cf. *civ. Dei.,* 10.3

others because I judge that doing so will strengthen the commonwealth. Once my kindness fails to strengthen the commonwealth, I lose my reasons to be kind to my neighbors. True sociability, by contrast, overcomes temporal contingencies. Augustine thought that the best reason of this kind comes from a recognition of every individual as a member or potential member of the city of God. If your neighbor's highest good is an eternal good, one's reasons to pursue the neighbor's highest good persist despite temporal contingencies.

As we will see in the next chapter, Augustine thought that the virtue of justice included sociability – robust concern for the good of one's fellow-citizens. He further believed that without justice, a polity cannot be a republic. This gave him further reason to believe that temporal – and not just eternal – laws should aim to instruct citizens in virtue. For a polity to be a republic, its citizens need the virtue of justice. Temporal laws should, therefore, lead citizens towards this virtue and are deficient to the degree that they fail to do so.

3. Augustine and the Mosaic Law

I have argued that the best explanation of Augustine's criticism of Roman law is that he believed that temporal laws should be concerned with the virtue of their observers. This is made even clearer when we also consider his praise of the Mosaic Law. I began this chapter with Augustine's familiar separation of law into two kinds: eternal and temporal. The eternal law is the perfect and unchanging will of God; temporal laws are local and changeable laws of particular peoples. Then, I turned our attention to an often-overlooked idea – that Augustine believed that deities have a duty to give good laws to their worshippers. Augustine argued that a deity owes worshippers good rules for life, where the best rules will result in humans becoming united to God and one another. Rome's gods failed to give Rome such good rules. Thereby they

were not owed worship. But the God of Christianity had promulgated good laws, and thus merited worship.

These rules, Augustine thought, are articulated in the Christian Scriptures. The law of the Bible is the law of God. In claiming this, Augustine opposed Manicheans like Faustus.[84] Faustus thought the Hebrew Bible slanders God.[85] It tells of a short-sighted, greedy, jealous, and cruel god who endorsed similar vices in his prophets.[86] The true God, as revealed in New Testament, is "the principle of all good things."[87] Faustus thus rejected the Hebrew Bible and Mosaic law as having no authority for Christians.[88] He argued that Catholics had two options: either reject the Mosaic law wholesale, as the Manicheans did, or obey it, as Jews did. But it was hypocritical for them to fail to obey the law and blame Manicheans for rejecting it.[89]

In response, Augustine defended the Mosaic law as consonant with the character of the God of the New Testament. Throughout *Reply to Faustus* and *On the Spirit and the Letter*, he invoked the following contrasts, all of which are common in early Christian discussions of law:

Outer Person	Inner Person
Letter of the Law	Spirit of the Law
Works	Faith

[84] In what follows, I attribute various commitments to Faustus. His major text, the *Capitula,* is preserved only in Augustine's *contra Faustum* (van Gaans 2013). This means that we must be careful in equating Augustine's description of Faustus with Faustus' own commitments. When I attribute commitments to Faustus, citing Augustine, I mean "Augustine's Faustus." It is beyond the scope and purpose of this chapter to inquire as to the relation between Augustine's Faustus and the 'real' Faustus. Since my concern is how Augustine distinguishes his own view on law via the use of foils, it is sufficient to acknowledge that Augustine's Faustus is a foil.

[85] *con. faust.*, 22.4: "These books [the Hebrew Bible], moreover, contain shocking calumnies against God himself." (trans. R. Stothert)

[86] Ibid, 22.4-5

[87] Ibid, 20.1

[88] *con. faust.* 4.1: "Christians have not adopted these observances [the precepts of the Mosaic law], and no one keeps them; so that if we will not take the inheritance, we should surrender the documents. This is my first reason for rejecting the Old Testament, unless you teach me better. My second reason is that this inheritance is such a poor fleshly thing, without any spiritual blessings, that after the New Testament, and its glorious promise of the kingdom of heaven and eternal life, I think it not worth the taking." (trans. R. Stothert)

[89] *con. faust.,* 6.1

Fear	Love
Tables of Stone	Tables of the Heart[90]

Many Christians have argued that the Mosaic law was concerned with the terms on the left, while the New Covenant is concerned with the terms on the right. This was a common and crucial early Christian polemic against Judaism. Judaism, its Christian opponents argued, focused on indifferent surface qualities. Christianity was concerned what truly matters.

Consider, for instance, Tertullian's *Against the Jews*. In it, Tertullian contrasted the old law of Moses and the new law of Christ as follows. The Mosaic law was a law of vengeance; the new law is a law of mercy.[91] The old law was concerned only with carnal, temporal realities; the new law with spiritual, eternal things.[92] Though Tertullian was perhaps its most dramatic early orthodox Christian proponent, this polemic was widely expressed by early Christian writers,[93] including influential Christian heretics such as Marcion and Ptolemy the Valentinian.[94]

Augustine was by no means favorably disposed towards Jews. He persistently subordinated Jews in his account of God's relationship to the world.[95] His insults towards,

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[90] In *contra faustum,* Augustine discussed the distinction between the outer and inner person in 24.2, the distinction between spirit and letter in 15.8, faith and works in 22.7 and 22.41, and the two tables in 15.4. In *de spiritu et littera,* he discusses the inner person in chapter 6, faith and works in chapter 17, fear and love in chapter 26, and letter and spirit throughout.

[91] Tertullian, *adv. iud.,* 3

[92] Ibid, 6.

[93] See, for example: the *Epistle of Barnabas*; Justin Martyr's *Dialogue with Trypho,* esp. 11-12; Pseudo-Cyprian's *Against the Jews*. Lactantius seems to have been influenced by the view without taking it on wholesale. His stance is difficult to make clear because he did not develop his views on the relationship between the Hebrew Bible and the New Testament systematically. Sometimes he referred to the Hebrew Bible using the language of abolition (4.17.9) and succession (4.17.13) and described the Mosaic law as imperfect (4.20.10). Other times he spoke of its relation to the law of Christ using the language of fulfillment (4.20.5), continuity (ibid), and prefiguration (4.17.21). Elizabeth DePalma Digeser (2006, 82) interprets Lactantius as taking the Mosaic law to be "an image of the divine law."

[94] Regarding Marcion, I rely on the testimony of Irenaeus, who attributed this view to him in *adv. haer.* 3.12. On Ptolemy, see his *Epistle to Flora* (in Layton 1987)

[95] Frederiksen 2008, 367-375. See also Lee 2016b, which focuses on Augustine's treatment of Jews in *civitate Dei*.

misunderstandings of, and polemics against Judaism will be on full display in the rest of this chapter. However, Augustine also rejected the polemic against the Mosaic law discussed above.[96] It declares the Mosaic law bad, opposing grace and freedom, generating fear and slavery.[97] This contradicted Augustine's interpretation of the words of Jesus and Paul in the New Testament. In *Reply to Faustus,* he referred to Jesus's words in Matthew 5:17 ("Do not think I have come to abolish the law or the prophets; I have come not to abolish, but to fulfill") over 30 times. If Jesus came to fulfill the law, then law cannot oppose Jesus's grace.[98] Similarly, he repeated Romans 10:4 ("Christ is the end of the law, so that there may be righteousness for everyone who believes") throughout *Reply to Faustus* and *On the Spirit and the Letter*. If Christ is the end of the law, to bring righteousness, law does not oppose faith.[99] Moses's law aimed at eternal goods: virtue and right relationship with God.[100]

This accords with Augustine's account of law's purpose. Recall that Augustine believed that to be worthy of worship, the Roman gods would have had to give their worshippers laws to help secure their virtue and blessedness. [101] The same must hold for the God of Israel, who gave

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[96] Frederiksen 2008, esp. 235-259

[97] *con. faust.* 8.1: "And having the advantage of being born free from the yoke of bondage and being early introduced into the full liberty of Christ, what a foolish and ungrateful wretch I should be to put myself again under the yoke! This is what Paul blames the Galatians for; because, going back to circumcision, they turned again to the weak and beggarly elements, whereunto they desired again to be in bondage." (trans. R. Stothert)

[98] *con. faust.*,17.6; 19.7

[99] *spir.,* 50: "Quae ut possit homo facere, Deus operatur in homine per fidem Iesu Christi, qui finis est ad iustitiam omni credent." ("That a person is able to do [the commandments], God works in a person through faith in Jesus Christ, who is the end [of the law] for righteousness for all who believe.")

[100] See also *con. faust.* 12.3: "Quae si mala esset, non utique in eorum laude poneretur. Si autem Christum non praedicaret, non ipse Dominus diceret: *Si crederetis Moysi, crederetis et mihi; de me enim ille scripsit*; nec post resurrectionem sic ei attestaretur, dicens: *Oportebat impleri omnia quae scripta sunt in Lege Moysi, et Prophetis, et Psalmis de me*." ("If the law had been bad, he [the apostle Paul] would not have mentioned it in his praise of them [the Jews]. Also, if Christ had not preached the law, the Lord Himself would not have said, 'if you had believed Moses you would have also believed in me; it is about me that he wrote.' Neither would he have testified the way he did after his death, saying 'All things concerning me in the Scripture, the law of Moses, the Prophets, and the Psalms, must be fulfilled.'"

[101] *civ. Dei.,* 2.7

the Israelites the Mosaic law. Since God was worthy of the Israelites' worship, the Mosaic law must have been well-suited to aid them in their pursuit of eternal goods. If it had only aimed at temporal goods, it would not have been the sort of law that would prove God worthy of worship.

Augustine engaged a counterargument he attributed to Faustus: if the whole Mosaic law aims at eternal goods, Christians should be obligated to follow the whole Mosaic law. They do not. Therefore, either they are not so obligated, or they are in defiance of the law.[102] On the one hand, if Augustine agreed that the Mosaic law only aimed at temporal goods, it would be imperfect. If the Mosaic law was imperfect, so too must be the deity who gave it. This would prove the Manicheans right: if imperfect, the God of the Hebrew Bible is not the Christian God. On the other hand, if the Mosaic law was authoritative for Christians, the Catholic church was derelict in its religious duty by not insisting that Christians observe the Mosaic law.

Had Augustine thought that temporal laws need not be concerned with eternal goods, as he is so often described, he would have simply denied that temporal laws like the Mosaic law ought to help observers secure eternal goods. This would have been a far neater and simpler response to Faustus. However, he did not. I argue that this is because he in fact believed that temporal laws ought to be concerned with eternal goods.

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[102] *con. faust.,* 6.1: "Accipis Vetus Testamentum? Quomodo, cuius praecepta non servo? Puto quidem quia nec tu: nam peritomen ego ut pudendam despui; ac, si non fallor, et tu. Cessationem sabbatorum, ut supervacuam; credo quod et tu. Sacrificia, ut idololatriam; non dubito quod et tu. Porcina certe non ego sola abstineo; tu item non solam comedis. Ego quidem, quia omnem carnem immundam existimem; tu vero, quia nihil immundum: quo utroque, ab utroque nostrum, Vetus destruitur Testamentum." ("'Do you obey the Old Testament?' How could I, when I do not keep its precepts? Neither, I think, do you. For example, I abhor circumcision as disgraceful, as, if I am not mistaken, do you. I reject inactivity of the Sabbath as superfluous; I believe that you do as well. I reject sacrifices as idolatry; I do not doubt you do. Pork is not the only meat I abstain from; likewise, you do not eat it alone. Indeed, I think all meat is unclean; you think nothing is unclean. Both alike, in both opinions, tear down the Old Testament.")

Following early Christian writers like Justin,[103] Augustine distinguished between two kinds of precept in the Mosaic law: moral and sacramental precepts.[104] The moral precepts are obligatory for Christians just as they were for the people of Israel. The sacramental precepts are not. They were instead intended to prepare Israel to appreciate the significance of Christ's activity in the world.[105]

Consider, for example, the Sabbath. Faustus criticized Catholics for affirming the Mosaic law yet failing to observe the Sabbath.[106] Augustine replied that the Sabbath prescribes rest on the seventh day to prefigure the eternal rest that Christ secures for Christians.[107] Israel was to observe the Sabbath before Christ's advent, because the purpose of the law was to prepare people for what was to happen.[108] With eternal rest secured, Sabbath observance is moot.

Thus, the precept requiring Sabbath observance is fulfilled in Christ, not abolished, Augustine argued. This is because the aim of the law remained the same across time. The purpose of the law was always to help observers enjoy rest in Christ. Before Christ came, the precept was meant to prepare observers to receive Christ's rest by prefiguring it. After Christ, the precept is no longer necessary. Eternal rest is no longer prefigured, but directly offered.[109]

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[103] Justin, *Dialogue with Trypho.,* 44. Justin in fact gave a tripartite division: sacramental precepts that prefigure; civic precepts that punish; moral laws that instruct. Justin's tripartite division seems to have prefigured the tripartite division of the law into moral, judicial, and ceremonial, that Aquinas (*ST* I-II 99.4) and Calvin (*Institutes*, 2.4.20.14). But for the purposes of this discussion, only Justin's first and third categories are relevant. Aquinas interpreted Augustine as combining the 'moral' and 'civic' precepts under one heading, and giving that heading the general name 'moral' (*S.T.* I-II 99.4 ad3)

[104] *con. faust*., 6.2; 10.2; 19.18

[105] Ibid., books 19 and 22. cf. *spir. et. lit.,* 27

[106] Ibid., 4.1; 6.1; 10.1; 18.2

[107] Ibid, 6.4; 19.9

[108] Ibid, 16.28

[109] Ibid, 6.4: "Cessationem vero sabbatorum iam quidem supervacuam ducimus ad observandum, ex quo spes revelata est nostrae quietis aeternae." ("To be sure, we think it superfluous to observe the rest of the sabbath, because our hope is revealed: eternal rest."); Tapie 2014, 173.

Notice that by Augustine's definition, the Mosaic law is temporal.[110] Temporal laws are those that bind particular people in particular places at particular times. The Mosaic law was one such law, Augustine thought. This is why it does not bind Christians. For the Jews in the time before Christ, observing the Sabbath was required; for Christians after Christ, it is not.[111] But the Mosaic law also aimed at securing eternal goods for those who follow it. Though a temporal law, it was well-suited to help observers attain virtue and blessedness.

Faustus disagreed. In his view, even the precepts of the Mosaic law that Augustine called moral were not truly moral. Take the command not to covet. We find this command in both the Mosaic law and in the New Testament. This might suggest that Augustine is right – the Mosaic law and the law of Christ agree. But Faustus contended that the Mosaic law promised temporal goods – wealth, progeny, long life, land – to those who obey.[112] By contrast, the law of Christ says that someone who refrains from coveting so that they can achieve temporal goods has not in fact obeyed the law against coveting.[113] Thus, though the two laws appear to agree, they reveal opposing aims and logics. A person who complies with the prohibition on coveting for the reasons the Mosaic law encourages has not acted morally and obeyed the eternal law. Faustus associated the left column in the earlier table with the Mosaic law and the right column with the law of Christ. He insisted on a hard wedge between the two laws.

Augustine agreed with Faustus that a person cannot obey the eternal law without the right dispositions. He simply thought that Faustus had misinterpreted the Mosaic law, missing that the

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[110] *lib. arb.,* 1.6.14.48

[111] Did Augustine think that Jews after Christ must still obey the Mosaic law? The issue is complex, and it is possible that Augustine changed his mind later in life (Hood 2019). See also Fredriksen 2008, 260-289. For the purposes of my argument, the answer to this question is tangential, since for Augustine the Mosaic law is temporal in virtue of not binding Christians (regardless of whether it continues to bind Jews).

[112] *con. faust.,* 10.1

[113] Ibid

Mosaic law was concerned with the Israelites' dispositions, and not simply their external actions. In reply, he offered a reinterpretation that began by distinguishing between the 'letter' of the law and the 'spirit.' The letter concerns the bare, textual meaning of a precept.[114] The spirit concerns its purpose. The Mosaic law aimed at eternal goods that cannot be realized by merely complying with its letter. It is not, therefore, that the left column of the above table describes the Mosaic covenant, and the right describes the new covenant. Rather, the left describes the wrong response to the law, the right the proper response. Recall Augustine's distinction between eternal and temporal goods. Someone only concerned with temporal goods is driven by his outer person.[115] He performs good works to win or preserve these temporal goods. But the law of Moses aimed to secure eternal goods (one of which is virtue), not just temporal goods.

Thus, a person who merely complies with the commands laid out in the Mosaic law only to secure temporal goods does not truly obey.[116] She obeys the letter of the law, but does not aim at the eternal goods, and thus fails to obey its spirit.[117] Failure to obey the spirit of the Mosaic law is simply failure to obey the law. Augustine believed that figures in the Hebrew Bible who understood the Mosaic law understood this. He cited as evidence Psalm 51:16-17: "You do not delight in sacrifices, or I would bring it; you take no pleasure in burnt offerings. The sacrifices of God are a broken spirit. A broken and contrite heart, O God, you will not despise."[118]

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[114] Ibid, 19.7-8
[115] Ibid, 24.2
[116] *spir.*, 8.13: "Quicumque faciebant quod lex iubebat non adiuvante spiritu gratiae, timore poenae faciebant, non amore iustitiae. Ac per hoc coram Deo non erat in voluntate, quod coram hominibus apparebat in opere, potiusque ex illo rei tenebantur, quod eos noverat Deus malle, si fieri posset impune, committere." ("Whoever did what the law commanded without the help of the spirit of grace, did so out of fear of punishment, not love of righteousness. And in the eyes of God this was not in the will which appeared in the work in the eyes of men. And they were held liable for those things which God knew they would have preferred, if it were possible to commit them without punishment."). cf. *con. faust.* 11.8
[117] *con. faust.*, 17.4; 20.23
[118] *civ. Dei.*, 10.5. See also *en. ps.*, 51, esp.21-23

Augustine interpreted this and similar scriptural texts as indicating that the only way to truly obey the Mosaic law is to align one's will with its ends. Its ends are to secure eternal goods: virtue and union with God and others. Thus, the only way to obey the Mosaic law is to have as one's aims in obeying it the development of virtue, union with God, and union with others. Augustine thought that this is only possible by grace; without grace, humans cannot love God.[119]

Though Augustine developed this account of obedience in *Reply to Faustus* and *On the Spirit and the Letter,* it parallels his account of obedience in earlier texts, like *The Free Choice of the Will.* We saw in Chapter One that Augustine believed that slavery to sin is the worst sort of slavery. This commitment frames how Augustine understood obedience to the law. A person can respond to the law in three ways. First, he could disobey the law.[120] Second, he could merely comply with the law. Third, he could obey the law. In *City of God,* he makes a similar distinction in explaining sin: "It is sin not only to desire that which the law of God prohibits but also to abstain from it because of fear of punishment, not love of justice."[121]

The eternal law commands the wealthy to give either to the church or the poor.[122] Consider first someone who disobeys. He is first enslaved to sin, which is the worst sort of slavery. However, Augustine also thought that those who disobey the eternal law are

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[119] *spir.*, 2.4, 35,63; *con. faust.,* 15.8. To this end, Augustine invoked Romans 5:5 – in Augustine's *Vetus Latina* it read, "the love of God is shed abroad in our heart by the Holy Spirit, who gives it to us" – and associated this love with the fulfillment of the law throughout *de spiritu et littera.* (e.g., 16.28, 21.36, 39.51)

[120] Augustine distinguished between defiant disobedience and disobedience that comes from weakness or ignorance (*nat. et grat.* 29.33). This differentiates Augustine from Pelagius, for whom all sin was "a deliberate act of contempt for God." (Brown 1969, 350). Thus, one might be inclined to describe four responses to the law: willing disobedience, reluctant disobedience, reluctant obedience, willing obedience (thanks to James Goodloe and David Wood for their clarification on this point). For the purposes of this argument, I choose to preserve the tripartite distinction since both kinds of disobedience still involve straightforward slavery to sin.

[121] *civ. Dei.* 14.10: "Neque enim nullum peccatum est ea quae lex Dei prohibet concupiscere atque ab his abstinere timore poenae, non amore iustitiae."

[122] *ep.* 157; Brown 2005, 23; Clair 2013, 107-129

nevertheless under the eternal law – the eternal law, recall, binds all people at all times in all places. The eternal law governs everything, including the consequences of disobeying its precepts. Disobeyers remain under the eternal law as slaves.[123]

Augustine's argument here echoes Seneca's point about the law of mortality. Seneca thought of human mortality as a fixed feature of the natural law. Both the wise and foolish person are under the law of mortality. The wise person recognizes it as rational and responds accordingly. The foolish person does not, either out of "ignorance … or impious rebellion."[124] Augustine thought of the eternal law in much the same way: everyone is already a slave to the eternal law. The good person is a willing, obedient slave, and in so being enjoys true freedom. The bad person is a rebellious runaway slave, and in so being, becomes a slave to sin as well.

Next, imagine a person who merely complies with the law, giving to the poor just because he desires honor or fears censure. Such a person fails to judge that giving to the poor is right and align his will with what he judges right. Instead, all he seeks is a temporal good. This is slavery to temporal goods, itself a form of slavery to sin.

Freedom, by contrast, consists in adherence to the eternal law.[125] The truly free person aligns his will with the eternal law and obeys it because he judges it right and worthy of obedience. Only willing obedience befits humans. Humans obey the law in the right way by aligning their will with the law. And, as we have seen, Augustine thought obeying the eternal law equivalent to faithful slavery to God. In Augustine, therefore, we see a Christianization of the idea we first encountered in Seneca: a person cannot be free if he fails to align his will with

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[123] *lib. arb.,* 1.15.31.106
[124] Inwood 2008, 238
[125] *lib. arb.,* 1.15.32.109: "Deinde libertas, quae quidem nulla vera est, nisi beatorum, et legi aeternae adhaerentium." ("Freedom, which is not true unless it is of the happy people, who cling to the eternal law")

the ends of the law. Like him, Augustine believed that one of law's central purposes is to help the governed secure freedom.

However, Augustine broke dramatically from traditional Roman jurisprudence in his evaluation of the Roman legal system – and the deities that had instituted it. Unlike the Roman gods, Augustine judged, the true God promulgated good laws widely.[126] When God gave the law to Moses, he did so in the presence of all of Israel.[127] He accompanied the giving of the law with "marvelous signs and disturbances."[128] This was to ensure all the people of Israel that the law Moses reported had in fact come from God; they were not asked to simply assent to Moses' claim. This also highlights Augustine's understanding of the contrast between laws given by gods and laws given by humans. God, not Moses, authored the Mosaic law. God gave it to Moses to promulgate to Israel. In other legal systems, Augustine claimed, the masses were asked simply to trust that the laws promulgated were indeed authored by the gods.[129] God gave Moses

[126] DePalma Digeser 2006, 78

[127] *civ. Dei.,* 10.13: "Cum igitur oporteret Dei legem in edictis angelorum terribiliter dari, non uni homini paucisue sapientibus, sed uniuersae genti et populo ingenti: coram eodem populo magna facta sunt in monte, ubi lex per unum dabatur, conspiciente multitudine metuenda et tremenda quae fiebant." ("It is thus right that the law of God should be given terrifyingly by angelic edict not to one man or a few sages, but to all the people of a large populus. Great things were done before the very same people on the mountain, where the law was given by through one man, while the watching multitude saw things fearful and terrible.") Augustine's concern in this passage of *civ. Dei.* was how the law is authoritative for Israel. But I have argued that Augustine believed that parts of the Mosaic law are authoritative for all humans. How can this be so if the law is not promulgated in the presence of all people? Augustine did not, as far as I know, answer this question. It is an important one, since if God promulgates the law to some but not others, then God is doing precisely what the Roman gods did when they gave good laws to some and not others. One potential answer Augustine might have given – though he didn't – is that Jesus and the church testify to the whole world that certain aspects of the Mosaic law are worth following. Thanks to Jeff Stout for raising this objection.

[128] Ibid: "mirabilibus rerum signis et motibus."

[129] Ibid: "Non enim populus Israel sic Moysi credidit, quem ad modum suo Lycurgo Lacedaemonii, quod a Ioue seu Apolline leges, quas condidit, accepisset." ("Therefore the people of Israel did not simply believe Moses as the Lacedæmonians believed their Lycurgus, because gave them the laws he had received from Jupiter or Apollo.")

the law in the presence of all Israel so that all Israel could recognize that the Mosaic law was binding with God's authority.[130]

The Mosaic law was a temporal law. It was a concrete set of precepts given to a historical civilization.[131] It was not an eternal law, not a set of timeless precepts, authoritative for all people at all times. However, it was well-suited to help its observers attain the eternal goods of virtue and blessedness. Augustine believed the Mosaic law had a mechanism in place to achieve this end. The next section turns to that mechanism.

4. From Law to Grace to Virtue

Humans suffer from ignorance (we are bad at knowing right from wrong) and difficulty (we are bad at doing the right thing, even when we know it). Sin corrupts human judgment and will. The Mosaic law showed the Israelites right and wrong. As we have seen, Augustine believed that the Mosaic law was concerned with the dispositions of the Israelites. Thus, to truly obey the Mosaic law, a person needed to do more than merely comply with its commands that governed external actions. She needed to do so out of the correct disposition. Anyone who tried to follow the Mosaic law in its fullness ought to have learned that they are unable to do so. They

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[130]Ibid: "Cum enim lex dabatur populo, qua coli unus iubebatur Deus, in conspectu ipsius populi, quantum sufficere diuina prouidentia iudicabat, mirabilibus rerum signis et motibus apparebat ad eandem legem dandam creatori seruire creaturam." ("When the law, which commanded the worship of the one God, was given to the people, marvelous signs and disturbances to the degree divine providence judged sufficient, occurred in their sight, that the law was given by the Creator through his slave, creation.") Augustine intentionally played down the more secretive elements of the narrative and plays up the public elements. In Exodus 19-20, God gives Moses the law when he is separate from the people. In this sense, therefore, Moses receives the law in private and then promulgates it in public. However, Augustine was right that the text reports that all the people see the thunder and lightning, and because of this judge that it really is God who is giving Moses is the law (Exodus 20:18-21)

[131] *con. faust.*, 4.2: "Terram enim Chananaeorum, quae manifesta erat, et manifeste illo populo data est, contemnere vos et fastidire gloriamini" ("You boast that you think little of and disdain the land of Canaan, which was real and the real people it was given too.")

would find that their wills are weak.[132] This was not unique to the Jews: Augustine believed that Christians also struggle to obey the moral precepts in the Mosaic law.[133]

Augustine took the fact that the Mosaic law is impossible to fulfill to be a feature of the Mosaic law, not a bug.[134] He believed that this impossibility should drive a careful observer of the law to turn to God for grace in order to fulfill the law.[135] Grace is divine help. God gives humans grace to make it possible for them to do what they would be unable to do on their own. He heals the soul, making it possible for people to truly obey the law.[136] Only when a person comes to love God does he fulfill the law. [137]

It is tempting to think that if the Mosaic law led to virtue only by directing its observers away from the law, then the content of the Mosaic law was irrelevant. However, Augustine denied this. He took the Mosaic law's content to be excellent and held that its excellence made it an effective guide to virtue via trust in God for grace.[138] Not just any law would do.

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[132] Ibid, 9.15: "sed voluntas nostra ostenditur infirma per legem." ("But through the law our will is shown to be weak.")"

[133] *con. faust.,* 19.7: "Deinde, quia etiam sub gratia positis, in hac mortali vita difficile est omni modo implere quod in Lege scriptum est." ("Even for those who are under grace, in this mortal life it is difficult to fulfill in every way what is written in the law.")

[134] *spir.* 29.51

[135] Ibid, 13.22: "Ideo enim iubet lex, ut admoneat quod faciat fides, id est, ut cui iubetur, si nondum potest, sciat quid petat; si autem continuo potest et oboedienter facit." ("Thus, the law commands, to remind what faith should do, that is, to the one commanded, if he cannot yet do it, to know what to ask for; but if he can, to continuously obey it.")

[136] *con. faust.,* 19.31: "Qui plenus gratia et veritate, et ad praecepta facienda adiuvando per gratiam" ("He was full of grace and truth, through grace helping us to obey the precepts.")

[137] Ibid, 19.34, 21.36, 26.46. Notice that this is Augustine's narration of his own development in the *Confessiones*.

[138] *spir.* 6.9: "Demonstranda enim fuerat homini foeditas languoris eius, cui contra iniquitatem suam nec praeceptum sanctum et bonum profuit, quo magis aucta est iniquitas quam minuta, quando quidem lex subintravit, ut abundaret delictum, ut eo modo convictus atque confusus videret non tantum doctorem sibi esse necessarium, verum etiam adiutorem Deum, a quo eius itinera dirigantur, ne dominetur ei omnis iniquitas et confugiendo ad opem misericordiae sanetur atque, ita ubi abundavit delictum superabundet gratia non peccantis merito, sed subvenientis auxilio." ("It needed to be shown to man the ugliness of his weakness, that against his iniquity, the holy command did not profit him, but increased his iniquity instead of decreasing it. When the law entered that sin would abound, that being in this way convicted and dismayed, he would see not only that he needed a teacher but also God as a helper, to direct his way lest

The Mosaic law was excellent because it had three features: first, it enjoined the right actions; second, it enjoined the right dispositions; third, it helped people see that they need grace to obey God. Faustus explicitly disputed the second and third claims about the Mosaic law. We saw earlier that he believed that the Mosaic law commended some right actions but for bad reasons.[139] In books 12 and 13, Faustus's main argument is that nothing of the Hebrew Bible – including the Mosaic law – could point people towards trusting in the grace of God. He also implicitly disputed the first when he said that he found the practice of circumcision abhorrent.[140]

For this reason, Augustine took it to be necessary to defend the Mosaic law on all three counts. He took it to have commanded the correct moral precepts[141] and dispositions,[142] and to have been well-suited to direct the Israelites to trust in the grace of God.[143] It was, therefore, the ideal temporal law. It was ideal because it was perfectly suited to help its observers attain the eternal goods of virtue and blessedness. However, because it was temporal, it only bound a particular people at a particular time in a particular place. Thus, Augustine could reject Faustus's dilemma and insist that Christians rightly praise the Mosaic law without following it.

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he be mastered by all kinds of sins. It was also that he might take refuge and be healed by mercy. In this way where sin abounded, grace should abound all the more, not by the merit of the sinner, but by the help of his rescuer.") cf. *con. faust.,* 19.7

[139] *con. faust.* 10.1

[140] Ibid, 6.1: "Nam peritomen ego ut pudendam despui; ac, si non fallor, et tu." ("For I abhor circumcision as shameful; as, if I am not mistaken, you do as well.")

[141] See, e.g., *con. faust.*, 15.6, where Augustine tests the actions of Faustus and the other Manicheans against the content of the decalogue, proceeding on the assumption that Faustus agrees that adultery, murder, and the like, are wrong.

[142] *con. faust.*, 15.7

[143] *con. faust.*, 17.6

By contrast, Augustine thought that the laws of Rome failed on all three counts. They often enjoined bad behavior.[144] They often failed to command the right dispositions.[145] And the laws were established by demons who hoped to turn the Romans into their slaves, not turn them to rely on the grace of God for aid.[146]

Augustine therefore believed that the Mosaic law was both concerned with the virtue of the Israelites and well-suited to help them attain virtue. The same account of law is at work both in his praise of the Mosaic law and his criticisms of Roman law. Good temporal laws help their observers attain the eternal goods of virtue and blessedness. However, unlike legal perfectionists, he did not take habituation to be the method of moral improvement. As far as I have been able to tell, Augustine never said a person could come to form the right dispositions simply by habitually doing performing the right actions.

Indeed, there is good reason to think that Augustine could not have believed that by itself the law helps morally improve people via habituation. In *On the Spirit and the Letter*, Augustine criticized the Pelagians for believing that through effort of will and without grace, a person can bring about their own moral improvement:

> But they who believe that without God's help the power of the will itself it is possible to perfect righteousness or even to make progress towards it must be resisted most sharply and vigorously. And when they begin to be pressed on their presumption in alleging that this can be done without God's power, they press back and don't dare to speak out because they see how impious and intolerable it is.[147]

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[144] *civ. Dei.*, 2.19: "Cui utinam tantum casta et modesta reticerent, ac non etiam ab illo probrosa et ignominiosa deposcerent." ("If only they [the laws given by the Roman gods] had just kept silent about chastity and modesty, and not demanded shameful and disgraceful acts.")

[145] Ibid: "Legant nobis contra luxum et avaritiam praecepta deorum suorum populo Romano data." ("Let them now read any of the precepts against luxury and greed that the Roman people were given by their gods.")

[146] Ibid, 2.24

[147] *spir.* 2.4: "Sed illis acerrime ac vehementissime resistendum est, qui putant sine adiutorio Dei per se ipsam vim voluntatis humanae vel iustitiam posse perficere vel ad eam tendendo proficere et, cum urgueri coeperint, quomodo id praesumant asserere fieri sine ope divina, reprimunt se nec hanc vocem audent emittere, quoniam vident quam sit impia et non ferenda."

Augustine continued on, arguing that it is not enough to say that grace is needed to know the law; rather, grace is needed to love the good in the first place.[148] Without this grace, any exercise of the will (including habituation) is of no use in moving towards justice.[149] From this it follows that the law cannot morally improve people via habituation.

Here is another way to put it. People could react in one of three ways upon realizing that the Mosaic law is impossible to fulfill. First, they might despair and give up, resigning themselves to living in violation of the law. However, since the content of the law is excellent, to do so would be to give into enslavement to sin. Second, they might double down and try all the more to fulfill the law. One way to do this would be to try to form the habit of obedience to the Mosaic law. Third, they might turn to God for help. Augustine believed that the Mosaic law's core purpose was to inspire the third response, and that careful study of the Mosaic law would lead to this interpretation.[150]

However, Augustine claimed that Jews attempt the second strategy in response to the Mosaic law, while Christians understand that only the third strategy to be viable:

> In this way the Jewish people, like Cain, continue tilling the ground, in the carnal observance of the law, which does not yield to them its strength, because they do not perceive in it the grace of Christ. So too, the flesh of Christ was the ground from which by crucifying Him the Jews produced our salvation, for He died for our offences. But this ground did not yield to them its strength, for they were not justified by the virtue of His resurrection, for He arose again for our justification.[151]

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[148] Ibid, 2.4-3.5

[149] *spir.* 3.5: "Nam neque liberum arbitrium quidquam nisi ad peccandum valet, si lateat veritatis via; et cum id quod agendum et quo nitendum est coeperit non latere, nisi etiam delectet et ametur, non agitur, non suscipitur, non bene vivitur. Ut autem diligatur, caritas Dei diffunditur in cordibus nostris non per arbitrium liberum, quod surgit ex nobis, sed per Spiritum Sanctum, qui datus est nobis." ("A person's free will avails nothing but sin if the true way is hidden. And even if what is to be done begins to be revealed, unless he delights and loves it, he does not do or his duty, or look upon it, or live well. To be so delighted, the love of God must be spread in his our hearts not through free-will which comes up out of ourselves but through the Holy Spirit, who gives it to us.")

[150] *con. faust.*, 17.6

[151] *con. faust.*, 12.11 (trans. R. Stothert)

For this reason, rather than seeing that it was meant to turn them towards grace, Jews attempted the second strategy. This is not because the Mosaic law was opposed to grace – it wasn't. It was because the Jews had failed to understand that the Mosaic law aimed to turn them towards grace. Augustine's problem was with the Jews, not their law.

5. Conclusion

In Augustine's view, since at least one temporal law was well-suited to help its observers secure eternal goods, all other temporal laws can be judged by the same standard. Temporal laws are deficient to the degree that they fail to lead their observers towards the eternal goods of virtue and blessedness. This is why Augustine saw fit to criticize Roman laws for failing to help Roman observers secure virtue. He praised the Mosaic law for succeeding where Roman law failed. It was perfectly well-suited to help its observers secure virtue, by showing them that the path to virtue requires divine intervention: God's grace.

Temporal law's orientation towards eternal goods allows for wide latitude in the use of coercion. This helps us see why Augustine endorsed coercing the Donatists despite their Lactantian protests to the contrary. As we saw in the previous chapter, Lactantius rejected laws that coerce religion because he thought that such laws were self-defeating. Coerced religion, he argued, makes true religion impossible. Therefore, a law that coerces religion for the sake of religion undermines itself. But Augustine believed that the law could ignite a change in a person's dispositions. Thus, coercing religion may have a positive effect: compelling religious practice could result in a person coming to have the right religious attitudes. When placed in the broader context of his theory of law, Augustine's endorsement of coercing the Donatists was not exceptional, as Markus suggests, but consistent with his view about temporal law and eternal goods.

It is no accident that Lactantius rejected both slavery and the view that law could help a person secure eternal goods (especially in religious matters) while Augustine issued qualified endorsements of both slavery and this view of law (including in religious matters). Lactantius believed that coercion can never help a person improve in virtue. Augustine was clear-eyed about some of the ways coercion goes wrong but refused to take coercion off the table categorically. Instead, he judged that it may or may not be appropriate in any given situation. When applied, it must be done judiciously. Thus, Augustine believed that both slavery and law could be used well or badly. He sought to explain how each's coercive practice could be used well – to help slaves become Christians, to compel the Donatists into Catholicism – while also counseling against its abuses.

The reading of Augustine's philosophy of law as unconcerned with eternal goods emerged during the heyday of the mid-century liberal Augustinianism chiefly concerned about the rise of various totalitarianisms.[152] In criticizing these interpretations, I do not mean to diminish the significance of the anti-totalitarian impulse that often energized them. It may, however, be possible to endorse a version of Augustine's philosophy of law while avoiding totalitarianism. Recall that Augustine endorsed the legal coercion of Donatists but neither Jews nor traditional Roman religionists. This is because, in his view, the Donatists had placed themselves under the authority of the Catholic church, whereas Jews and traditional Roman religionists had made no such commitment. Augustine's philosophy of law, in its own way, left some space for the pluralism of his day. Though some of them invoke Augustine, latter day theocrats such as Catholic Integralists have no interest in respecting pluralism.[153] But a modern

[152] e.g., Niebuhr 1953
[153] e.g., Crean and Fimister 2020

Augustinian philosophy of law need not go the way of theocracy; it has genuinely Augustinian resources for respecting pluralism and tolerating difference.

In this, modern Augustinian philosophy of law might learn lessons from modern liberal perfectionisms. Modern liberal perfectionists seek to avoid totalitarianism by constructing a perfectionism that respects values of freedom, equality, and toleration. They aim, in other words, to incorporate lessons learned from pre-modern perfectionists while paying more attention to the dangers of totalitarian excesses than did their pre-modern teachers.[154] Perhaps liberal Augustinians after a genuinely Augustinian approach to law might similarly find it not by attributing to Augustine a view of law that he never endorsed, but in imagining and constructing a genuinely modern and genuinely liberal Augustinian option.[155]

[154] e.g., Raz 1988, Cavell 1990, Wall 1998, Kaveny 2012.
[155] Here, I encourage liberal Augustinians on law to follow the example of Gregory 2008 on civic virtue. See also Rhodes 2006, 157-232.

PART III

Republics and Their Citizens

6

Slave-Citizens

> "I have no doubt that when you exercise the power that God has given you, a human being, over other human beings, you reflect upon the divine judgement, when judges too will stand to give an account of their own judgements."
> ~ Augustine, *Letter* 134, to Apiringius[1]

When all goes well, the eternal law guides fugitive slaves back into divine service. Upon their return, they cease to be fugitives. They become faithful slaves, obedient to the eternal law. Obedience is more than mere compliance; faithful slaves align their will with the eternal law, recognizing it as a providing excellent rules to live by. They are therefore truly free, neither enslaved to sin nor licentiously violating the law. Augustine's description of faithful slavery mirrored Cicero's account of citizenship in crucial ways. For both: citizens must be free, the law helps secure that freedom, therefore the law helps guarantee full citizenship.

However, as we saw in Chapter One, Cicero saw citizenship and slavery as mutually exclusive. Laws shield citizens from slavery by placing restrictions on rulers' power, so that no citizen is under the unconstrained rule of another. For Cicero this was not a question of abstract political theory. His constitutional theory bore the urgency of one who feared that Julius Caesar's aspiration to power and popularity would undermine the very foundations of the Roman republic. By contrast, Augustine regarded citizenship in the heavenly and slavery to be mutually entailing.

This and the following chapter consider how Augustine thought about republics and citizens. Chapter Seven focuses on why Augustine believed that, according to Cicero's definition, Rome was never a republic. To understand his case, we will need a firm grip on his accounts of heavenly citizenship and authority. This chapter develops those accounts.

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[1] *Ep.* 134 (Atkins and Dodaro 2001, 48).

Furthermore, doing so will help us appreciate which aspects of Roman republican political thought Augustine affirmed and which he rejected, and thus clarify his position relative to the republican political tradition.[2] I argue that his position is fundamentally mixed and therefore complex. This is because Augustine rejected the core republican commitment that citizenship and slavery are mutually exclusive on the one hand, and emphatically affirmed what is sometimes taken to be its corollary – that authority requires accountability – on the other.

I begin this chapter by showing that he believed that citizenship in the heavenly city and faithful slavery to God are identical (section 1). In affirming this, Augustine rejected the republican conception of freedom (section 2). However, he also thought authority requires accountability, as the second half of this chapter shows (section 3). In so doing he followed in the steps of Polybius, Sallust, and Livy, republican critics of unchecked power.

Authority and accountability are my terms, not Augustine's. Augustine did not systematically use a term that can be plausibly translated as 'accountable.' He did, however, often write of rendering accounts (*rationem reddere*). I use 'accountable' to grammatically extend his language of rendering accounts. Fisayo is accountable to Kayode if Fisayo renders to Kayode an account of her dealings. Fisayo is accountable to a third party (say, Toyosi) for her dealings with Kayode just in case Fisayo renders the third party an account of those dealings.[3]

My use of 'authority' departs further from Augustine linguistically; however, it does so in order to systematize his often-unsystematic discussions of power and normative legitimacy.

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[2] As Paul Cornish (2010, 133-134) argues, Augustine's place in the republican tradition has often been overlooked. One reason for this is that historians of political thought have sometimes pit monarchy and republicanism against one another. But ancient republicans would not have accepted such a dichotomy.

[3] Friendship is a paradigmatic case of the first sort of accountability. In an excellent friendship, both parties will be accountable to one another and will hold one another accountable. The parent-child relationship is a paradigmatic case of the second sort of accountability. Since a child is often poorly-suited to hold his parent accountable, a parent is typically accountable to third parties on behalf of their children – e.g., the other parent, other adult relatives or close friends, or state institutions.

Augustine, I will argue, judged ruling power to be legitimate in some cases and illegitimate in others. By 'authority,' I mean what Augustine would have recognized as legitimate power. Augustine occasionally used the qualifier 'legitimate' to pick out valid forms of power.[4] But often he did not. The word most often translated as 'authority' in Augustine's political writings is *potestas,* which is also the word he used to refer to power in general. For our purposes, it is necessary to have a consistent term to designate legitimate power, even where Augustine did not. Authority is that term.[5]

Though Augustine knew that rulers are legitimate only if their power is legitimate, he also often failed to distinguish legitimate from illegitimate rulers linguistically. By 'ruler' I will signal a general category, including of legitimate and illegitimate rulers alike. I reserve the term 'authority' for legitimate rulers. Thus, in my terminology, all rulers have power; only authorities have authority. Though not expressed in his terms, this use is faithful to Augustine's concepts. I argue that Augustine believed that all authority involves accountability.[6] This is clearest in his treatments of non-political rule; however, his analysis extends to political rule as well.

Taken together, Augustine's belief that citizenship and slavery are mutually compatible and his insistence that authority requires accountability complicate his position relative to the republican political tradition. Classical and modern republicans often treat the idea that authority

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[4] E.g., *civ. Dei*., 16.38

[5] Augustine did often talk about *auctoritas*, but in a context quite different from the discussion here. *Auctoritas* figured significantly in his epistemology. For example, in *de vera religione*, in which *auctoritas* plays a key role, Augustine pairs *auctoritas* with *ratio* as two paths to knowledge. *Ratio*, human reason, is not capable on its own to attain the deepest and most fundamental truths. Indeed, on its own, *ratio* can oft go awry. *Ratio* works best when guided by the *auctoritas* of Christian Scripture and tradition (*de vera religione* 24.45). For an overview of some of the literature on *auctoritas* and *ratio* and a discussion of Augustine's development over time, see van Fleteren 1973.

[6] Thus, I reject readings like that of Coleman 2007 (in Miller and Biondi 2007), who says: "[Augustine]'s vision implies an almost nonexistent power of ordinary citizens. Neither Plato, Aristotle, nor Cicero held to such an empty notion of citizenship, or to such a strong view of uncritical faith in, and obedience to, authority... He accepted the late imperial Roman conditions of dominance and subservience as the very framework of all authority, even if he was also aware of abuses of power."

requires accountability as a corollary of the idea that slavery and citizenship are mutually exclusive.[7] For them, mastery is a paradigmatic form of unaccountable rule.

Augustine kept these two ideas separate, believing both that citizenship and a kind of slavery are mutually entailing, and that authority requires accountability. This coordination generates a tension that is never fully resolved in his thought. It will remain with us throughout this project. Did Augustine see a tension where we see one? We have already seen that he acknowledged – and took himself to have resolved – a similar tension in his treatment of slavery and friendship. By contrast, his discussions of slavery and citizenship do not even acknowledge a tension.

1. Slaves, Sons, and Citizens

As we saw in Chapter One, Augustine thought that all are slaves of God. The first human, Adam, flees (*fugit*) from God, becoming a fugitive.[8] All humans share in Adam's sin and guilt and thus his status as a fugitive slave.[9] We take on slavery to sin, the devil, demons.[10] Augustine

[7] One example of classical republican who made this connection is Polybius (see Arena 2013, 92). For examples of accountability in neo-republican discussions of non-domination, see Pettit 2010; Laborde 2013, 530.

[8]Augustine, *en. ps.* 142.16: "*Exime me de inimicis meis, Domine; quia ad te confugi*. Qui aliquando a te fugi, ad te confugi. Fugit enim Adam a facie Dei, et abscondit se inter ligna paradisi, ut de illo diceretur in libro Iob: *Tamquam servus fugiens Dominum suum, et consecutus umbram*. Fugit a facie Domini sui, et consecutus est umbram: ad umbram enim fugit inter ligna paradisi" ("'Free me from my enemies, Lord; because I flee to you for refuge.' I who fled from you, flees to you for refuge. For Adam fled from the face of God and hid himself in the woods in paradise. Thus, it is said of him in the book of Job: 'Just as a slave fleeing his God and acquires a shadow.' He fled from the face of his master and gained a shadow: indeed, he fled to the shadows in the woods in paradise.")

[9] Augustine used many of his expositions of the Psalms to develop the theme of humanity's fugitive slavery (consider, e.g., his commentaries on Psalms 17, 47, 72, and 143). And, as we have seen, Augustine performed his own fugitive slavery in the *Confessions,* which Sarah Ruden's translation so aptly captures.

[10] *en. ps.* 47.3: "Tenuerat regnum diabolus impiorum, et possederat Gentes servientes simulacris, adorantes daemonia: et totum quidquid generis humani erat ubique per mundum" ("The devil held power over the impious, and possessed the people, serving images, adoring demons: and all of humankind throughout the world.") and *Ps.* 142:16. See also Wiebe 2015, ch.5

described the journey back to God as flight and pilgrimage. Pilgrimage is movement toward God, the object of love.[11] Flight is movement away from the devil, the object of terror.

A dominant motif in Augustine's story is that of exit and return (*exitus-reditus*).[12] At each pole a master awaits. The exit is a flight from the good master to bad masters, the return a flight from bad back to good. Some fail to return to the good master, remaining slaves of bad masters.[13] However, God frees those who return to faithful service from all other masters.[14] Slaves who serve faithfully receive an inheritance.[15] This blurred the lines between slave and son. Augustine, like Lactantius, took God to be *paterfamilias* over humanity: father and master of all.[16] These roles overlap; Augustine equated the slave's reward with the son's inheritance.[17] God is both reward and inheritance. God is also the common good of the heavenly city.[18] Thus, members of the heavenly city are at once slaves, for whom God is master and reward; sons, for whom God is father and inheritance; and citizens, for whom God is the common good.[19] As I argue in the

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[11] Stewart-Kroeker 2017, esp. chs.2-3
[12] van Fleteren, 67 (in Fitzgerald et al 1999); McMahon 2003, 213
[13] *en. ps.* 47.3
[14] Augustine ended his exposition of Psalm 42 with the psalmist's reply to his request for deliverance earlier. *en. ps.* 142: 18: "In tua misericordia ad interitum deduces inimicos meos." ("In your mercy you will bring my enemies to ruin.")
[15] *en. ps.* 17:32: "quis Deus praeter Dominum, quem post bonam servitutem, tamquam haereditatem speratam filii possidebimus?" ("Who but God is Lord, whom after good service, we sons will possess as the hoped-for inheritance.")
[16] *en. ps.* 18.2.6. See also Shaw 1987, 21.
[17] Similarly, in *en. ps.* 72.19, the Augustine ventriloquized the slave, who asks, "where are the wages for my service?" ("ubi est praemium servitutis meae?"). Augustine responded: God is, Godself, the wage (*en. ps.* 72.32: "praemium dei, ipse deus est."). This matches his description of God has the inheritance given to God's children.
[18] *civ. Dei.*, 19.13: "Pax caelestis ciuitatis ordinatissima et concordissima societas fruendi Deo et inuicem in Deo." ("The peace of the heavenly city is the perfectly ordered and agreeing enjoyment of God and in turn in God.")
[19] Becoming a citizen requires formation. It is beyond the scope of this dissertation to discuss Augustine on formation in detail. See the following excellent accounts in the literature: Dodaro 2004 on formation of the virtue of humility; Lamb 2014 on the virtue of hope; Stewart-Kroeker 2017 on the relationship between moral and aesthetic formation; Clair 2017 on the relationship between intellectual and moral formation.

following chapter, Augustine appealed to all three roles to explain how Christianity overcomes apparent conflicts between justice and advantage and exhort Christians to do so.

In Chapter Three I promised to return to return to the question of Augustine and civil religion. Augustine's conception of religion has sometimes been thought to be anti-political, lacking a civic dimension. Following Rousseau, Robert Bellah suggests "a profound antipathy, indeed an utter incompatibility, between civil religion and Christianity." Augustine plays an important role in Bellah's story: Augustine used Christianity to undermine Roman civil religion but offered no Christian alternative in its place.[20] Augustine also figures in Bellah's claim about the Christian separation of religion and politics. By dividing the earthly and heavenly cities so starkly, Augustine cleaved religion – the concern of the heavenly city – from politics – the concern of the earthly city.[21]

Modern Augustinians, such as Ernest Fortin, often tell a similar story about Augustine and civil religion.[22] The main difference is that they describe Augustine's project of separation as an unmasking. Though Roman civil religion united religion and politics in a cynical power play, Augustine saw through this and showed civil religion for what it was.

With respect to the story of Augustine and civil religion, scholars of civil religion like Bellah and scholars of Augustine like Fortin have tended to agree. That this story about Augustine and civil religion enjoys such broad agreement is telling. Yet we are now in a position to see why, at best, it obfuscates either Augustine's use of the term 'religion' or his use of the term 'citizenship.' We saw in Chapter Three that Augustine believed that true religion consists in faithful slavery to God. And as I have just shown, Augustine associated faithful slavery to God

[20] Bellah 1980, 4-6.
[21] Ibid, 78. See also Webb 2018, 84
[22] Fortin 1980

and citizenship in the heavenly city. For Augustine, therefore, religion was ineluctably tied to his account of citizenship. There is no way to divorce true religion and citizenship; true religion and heavenly citizenship are identical, and the true religion establishes the heavenly city.

Paying attention to the meanings of 'religion' and 'citizenship' from Cicero through Augustine – the ways they changed, *and the ways they didn't* – helps us resist the aforementioned story about Augustine and civil religion. Augustine did not pit true religion against civil religion. Instead, he pitted one civil religion – the one he believed to be true – against all the other civil religions.[23]

Of course, Augustine differed from Cicero insofar as he focused on a different city. Cicero's political preoccupation was Rome; Augustine's was the heavenly city. But it seems to me impossible to argue that Cicero's religion was self-consciously civic, and Augustine's was not without begging the question about the meaning of 'civic.' One must presume that the central meaning of 'civic' is earthly. But this is precisely what Augustine denied. Neither was he unique in doing so. Albeit in a different way, the Stoics denied this, too.

Moreover, it is not the case that when writing about earthly politics, Augustine thought that religion had no role to play. We saw in Chapter Five that he enjoined Rome, now a Christian empire, to use political force to coerce the Donatists into right religious practice. We will also see in the following chapter that Augustine believed Christianity to be the only means by which an earthly city could resolve the tensions between ethics and politics that Cicero had highlighted in *On the Commonwealth* and further developed in *On Duties.* Thus, even if we set aside Augustine's commitment to the heavenly city as the civic sphere of central importance,

[23] Thus, unlike Fortin (1980) I don't think Augustine was tempering his criticisms of Roman civil religion. I argue instead that Augustine criticized Roman civil religion in the strongest possible terms that he had available to him. But the strongest possible terms he had available to him were *Roman* terms.

Augustine's treatment of religion in earthly cities reveal a reformulation, rather than a rejection, of civic religion.

2. Augustine against Republican Freedom

The twentieth century witnessed a wealth of academic work on Augustine's position relative to the liberal political tradition. Some Augustinians interpret him as an anti-liberal. We encountered one such school in the previous chapter: Catholic integralists.[24] Many however, have seen Augustine as a friend of liberalism. In *Politics and the Order of Love,* Eric Gregory describes three dominant strands of Augustinian liberalism. Augustinian realists and Rawlsians focus on Augustine's understanding of politics as a necessary activity conducted by necessarily imperfect people. They thus invoke Augustine as an ally against the use of coercive force to guide people towards virtue or right religious practice.[25] There are important differences between these two groups, but for our purposes they can be discussed together, as I did in responding to the standard interpretation of Augustine's philosophy of law in the previous two chapters.[26] A third group, Augustinian civic liberals, emphasize the centrality of love and virtue in Augustinian politics. They draw on Augustine as a theorist of the kind of virtue and civic friendship necessary to sustain liberal politics over time.[27] Debates between Augustinian liberals and anti-liberals, among liberals, and among anti-liberals dominated 20th-century Augustinian political thought.[28]

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[24] Another example of an Augustinian critic of liberalism is John Milbank. See, e.g., Milbank 1991. For a discussion of Milbank, see Gregory 2008, 125-148. For a survey of Augustinian anti-liberalism, see Lamb 2017, 97-100

[25] Gregory 2008, 82-107. For representatives of the realist approach, see Niebuhr 1953 and Markus 1970. For representatives of the Rawlsian approach, see Weithman 1992 and Santurri 1997.

[26] Ibid, 95.

[27] Ibid, 107-125. The rest of Gregory 2008 focuses on the possibilities, perils, and promises of Augustinian civic liberalism.

[28] For a more critical survey of some of these debates, see Dodaro 2009; Gregory and Clair 2015.

Recently, political theorists such as Paul Cornish and Michael Lamb have argued that Augustinian political thought ought to focus more on Augustine's position relative to the republican political tradition.[29] One important reason to do so is that this helps us better understand Augustine in his historical context. Augustine knew nothing of liberals like John Locke and John Rawls. He did, however, know a great deal about republicans such as Cicero and Livy. As we will see in the following chapter, he developed his account of citizenship in explicit conversation with Cicero's *On the Commonwealth*. If Augustine understood himself to be thinking with and responding to figures whom we now call republicans, then we might do well to interpret him as doing so.

It's worth saying a bit about what I mean by "the republican political tradition." None of the ancient or early modern thinkers now called republicans (e.g., Cicero, Sallust, Livy, Machiavelli, and Milton), called themselves republicans. Neither did they understand themselves as part of a tradition called republicanism. The term is a neologism, a modern invention used to describe them. It picks out their shared emphases on freedom as non-domination, the importance of balances in distributing political power, normative constraints on political authority, political life as centered around goods held in common, and laws and constitutions as checks on tyranny.[30] The twentieth and twenty-first centuries have witnessed a revival of interest in these figures in Anglo-American political theory and political philosophy, led by Quentin Skinner, Philip Pettit, Cécile Laborde, and Frank Lovett.[31]

The work of Cornish and Lamb notwithstanding, Augustine has not yet played a significant role in this revival. Cornish offers the following diagnosis as to why: historians of

[29] Cornish 1010; Lamb 2017.
[30] Laborde 2013
[31] See, e.g., Pettit 1997; Skinner 1998; Laborde 2008; Lovett 2010.

republicanism sometimes assume that Christianity is more favorable to monarchy than it is to republicanism, and as such, pass over late antique and medieval political theory in their narratives.[32] This assumption runs into at least three difficulties. First, it imposes a uniform anti-monarchism on classical republicans. But many classical republicans were not wholly critical of monarchy. Second, it imposes a uniform pro-monarchism on Christian political theology – but many Christian political theologians criticized monarchy.[33] Third, it makes it difficult to tell a plausible history of republicanism. A great deal of political theory occurred between ancient Rome and Renaissance Europe. Renaissance republicans responded to a conceptual landscape shaped by late antique and medieval Christian political theology, even in criticizing it. We cannot understand this landscape without studying the history of political ideas in the time period between ancient Rome and Renaissance Europe. Augustine is crucial to this history in his own right and due to his influence on medieval political thought.

I agree therefore with Cornish and Lamb, that reading Augustine alongside the republican political tradition aids in our understanding both of Augustine and of republicanism. However, while Cornish and Lamb focus on Augustine's affinities for republican ideas (e.g., his emphasis on politics centered around a common good and criticisms of unchecked power), I aim to complicate these affinities.[34] I do so by first foregrounding a core difference between Augustine's account of slavery's relationship to citizenship and Cicero's. This difference is important since Cicero's is often taken to be a paradigmatic republican position.[35]

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[32] Cornish 2010, 133-4. For more on this, see the debates between Anthony Black (1997 and 1998) and Cary Nederman (1998).
[33] For an example of early-modern Christian critics of monarchy, see Henreckson 2019.
[34] Cornish 2010, 143-4; Lamb 2019, 100-2.
[35] Many thanks to Joseph Clair and David DeCosimo for their help in thinking through these questions.

We saw in Chapter One that Cicero took slavery and citizenship to be mutually exclusive. Cicero meant this descriptively. Citizens are under their own rule (*sui iuris*), and therefore not slaves; slaves are under the rule of another (*alieni iuri*), and therefore not citizens.[36] But he also meant it as an account of how things ought to be. To be worthy of the title 'citizen,' a person must be capable of self-rule. But anyone worthy of self-rule may not rightly be enslaved. Thus, when a tyrant seizes power, he wrongs those worthy of citizenship, because he rules those who ought to be free as a master rules over slaves.[37]

As we have just seen, Augustine refused this distinction. He believed instead that citizenship in the city of God involves slavery to God. Rather than mutually exclusive, slavery and citizenship are mutually inclusive. Just as for Cicero, Augustine's claim about the relationship between citizenship and slavery is both descriptive and normative. As a matter of fact, citizens of the heavenly city are slaves of God. Moreover, Augustine believed humans are often slaves of someone or something else. They might be slaves to false gods. Or they might be slaves to temporal goods such as pleasure, honor, and discovery.[38] Someone who flees service to God only takes on other masters. These other masters are cruel.[39] God, the only good master, frees slaves from their cruel masters.[40] The faithful slave of God is, therefore, better off than runaways. The citizen of the heavenly kingdom is rightly a slave of God. Augustine, therefore, rejected a fundamental commitment in republicanism: citizens are not and ought not to be slaves.

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[36] Brunt 1988, 287-298; Millar 2002, 135ff and 161ff; DePalma Digeser 2003, 9; Hammer 2014, 56ff.
[37] *de rep.* 1.50, 3.27b, Kennedy 2014, 492-4
[38] *de ver. relig*., 38.69. I develop Augustine's argument for this view in further detail in part 4 of this dissertation.
[39] Ibid.
[40] The paradigmatic case is freedom from sin. As we saw in Chapter One, God sometimes uses human agents to free other humans from sin. But God is always the agent of human freedom from sin. See, e.g., *con. duas. ep.,* 1.12

One might attempt to avoid this conclusion in one of two ways. First, one might argue that though Augustine uses the language of slave and master, we should instead interpret his views of citizenship through the lens of the language of parent and child. Second, one might argue that there is a distinction between slavery to God and slavery to other humans that is relevant for the republican view of citizenship. Let us consider each response in turn.

In Chapter One, we noted several important similarities between slavery and parenthood in the Roman ethics, politics, and law. Most crucially, children and slaves alike were under the rule of another (*alieni iuris*).[41] This did not make slavery and childhood interchangeable: social norms permitted certain behaviors towards slaves but not children, such as whipping.[42] Nonetheless, a *paterfamilias* was permitted to sell his children and his slaves alike to settle a debt.[43] Thus, though not identical, slaves and children occupied a similar status.

This is no accident. Recall from Chapter One that Cicero and Augustine both thought that hierarchies exist for the good of the ruled. This is easiest to see in the case of children; one reason that children need parents is that children tend to be bad at securing their own good. Cicero thought that slaves need masters for the same reason. Slaves lack the capacity to rule themselves wisely. They need masters to rule them so that they can live as good lives as possible, given their deficient nature.[44] Augustine thought something similar of humans. Humans are foolish and weak.[45] As such, we are constantly liable to sin.[46] We need a *paterfamilias* to rule us and guide us to help us live well, given our deficiencies.[47] Perhaps in describing citizens of the

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[41] Brunt 1988, 284.
[42] Roller 2001, 238, Lenski 2016, 279
[43] Brunt 1988, 284.
[44] Garnsey 1996, 38-43
[45] *de lib. arb.*, 3.18.52.178
[46] Ibid
[47] *civ. Dei.*, 19.14. As we saw in Chapter One, Augustine's emphasis on the necessity of slavery to God was not unique to him. His arguments mirror Lactantius's. See, e.g., *div. inst.*, 4.3.16.

heavenly city as slaves of God, Augustine meant that humans depend on God for rule because we are incapable of self-rule. If so, then Augustine's use of 'slaves' in this context might mean something more like 'children.'

However, we also saw that one crucial difference between childhood and slavery is that parental rule ends once children come of age. Augustine invoked this distinction himself when instructing masters in *City of God* book 19. Masters, he said, should think of their slaves as they do their own children with respect to eternal goods. Thus, they should train their slaves to become Christians, just as they would their own children.[48] But while parents owe their children eventual emancipation, masters owe slaves no such temporal goods.[49] When all goes well, a parent helps a child become capable of self-rule. Parents remain parents, children remain children. However, once children come of age, they ought no longer to be under the rule of the parent in a way akin to masters' rule over slaves. Slaves, by contrast, are not owed emancipation.

Perhaps then when Augustine spoke of God as a master over humans, he only meant to signal a kind of rule that parents exercise over children. Call this the mastery-as-parenthood interpretation. If it is correct, we would expect this rule to expire when humans 'come of age.' When does this occur? Augustine never asked this question, so he never gave an answer. However, one compelling hypothesis is that humans 'come of age' once they stop sinning. God rules humans as *paterfamilias* because humans are foolish and weak, and as a result, liable to sin. Recall that Augustine believed that after they die, Christians attain a status whereby they are unable to sin.[50] We called this status glorification. Augustine never said that glorified people are

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[48] *civ. Dei.*, 19.16

[49] Ibid; See also Shaw 1987, 11; Perry and Ellart 2012, 1-2

[50] *corr. et grat*., 12.33: "Prima ergo libertas voluntatis erat, posse non peccare; novissima erit multo maior, non posse peccare. Prima immortalitas erat, posse non mori; novissima erit multo maior, non posse mori." ("Therefore, the first freedom of the will was to be able to not sin; the final will be much greater:

no longer slaves of God. In fact, he believed that perfectly sinless people are faithful slaves, not no slave at all. The mastery-as-parenthood interpretation of Augustine is therefore untenable.

Let us turn now to the argument that there is a distinction between slavery to God and slavery to other humans that is relevant for republicanism. One could imagine two differences, which I will treat in turn. First: human masters are sometimes unjust; however, God is always just. Second: humans are unfit to be masters, whereas God is a fitting master.

As we saw in Chapter One, Augustine believed that hierarchies exist for the good of the ruled.[51] Some rulers neglect this and rule irresponsibly or cruelly. This is why Augustine exhorted masters to rule their slaves justly; he would not have thought it necessary to do so had he believed that humans invariably rule justly.[52] Augustine was also clear-eyed about the instability of human virtue. He believed that all of the heroes of Christianity who were merely human – except perhaps Mary, the mother of Jesus – nonetheless sinned.[53] Thus, even a master who is generally disposed to treat a slave kindly will sometimes fail. Unlike humans, by contrast, God is perfectly just. Thus, God might be a good candidate for a master, though no human is.

The justice of a master is, all-things-considered, morally relevant. It is, everything else held equal, better to be enslaved to a kind master than a cruel one.[54] But with respect to republican freedom, the justice of the master is irrelevant. Cicero and the republicans who followed him understood that slaves of good and bad masters are slaves alike. If a person suffers

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to be unable to sin. The first immortality was to be able not to die; the final will be much greater: to be unable to die.")

[51] *civ. Dei.*, 19.14: "Imperant enim, qui consulunt; sicut uir uxori, parentes filiis, domini seruis. Oboediunt autem quibus consulitur; sicut mulieres maritis, filii parentibus, serui dominis. ("They command, who look after the others; a husband a wife, parents children, masters servants. They obey, who are looked after; women husbands; children parents; slaves masters.")

[52] *civ. Dei.*, 19.16

[53] *nat. et grat.* 41-43

[54] Pettit 2002, 343-4

for being a slave, then he suffers regardless of whether his master is good, even if he would suffer more were the master bad. Thus, Augustine's equation of slavery and citizenship cannot be made to satisfy republican freedom by differentiating between God as a good master and humans as bad masters.

Lactantius offered a slightly different objection to chattel slavery, one we encountered in Chapter One. His argument at once justified God's mastery over humans while insisting that humans ought not to be masters over other humans. Humans are, he thought, unfitting masters. There can never be equality between master and the slave.[55] Humans are all equal. [56] Chattel slavery fails to respect the fact of equality between humans.[57] But humans are not equal to God. God is better, more powerful, and more intelligent. Moreover, humans depend on God for everything they enjoy, including their very existence. Thus, God is a good candidate for a master, though no human is.

From the perspective of republican freedom, however, the distance in capacity between the ruler and the ruled is irrelevant. If a person is able to rule herself well, then no one may rule her as a master rules a slave. It does not matter if the ruler is far more intelligent, virtuous, or powerful. Someone with the capacity for self-rule ought not be ruled by another.[58]

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[55] Lactantius, *div. inst.,* 1.3.22: "Nec enim potest hoc idem esse, quod seruit, et quod dominator." ("Nor is it possible for slave and master to be the same.") See also Pettit 2002, 348

[56] Lactantius, *div. inst.,* 5.14.19: "Quare neque Romani, neque Graeci justitiam tenere potuerunt, quia dispares multis gradibus homines habuerunt, a pauperibus ad divites, ab humilibus ad potentes, a privatis denique usque ad regum sublimissimas potestates" ("For this reason, neither the Romans nor the Greeks were able to guarantee justice: they kept people distinct through different grades: from poor to rich; from humble to powerful; from private citizens to the most sublime power of kings.")

[57] Ibid, 5.14.17-15.5

[58]Cicero, *de rep.* 3.37b: "There is a kind of unjust slavery when people who could be independent belong to someone else" (trans. J.E.G. Zetzel). Though no republican, Seneca captured a similar idea in his description of the sage, who perfectly rules himself, in *de providentia* 5.7: "Nihil cogor, nihil patior inuitus, nec seruio deo sed assentior, eo quidem magis quod scio omnia certa et in aeternum dicta lege decurrere." ("Nothing compels me, I suffer nothing against my will, neither I am a slave to God, but I willingly assent to him, even more so because I know that everything is fixed and proceeds by an eternal law.")

Ironically, if Augustine had believed that humans are eternally incapable of self-rule, we might be licensed to interpret his commitments as aligning much more neatly with the republican ideal of freedom. If this were the case, we could read Augustine as agreeing with Cicero that anyone capable of ruling herself may not be a slave but denying that anyone can ever become capable of self-rule.. As we have seen, however, Augustine believed that glorified persons never sin.[59] This makes it difficult to attribute to him the view that humans are eternally incapable of self-rule. From the perspective of republican freedom, therefore, Augustine might be able to explain why God is rightly master over humans in this life. But he offered nothing to justify God's mastery over humans in the next. God's fittingness as master does not secure republican freedom.

I have argued that if God rules over humanity as a master rules over his slaves, then God's rule is not compatible with republican freedom. This is true even if God is an especially benevolent or fitting matter. Since Augustine believed that God rules over humanity as a master rules over his slaves, his account of God's rule does not secure republican freedom for human. Indeed, since he believed that true citizenship in the heavenly consists in being a faithful slave of God, his account of citizenship rejected a core commitment in republican political theory.

Cornish argues that Augustine "distinguished between the rule that is consistent with slavery and political rule."[60] My reading challenges Cornish's interpretation: Augustine believed that God's rule in the heavenly city is akin to a master's rule over his slaves. For Augustine, the most important case of political rule – God's rule over humans – is consistent with slavery.

To be clear, I have not argued that Augustine's belief that God is master over humans counts against his political theology. This would be different if the view that God is master over

[59] Augustine, *corr. et grat.* 12.33
[60] Cornish 2010, 144

humans ineluctably led to the view that slavery is permissible. However, as we saw in the case of Lactantius, the belief that God is slave-master over humans can energize arguments against chattel slavery.[61] It is not clear, therefore, that something has gone wrong in political theologies that place God as master. Indeed, it might be a problem for republicanism if it struggles to accommodate religions that conceive of God as a master and humans as slaves. My point is more modest: by equating citizenship and slavery, Augustine opposed classical republicans such as Cicero, who emphasized freedom as non-domination, and their modern interpreters.[62]

3. Authority and Accountability

Some republicans took accountability to be a central means of securing freedom. If the ruled can hold rulers accountable for their rule, then rulers can no longer rule arbitrarily. For this reason, republicans like Polybius, Sallust, and Livy, argued that a ruler's power lacked normative legitimacy if it was unaccountable.[63] They associated unaccountable power with tyranny.[64]

Augustine agreed with Polybius, Sallust, and Livy on this point. The importance of accountability featured significantly in some of his criticisms of Roman society. Rome, he argued, was too comfortable with unaccountable power. Recall that Augustine believed that all hierarchies exist first and foremost for the benefit of the ruled. In a letter to Macedonius, vicar of Africa, he wrote:

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[61] The Renaissance period, witnessed to a revival of the Lactantian sort of argument; some Christian political theologians argued against earthly kingship by arguing that God alone is rightly king (e.g., Milton 1847, 176)

[62] I do not mean that for ancient republicans, freedom as non-domination was considered sufficient for a republic to be just. Jed Atkins (2018) has argued convincingly otherwise. All I mean is that they thought it necessary.

[63] Millar 2002, 23-37; Arena 2013, 75-93

[64] I have focused on figures whose focus was Rome and its constitution. But these ideas are not unique to Roman political philosophy. On their Greek precedents, see Lane 2018. David Decosimo (2015) has also argued for the importance of accountability in al-Ghazali's accounts of authoritative rule.

> The might of the emperor, the judge's power of the sword, the executioner's hooks, the soldier's weapons, the correction a master gives his slave, and even the strictness of a good father. All these have their own limits, causes, explanations and uses.[65]

Hierarchies are inescapable. So is the use of force to maintain them, at least in earthly cities. Augustine did not lament the use of force.[66] When used well, in accordance with its reasons for existing and its limits, force can help good people "live peacefully among the bad" and – as we saw in the previous chapter – prepare 'the bad' so that "appeals to God might heal their wills."[67]

What is needed is a norm to ensure that the use of force does not extend beyond its proper limits. Accountability is that norm. Augustine conceived of accountability in two ways. First, and better-known, is accountability to God. As God ordains rulers, all rulers are accountable to God.[68] In letters and sermons, Augustine would often remind politicians, priests, and parishioners that all rulers must render to God an account (*rationem reddere*) of their rule.[69]

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[65] *ep.* 153.16 (Augustine 2001a, 80)

[66] Implicit in my reading of Augustine, therefore, is a rejection of the view that Augustine thinks politics is inherently regrettable (for a survey of adherents of this view see Gregory 2008, 82-95). Though Augustine thinks that political hierarchy is the result of sin (Dyson 2001, 109), for him the question is how to do politics ethically, given that no earthly city is perfectly just (Burnell 1993, Dodaro 2005, Lee 2011 and 2016). Along these lines, Augustine is sometimes distinguished from Aquinas on the justice of political authority. One major distinction is thought to be on whether political power and authority are natural or the result of the fall (Weithman 1992, 359; Hollingworth 2010; Bretherton 2019, 25-6). The assumption is that Augustine thinks that anything that results from the fall is regrettable since it resulted from the fall. I reject this assumption, both in my interpretation of Augustine, and as a general matter. Augustine, as Gregory and Clair (2015: 188ff) show, did not regret political authority. Instead, he treated political authority as capable of fulfilling real public and eternal functions. Indeed, we have already seen this in his account of temporal law, discussed in the previous chapter. Furthermore, it is normal to regret an event without regretting all its consequences. Suppose Mookie regrets being unkind to a friend. He uses this regret as motivation to be kinder. Mookie could thus regret his action without regretting all of its consequences. In this thought experiment he affirms at least one consequence: that he became a kinder person as a result.

[67] *ep.* 153.16 (Augustine 2001a, 80)

[68] *conf.* 2.13; *civ. Dei.* 1.26; 10.21

[69] Reminding politicians: *ep.* 134.1 (Augustine 2001a, 63); reminding priests: *ep.* 250.2 (Ibid, 48); reminding parishioners: *serm.* 302.18 (Ibid, 117). In each case, Augustine used the term *rationem reddere*.

Thus, Augustine thought rulers are accountable to God. When discussing accountability, Augustine scholars are almost invariably talking about this sort of accountability.[70]

Less well-known but just as crucial to Augustine's account of authority is accountability to other humans. Two of his non-political descriptions of authority and accountability can shape our understanding of the political cases. Augustine invites this juxtaposition by placing the political and non-political together on his list of uses of force in his letter to Macedonius, cited above.

One striking example of accountability to other people can be found in two difficult sermons Augustine preached between December 425 and January 426, shortly after Christmas.[71] Picture the setting: the late antique sermon was an interactive, dialogic, "open-ended" affair, as Peter Brown has argued. Congregants milled about, and the preacher often preached from within the midst of the crowd, rather than a "raised pulpit."[72] Some of Augustine's fellow churchmen had been accused of failing to give up their property, in accordance with the monastery's rule.[73] It is in this context, over these two sermons, that Augustine undertook the task of accounting for the economic holdings and activities of his fellow priests, deacons, and sub-deacons.[74]

Augustine began by distinguishing between "conscience" and "reputation." Each concerns a person's moral status. Conscience is how a person should see herself. Reputation is how others see her.[75] He holds that as a matter of conscience, he has fulfilled his priestly duties.

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[70] See, e.g., Atkins and Dodaro 2001, xviii; Crouse 2017, 167-9
[71] Hill 1995, 171fn1.
[72] Brown 2012, 340.
[73] *Serm.* 355.2: "Nobody in our company is allowed to have private property." (trans. Edmund Hill; Augustine 1995)
[74] *Serms.* 355 and 356. Shaw (2011:373) describes these sermons as "embarrassing."
[75] Ibid, 355.1: "As far as we are concerned, our consciences are all that matters; as far as you are concerned, our reputation among you ought not to be tarnished, but influential for good…there are two things, conscience and reputation; conscience for yourself, reputation for your neighbor."

But he recognizes his parishioners' concerns. Their leaders' reputations are compromised. Augustine thinks that bishops should aim to be exemplars that lay-people could imitate.[76] It would be wrong, however, to demand that a lay-person imitate a leader whose reputation was bad.[77] Recall that, for Augustine, God authorizes people to rule others so that the rulers can benefit the ruled.[78] The distinction between conscience and reputation helps ensure that this purpose is met in this situation. A priest has a duty to provide an example that parishioners can follow. If parishioners cannot recognize the priest as setting an example, the duty is unmet. The priest must therefore account for actions that parishioners consider suspect.[79]

Furthermore, Augustine acknowledged that parishioners had given money to the church. They had a right to know that their money was not tied up in business dealings they had had no say in.[80] Thus, Augustine publicly acknowledged his duty to them to render an account of the churchmen's holdings and activities. He did so in painstaking detail over these two sermons.[81]

The phrase "render an account" (*rationem reddere*), Augustine knew, would have reminded his listeners of the duty that slaves had to render accounts of their masters' property to masters.[82] By naming this as a duty of the priest to his parishioners, Augustine metaphorically assigned himself the station of "slave" and his listeners the station of "master."[83] It would have

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[76] Ibid. Here he cites 1 Corinthians 4:16, where Paul says, "Be imitators of me, as I too am of Christ."
[77] Ibid: "Those who, being clear in their consciences, neglect their reputations, are being cruel; especially if they find themselves in this position."
[78] *civ. Dei.,* 19.16
[79] Augustine's concern for the personal and relational aspects of moral rightness reflected his commitments about the personal and social effects of sin. See MacCormack 1997, 648ff.
[80] In *serm.* 356, the discussions of Heraclius (356.7) and Barnabas (356.15) are meant to answer this concern.
[81] See also *ep.* 250.2, where Augustine explicitly says that it is part of justice that a bishop render an account "to God and to human beings." (Augustine 2001a, 48).
[82] Atkins and Dodaro 2001, 274fn13.
[83] Recall his claim: "In the house of a just man…the one who rules serves those he seems to rule." (*civ. Dei.* 19.14)

also reminded them of Scriptures where Christians are told that they will have to render an account to God.[84] Thus, Augustine tied his duties to God and to his parishioners together.

Relationships of mutual authority, such as marriage, require mutual accountability.[85] Within a marriage, partners owe sexual faithfulness to each other. This duty is so strong that Augustine, following Paul in 1 Corinthians, attributed to each partner authority over the other's body.[86] As each partner has authority over the other's body, neither may pursue intercourse outside the marriage except by the other's leave. Augustine appealed to this power to explain why it was permissible for Jacob to have children by four different women. Here we encounter one of his relatively rare uses of the term legitimate power:

> It is not read that Jacob pursued but one, neither did he use many except for the purpose of bringing forth descendants, preserving conjugal rights. Neither would he have done this, except that his wives, who had legitimate power over their husband's body, entreated him to do it. Therefore, he had twelve sons and one daughter by four women.[87]

Jacob had the power but lacked legitimate power (*legitimam potestatem*) to pursue extramarital sex at will. He needed authorization from those to whom he was accountable – his wives.

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[84] See, e.g., Mt. 12:36: "On the day of judgment you will have to give an account for every careless word you utter."

[85] Mutual authority, not equal authority. Augustine did not think of marriage as a partnership of equals. He clearly considered the husband to have a unique authority over his wife as *paterfamilias* of the household (see, e.g., *civ. Dei.* 19.14, where Augustine lists husbands, parents, and masters among those with a duty to care over those they rule and wives, children, and slaves among those with a duty to obey those who care for them). See too Shaw 1987 and Chambers 2013. Augustine thought of marriage as both hierarchical and involving mutual authority.

[86] Augustine, *bon. con.,* 4: "In eo ipso, quod sibi invicem coniuges debitum solvunt, etiamsi id aliquanto intemperantius et incontinentius expetant, fidem tamen sibi pariter debent. Cui fidei tantum iuris tribuit Apostolus, ut eam potestatem appellaret dicens: 'Mulier non habet potestatem corporis sui, sed vir; similiter autem et vir non habet potestatem corporis sui, sed mulier'" ("In this very thing, the debt which married persons pay to each other, even if they pay it with such intemperance and incontinence, they nonetheless owe faith equally to one another. The Apostle gives so much right to this faith that he calls it power, saying, 'the woman does not have power over his body, but the man; likewise, the man does not have power over his body, but the woman.'"). The same theme is repeated in *bon. con.* 6 and 32.

[87] *civ. Dei.,* 16.38: "Nullam Iacob legitur petisse praeter unam, nec usus plurimis nisi gignendae prolis officio, coniugali iure servato, ut neque hoc faceret, nisi uxores eius id fieri flagitassent, quae corporis viri sui habebant legitimam potestatem. Genuit ergo duodecim filios et unam filiam ex quattuor mulieribus." Augustine's explanation of why it was permissible for Jacob to marry Rachel when he had already married Leah is more complicated, and significantly less convincing, but ancillary to the discussion here.

Political authority and accountability work similarly. Authorities have a duty to render an account of their actions to God and to those they rule. When Augustine discussed this duty, he often treated the ruler as though the ruler were the ruled. As we saw in Chapter One, Augustine believed that "in the house of a just man…the one who rules serves those he seems to rule."[88] It is in this capacity of the ruler-as-slave that Augustine exhorts rulers to remember their duties of accountability. When they are rendering accounts to their subjects, the rulers are as ruled by their subjects. When they are rendering accounts to God, the rulers are as ruled by God.

A modern ear might hear Augustine's language of ruler-as-slave as cheap rhetoric. We are all too used to politicians claiming to be public servants in order to distract from their lust for power. Perhaps Augustine was making a similar rhetorical move. However, the theme of rule as public service was significant in ancient political philosophy. Melissa Lane has argued that it is a core idea in book 1 of Plato's *Republic* as well as his *Statesman*.[89] Augustine used this image often, sometimes to explain why he himself was bound to render an account of his own dealings over those under his ecclesial authority. I am inclined, therefore, to read his arguments here as revealing his true views about the normative constraints on power. If this was a mere rhetorical ploy, it was an excellent one; Augustine himself seems to have been taken in by it.

Augustine took himself to be one of God's representatives on earth in virtue of being an ecclesial authority. As a divine representative, he had the authority to call political leaders to account. He invoked this role in addressing political officials as "beloved son."[90] Augustine

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[88] *civ. Dei.*, 19.14

[89] Lane 2019 and 2020b

[90] *ep.* 133 (Augustine 2001a, 61). He also calls him "distinguished and deservedly lord." He also referred to Marcellinus as beloved son in *ep.* 138. See also *ep.* 134, where Augustine calls Apiringius "deservedly exalted lord" and "excellent son" and *ep.* 153, where Augustine addresses Macedonius as "dear son" and "beloved son" (Augustine 2001a, 42, 63 and 71, respectively).

believed that sons have defeasible reasons to heed and obey their fathers.[91] To be clear, his use of this hailing was not literal; Augustine did not intend for political leaders to think of him just as a Roman *filius* would think of his *pater*. But he did mean to assign them a normative status where, in virtue of Augustine's role as bishop and their role as Christian, these leaders had a duty to obey him.[92] Writing to Apiringius, Augustine expressed a hope that Apiringius would listen to him "as a friend making a request; or if not, as a bishop consulting." If not, however,

> It would not be very presumptuous of me in such a situation to say, 'You should listen to me as to a bishop giving you orders', my distinguished and deservedly notable lord and beloved son.[93]

As an authority of God on earth – himself accountable to God and humans[94] – Augustine was entitled to issue commands to Christians, and readily exercised that entitlement.

Political authorities are also obligated to render an account to the ruled. This follows from Augustine's discussion of the general duties of political rulers and his description of the duties of other authorities. Political authorities owe it to the ruled to secure their political justice and peace.[95] Authorities who fail in this duty lose their authority. A priest who sets a poor example or does not render to his parishioners an account of why his example should be followed lacks the standing to instruct parishioners to follow his example. For similar reasons, as

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[91] *en. ps.* 70.2. Such as view was common in Roman society – Augustine was not out of place for thinking it. See Shaw 1987, 19-21.
[92] See Kukla and Lance's (2009: 138-145) discussion of the normative structure of hailing in greater detail.
[93] *ep.* 134.3 (Augustine 2001a, 63). Augustine rarely cited Philemon (and never, to my knowledge, cited the following verse), but his rhetorical strategy is similar to Paul's in Philemon 17-19: "So if you consider me your partner, welcome him as you would welcome me. If he has wronged you in any way, or owes you anything, charge that to my account. I, Paul, am writing this with my own hand: I will repay it. I say nothing about your owing me even your own self."
[94] *ep.* 250.2
[95] *civ. Dei.* 19.16; Chambers 2013, 21-22

we saw in the previous chapter, Augustine believed that deities are only owed obedience if they give their worshippers good rules to live by and examples to follow.[96]

Augustine used the same word to describe power that seeks to be unaccountable to anyone and the priest who demands that his parishioners imitate him without giving them an account of his behavior – violent or ferocious (*saevus*), unfitting for a ruler. Unaccountable power is violence. It is a cheap imitation of God's authority.[97]

For this reason, Augustine likely believed that at least some political regimes may be overturned.[98] Peter Burnell argues that this is strongly implied by Augustine's arguments concerning the wrongness of the deposition of the tyrant Tarquin. Augustine criticized the overthrowers. But his criticism focuses on their being too hasty. They acted without sufficient information to judge whether Tarquin was in fact a tyrant. [99] Had Augustine thought that it is always wrong to overthrow tyrants, it would not make much sense for him to focus on the act occurring at the wrong time. That he did implies that had the overthrowers waited until they had enough information, and rightly judged Tarquin a tyrant, it might have been just to depose him.[100]

Now, despite his openness, at least in principle, to overturning a severely unjust regime, Augustine never endorsed a right of private individuals to do so. He censured individuals who took this right into their own hands.[101] His arguments are similar to an example he gave in *City of*

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[96] *civ. Dei.*, 2.4.
[97] *conf.* 2.6.13: "saevitia potestatum timeri vult: quis autem timendus nisi unus deus, cuius potestati eripi aut subtrahi quid potest, quando aut ubi aut quo vel a quo potest?" ("The violence of powerful people wishes to be feared: but who is to be feared except the one God, from whose power what can be taken away, when, where, by whom?").
[98] Burnell 1993 183-6; Chambers 2013, 24ff. In this, Augustine was closer to Aquinas (see *reg.* 7 in Dyson 2002, 20) than has sometimes been thought.
[99] *civ. Dei.*, 3.16
[100] Ibid; Burnell 1993, 184
[101] *Serm.* 302.13; Burnell 1993, 183

God of a criminal justly sentenced to death. Though the criminal ought to be executed, it would be wrong for anyone but the executioner to kill him.[102] In the same way, though an unjust regime may be overturned, not just anyone may overturn it.

Moreover, Augustine never specified whose office it is to overthrow unjust rulers. He also never detailed the obligations of political rulers to render accounts to those they rule. And he never discussed the means by which the ruled in fact call rulers to fulfill their obligations. Without knowing what a ruler is obligated to do in rendering an account, and what those to whom he is accountable are entitled to do in turn, we cannot know when a ruler has failed in this obligation or what the rightful consequences of his doing so may be. Thus, we cannot know when the ruled are justified in questioning or resisting the ruler's authority. Without knowing the who may depose a tyrant, how, and when, we cannot know that anyone is justified in doing so. Augustine thought that rulers are accountable to the ruled, but did not explain when, how, or who is to hold rulers accountable. Despite the merits of Augustine's emphasis on accountability, this is a serious deficiency. Accountability in principle without holding-to-account is cheap.

Augustine did not typically cite ancient political theory explicitly in service of his case that authority requires accountability. He did not typically argue for this point at all; rather, he almost always took it for granted. Perhaps this is because it was a common theme in Greek and Roman political thought.[103] Livy remarked that the Carthaginians had become slaves by the start of the second century BCE because their judges had acquired unaccountable power.[104] The Roman constitutional system, by contrast, was designed to prevent the acquisition of unaccountable power. Polybius praised the Roman constitution for guaranteeing that the consuls,

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[102] *civ. Dei.* 1.26
[103] On its Greek precedents, see Lane 2020**.** I focus here on Rome, with which Augustine was more familiar.
[104] Cited in Arena 2013, 75.

senate, and popular assemblies were "interwoven…in a complex web of interdependency."[105] Each part needed the other parts' cooperation to perform its function. As Valentina Arena argues, Polybius praises the "mutual dependence" that characterizes each power. No single power was intended to be unaccountable.[106] Magistrates, for example, were required to provide an account of their activities at the end of each year of service. Upon doing so, a magistrate suspected of breaking the law would be tried, and if found guilty, removed.[107]

When Augustine invoked the language of accountability, therefore, he was appealing to a principle that many Romans already valued or claimed to value. We saw glimpses of this in Augustine's consternation that the Romans continued to worship their impious gods and anger towards the gods that demanded worship but failed to promulgate good laws to guide their worshipers.[108] The gods were also vicious.[109] The Romans therefore had moral grounds to stop worshiping them. Yet the gods continued to demand worship. Though the gods lacked the authority to command worship, the Romans could not stop worshiping them for fear of adverse consequences.[110] Though the Romans understood that such an exercise of power would not be authoritative in the case of humans, they failed to apply this line of reasoning to the gods.[111]

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[105] Arena 2013, 91; Millar 2002, 23-37. Cicero also praised the mixed constitution throughout *de republica* and thought that Rome exemplified this structure. However, Cicero's praise of the mixed constitution emphasizing very different strengths than Polybius's. See Atkins 2013, 80-119.
[106] Arena 2013, 93.
[107] Ibid, 92.
[108] *civ. Dei.,* 2.4: "Utique dignum erat, ut, quo modo isti illorum sacra, ita illi istorum facta curarent." ("Certainly, it was suitable that as those men cared to make rites for the gods, so the gods should have for the deeds of men.")
[109] In *civ. Dei.,* 2.19, Augustine accused them of luxury (*luxus*), greed (*avaricia*), ferocity (*saevis*), and shame (*turpis*).
[110] Ibid., 2.3; 2.29
[111] Ibid., 2.13: "Proponunt Graeci: Si dii tales colendi sunt, profecto etiam tales homines honorandi. Adsumunt Romani: Sed nullo modo tales homines honorandi sunt. Concludunt Christiani: Nullo modo igitur dii tales colendi sunt." ("The Greeks propose: if such gods are to be worshipped, then surely such humans ought also to be honored. The Romans add: but in no way are such humans to be honored. So, the Christians conclude: therefore, in no way are such gods to be worshipped.") Notice that Augustine's argument presumes that the Romans in fact knew enough about what good laws and bad laws are like to

Rome's tolerance of unaccountable power, Augustine worried, was not confined to religion. It spilt into its subjugation of other peoples. Imitating the gods whom they worshipped, the Romans ruled other peoples with no regard for their good.[112] They subdued (*subjugare*) them instead of ruling them authoritatively.[113] Tolerating unaccountable power in one domain may habituate tolerating it in others.

Though Augustine never drew the following inference, it seems to follow from his description of power and authority: if all authority requires accountability and God's power is authoritative, then God's power must also be accountable. Recall that Augustine criticized Roman religion for its comfort with unaccountable power. If Christianity was to be any better, it should not reproduce this same error.[114] Thus, we are licensed to infer that Augustine did not regard slavery to God as a species of unaccountable power.

4. Conclusion

All, Augustine thought, are slaves of God. That is non-negotiable. The only question is whether or not a person will be a faithful slave. Faithful slaves obey the law of the heavenly city. They alone are truly free. Thus, Augustine believed that true, (free, law-abiding) citizenship in the heavenly city is coextensive with faithful slavery. In uniting citizenship and slavery, Augustine rejected the traditional Roman republican opposition of slavery and citizenship.

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separate the two. In the same way, to be able to endorse God's laws as good and differentiate them from bad laws, humans will need to be able to sufficiently understand God's laws and the differences between good and bad laws.

[112] Ibid, 8.17: "religionis summa sit imitari quem colis." ("The height of religion is to imitate whom you worship.")

[113] See, e.g., *civ. Dei.* 3.19, 4.4 and 4.5.

[114] Aside, of course, from his early text, *On True Religion* (*de uera religione*), Augustine used the phrase "true religion" or a related phrase in reference to Christianity about twenty times throughout City of God. As we will see further on in this dissertation, by "true religion," Augustine meant not simply that Christians worship the true God, but that Christianity is morally just.

However, Augustine also insisted on the necessity of accountability for authoritative rule. This informed one of his central criticisms of Roman imperial power. As we saw in the previous chapter, Augustine believed that the Roman religion was comfortable with the gods exercising unaccountable power and that the Romans had imitated their gods, attempting to rule their neighbors unaccountably. Here, Augustine turned Roman political theory against Roman political practice. The necessity of accountability for authoritative rule was central to much Roman political theory. Indeed, it was seen as a corollary of the opposition between slavery and citizenship.

A Ciceronian defender of Rome could have responded that unaccountable power is a problem only for citizens. A master is not accountable to his slave; a ruler is not accountable to non-citizens. Since Cicero thought that only those capable of self-rule have the right not to be enslaved, a Ciceronian could defend Cicero against Augustine's arguments by arguing that Rome's foes lacked the capacity of self-rule.[115] Such arguments often figured in Roman accounts of Rome's conquests.[116] For Augustine's reply to Cicero to be complete, he needed to motivate a wider conception of citizenship than Cicero's. In the next chapter, we will see how Augustine attempted to draw this broader conception of citizenship out of Cicero's own writings on justice and republics.

[115] Arena 2013, 14-72; Kennedy 2014
[116] See, e.g., Caesar's descriptions of the Galls in *bell. gall*., 6.4.22.

7

How to Be a Republic

"There is no people, and no republic, where there is not justice."
~ Augustine, *City of God*, 19.21[1]

Not just any polity is a republic. Augustine had encountered this idea reading Cicero and agreed, though in service of a radically different argument to Cicero's. Cicero wrote out of fear that the republic was crumbling; Augustine denied that Rome was ever a republic at all. Yet Augustine claimed to be using Cicero's definition of a republic in making this judgment.[2]

Augustine's explanation – Rome was never a republic because it never had true justice – raises more questions than it answers. For though Cicero's definition of a republic discusses justice (*ius*), it never mentions true justice (*uera iustitia*).[3] Furthermore, Augustine agreed with Cicero that justice is giving all their due.[4] But Augustine did not try to show that Romans never gave each their due.[5] Finally, Augustine named Rome's immoral gods, many conflicts and civil wars, and territorial expansion as evidence that Rome never had true justice but gave frustratingly little explanation about how these examples prove his point.

Attending to Augustine's account of true citizenship in the heavenly city and obedience to the eternal law helps us understand his judgment that Rome was never a republic. We are in a

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[1] "Non esse populum, cuius res publica esse dicatur, in quo iustitia non est."
[2] *civ. Dei.,* 2.21: "Secundum definitiones ipsius Ciceronis, quibus quid sit res publica et quid sit populus loquente Scipione breuiter posuit… numquam illam fuisse rem publicam, quia numquam in ea fuerit uera iustitia." ("Following Cicero's own definitions concerning what a republic is and what a people is, briefly set in Scipio's speaking…[Rome] was never a republic, because true justice never was in it."). To be clear, Augustine did not argue that Rome was not a people at all. He argues only that it was not a people in the way necessary for a republic, on Cicero's definition. This is important, as Augustine would later argue that Rome was a people, and a republic, according to an alternate understanding of republic, where the people are assembled according to common loves, rather than common justice (*civ. Dei.* 19.24).
[3] Dodaro 2004, 11
[4] *civ. Dei.,* 19.21: "Iustitia porro ea uirtus est, quae sua cuique distribuit." ("Again, justice is that virtue which gives to each what is his or hers."). Cicero, *rep.* 2.70.
[5] Chambers 2018, 393

position to consider this question because of the preceding analysis of Augustine on law and heavenly citizenship. Like Cicero, Augustine believed that laws shape the polity's character. In Chapter Five, we saw that Augustine considered willing obedience to the eternal law equivalent to slavery to God. In Chapter Six, we saw that faithful slavery to God is a pre-requisite for true citizenship in the heavenly city. In identifying faithful slavery with true citizenship Augustine broke significantly from Cicero, who treated citizenship and slavery as mutually exclusive. Augustine agreed with Cicero that citizens should be free. But he saw no contradiction in making faithful slavery to God a pre-requisite for heavenly citizenship because he equated true freedom with faithful slavery to God.

So far, this might seem unsurprising: Augustine believed that only Christians could be true citizens of the heavenly city. However, in this chapter we will see how this shaped his understanding of earthly republics. In one sense, Augustine's argument was simple and straightforward. A group of people fails to be a republic when they lack justice. Rome lacked justice; therefore, Rome was not a republic. The challenge is understanding what Augustine meant by each step of the argument, and why he took himself to be licensed to assert each step.

Because Augustine did not explain himself along the way, scholars have disagreed about what Augustine means in saying that Rome lacked justice. Some argue that we should understand Rome as failing in justice because it failed in religion – it failed to give the true God the worship due to Him. This interpretation struggles, however, to explain why Augustine spends so much time criticizing Roman politics and social practices. Others argue that Augustine believed that Rome's failure in religion led to its failures in socio-political justice.[6] But this interpretation struggles to explain why Augustine never tried to show that Romans never gave

[6] As we will see in greater detail below, I take Katherine Chambers as an excellent representative of the first view, and Robert Dodaro as an excellent representative of the second.

one another their due. In this chapter, I will argue that while he agreed that Romans sometimes gave one another their due, Augustine took Rome to have never been robustly committed to justice. This robust commitment is what Augustine meant by "true justice." Like all interpretations of Augustine's argument, mine will also need to explain why Augustine took what he called "true justice" to be the standard of justice that Cicero endorsed in *On the Commonwealth*. For reasons I mentioned earlier, this is important and challenging. Important, because Augustine said that he would show that, on Cicero's terms, Rome was never a republic. Challenging, because Cicero never used the term true justice in defining a republic.

I argue that Augustine developed his account of true justice explicitly in conversation with Cicero. The dialogue on justice among Philus, Laelius, and Scipio in *On the Commonwealth* book 3 frames his discussion of whether Rome was a republic in *City of God* book 2. The first section of this chapter analyzes Augustine's account through this dialogue. Augustine agreed with Laelius and Scipio that justice exists but found Philus's account of what is called justice instructive. Thus, Augustine could introduce a distinction between justice, by which he meant what is called justice, and true justice, by which he meant the political ideal that Laelius and Scipio described. He argued that Roman justice fell short of true justice.[7] Thus, Rome was never a people according to the Ciceronian standard. The second section of this chapter shows that Augustine believed that the best way to secure justice was for each person to consider him or herself and all other people as actual or potential fellow citizens of the heavenly city. Therefore, Augustine thought that the Ciceronian conditions for earthly republics required the sort of theological backdrop that Christianity could provide.

[7] Thus, Augustine rehearsed an argument that Lactantius provided over a century prior. See Straumann 2016, 265-6.

The claim that Rome was not a republic because it lacked true justice has had broad implications for Augustinian political thought. Though this chapter will not put forward a view on these implications, they are worth keeping in mind while pursuing the questions of contextual interpretation I am focusing on here.[8] If all earthly cities and all earthly politics are irrevocably sinful, then Christians seem to have two options: avoid sin by retreating from earthly politics or participate in sinful affairs to minimize their bad effects. Politics is at best tragic, a consequence of the fall we must merely endure.[9]

Augustine's arguments blurred the line between earthly and heavenly citizenship. In essence, they made heavenly citizenship a pre-requisite for good earthly citizenship. He believed that such a blurring was necessary to resolve a problem of justice he had found in Cicero. Augustine believed that for a Ciceronian, the goods of local political communities and the goods of the universal ethical community would inevitably conflict. To resolve this tension, he shifted the focus of political duties to an alternate body of citizens: that of the heavenly city. Any person could potentially be a part of this citizenry. He argued that citizens of the heavenly city have duties to all actual and potential citizens of the heavenly city. Since all humans are either actual or potential citizens of the heavenly city, Augustine's argument meant that citizens of the heavenly city have political duties to all humans.[10] Augustine sought to resolve any tensions between ethical duties to all humans and political duties to one's local polity by making the ethical and political communities coextensive.

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[8] A great deal of Political Augustinianism turns on interpretations of this question. See Gregory 2008, 75-148 and Dodaro 2009 244ff for surveys and critical analyses of the main varieties of Political Augustinianisms.

[9] Arendt 1929; Elshtain 1995; Hollingworth 2010

[10] It would be too much to say that this sowed the seeds of anti-slavery in Western thought by suggesting a universal citizenship of all humans. But this broadening fundamentally challenges justifications of slavery based on some duties towards citizens and other duties towards non-citizens. Augustine and many who were influenced by him failed to follow through on the implications of this shift.

1. Justice and Its Semblances

A modern reader might expect that Augustine thought that Rome wasn't a republic because it was an empire. By the time of *City of God,* Rome had been an empire for over 400 years. However, as mentioned in the previous chapter, many Romans, including Augustine, used the term 'republic' to name any polity in which justice flourished, regardless of constitutional structure.[11] Similarly, Romans often called an unjust polity tyranny – even if many ruled.[12] The central opposite of 'republic' in this mindset was 'tyranny,' not 'monarchy.'[13]

Thus, Augustine argued that Rome was never a republic because it never had true justice. Interpreters disagree about the meaning of "true justice" in this context. The most common interpretation is that a group of people must meet a threshold level of socio-political justice to be a republic. Rome failed to meet this threshold; thus, it was not a republic. The best representative of this interpretation is Robert Dodaro.[14] I'll call this the "sociopolitical justice" interpretation.

Against this, Katherine Chambers argues that Augustine's concern was not socio-political justice but "justice as righteousness, that is, the justice of worshipping and serving the true God."[15] She notes that Augustine never denied that Rome ever had sociopolitical justice.[16]

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[11] DePalma Digeser 2003, 5

[12] In *rep.* 3.33, Laelius speaks: "But such a gathering [the unjust rule of the masses] as you have mentioned is just as surely a tyrant as if it were a single person, and an even more cruel tyrant, because there can be nothing more horrible than that monster which falsely assumes the name and appearance of a people." All citations of *rep.* are from Cicero 1928, translated by Clinton W. Keyes unless otherwise noted. See also Augustine *civ. Dei.* 2.21, where Augustine attributes to Scipio the view that the unjust rule of the people ought also to be called a tyranny.

[13] See the back-and-forth between Antony Black (1997 and 1998) and Cary Nederman (1998) on monarchy and republicanism, which turns in large part on the question of their compatibility.

[14] He develops this in Dodaro 2004, 2005, and 2009. Chambers 2018, 383-6 outlines this view, attributing it to various other Augustinians as well: Mary Clark, Rowan Williams, Oliver O'Donovan, and John Milbank.

[15] Chambers 2018, 386-94.

[16] Ibid, 391

Rather, she argues, he thought that since Rome failed to give God God's due, it lacked justice in its full sense: giving each their due.[17] Call this the "justice as righteousness" interpretation.

Both interpretations face significant challenges. If the socio-political justice interpretation is correct, then Augustine's claim that Rome was never a republic required him to show that Romans never gave others their due. Notice that this is much stronger than arguing that Romans often failed to give others their due: to show that Rome was never a republic, he would have to show that Rome never met even a minimal threshold of giving others their due. However, Augustine never seems to try to show that Rome never met a threshold level of giving others their due. He never even suggests what such a threshold would be. Furthermore, as Chambers has argued, the sociopolitical justice interpretation tends to obscure the fact that for Cicero justice did not solely consist in right relations between humans.[18] Cicero thought that the first duty of justice is to give the gods their due.[19]

On the other hand, if the "justice as righteousness" interpretation is correct, then Augustine would have failed to show on Scipio/Cicero's terms that Rome never had justice, as he purports to do. If Augustine's argument was that Rome was never a republic because it didn't give the Christian God worship, then Scipio must have believed that the Christian God was owed worship as a part of justice. Neither Cicero nor Cicero's Scipio knew anything of the Christian God; Cicero died decades before the birth of Christianity. Furthermore, Chambers' "justice as righteousness" interpretation denies that Augustine thought that "social and political justice

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[17] Ibid, 388.
[18] Ibid, 394.
[19] Cicero, *off*. 1.160: "Moreover, even in the social relations themselves there are gradations of duty so well defined that it can easily be seen which duty takes precedence of any other: our first duty is to the immortal gods; our second, to country; our third, to parents; and so on, in a descending scale, to the rest." (trans. W. Miller)

would not exist if justice as righteousness was lacking."[20] However, Augustine spent much of the first three books of *City of God* accusing Rome of social and political injustice and arguing that the root cause of these injustices was Rome's bad religion. The "justice as righteousness" account threatens to render Augustine's arguments in these three books unexplained.

What's needed, therefore, is an interpretation that avoids both pitfalls. In this section, I will offer just such an interpretation, paying close attention to Augustine's discussion of Cicero's *On the Commonwealth* in *City of God*. I'll argue that by "true justice," Augustine meant justice as a virtue – a robust disposition to give others their due, even when doing so would come at significant cost to oneself. Augustine took his arguments to accord with the account of justice that emerged from the dialogue between Philus, Laelius, and Scipio in *On the Commonwealth* book 3. He also never denied that Rome sometimes gave each his or her due. However, Augustine argued, Rome never did so out of a virtue of justice. Because Rome was never robustly disposed to give each his or her due, it failed to do so when doing so would be costly. Thus, Rome always lacked the virtue of justice, even when it acted justly. I will also show that Augustine rooted Rome's lack of the virtue of justice in its bad religion. Therefore, I agree with Chambers that Augustine's criticism of Roman justice was grounded in its failure to worship the true God. However, with Dodaro I affirm that Augustine took his argument about socio-political justice to be one that Romans who endorsed Cicero's account of justice could endorse.

Augustine discussed Scipio's definition of a people after summarizing a debate in book 3 of Cicero's *On the Commonwealth* between Philus, Laelius, and Scipio. It will be worthwhile to highlight the most relevant parts of the dialogue. Philus opens with a speech indebted to Carneades, the Academic skeptic. Over the course of two days in 156 or 155 B.C.E., Carneades

[20] Ibid, 394

had given two speeches. Together, these speeches reflected the skeptical approach to philosophy. On the first day he defended justice; on the second he argued that justice, as understood by its defenders, does not exist. Philus's position parallels Carneades's second speech – he argues against justice.[21] In response, Laelius defends certain acts and people as just.

Scipio concludes this exchange by analyzing the various forms of government. His definition of a people emerges in this analysis. Augustine attributed to Scipio the view that a people is a group of persons united by a common sense of the right and common advantage.[22] Though not identical, this is close to the definition Scipio offers in book 1: "an assemblage of people in large numbers associated in an agreement with respect to justice and a partnership for the common good."[23] However, it differs further from the one given in book 3. There, "bonds of justice" and "partnership amongst those gathered together" are parts of the definition.[24]

Nonetheless, most important for Scipio and Augustine in this context is that for a group of individuals to be a people,[25] their relationships must be governed by justice.[26] It is no surprise that Scipio reaffirms the centrality of justice when he does – just after Philus has finished rehearsing Carneades's arguments against it. Scipio builds on Laelius's defense of justice to discuss the best constitution. Augustine, I will argue, thought that Roman justice did not survive

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[21] Philus himself doesn't hold this position; he only defends it for the sake of the dialectic. Laelius has to convince him that presenting the case will not hurt his standing.
[22] *civ. Dei.*2.21, "Populum autem non omnem coetum multitudinis, sed coetum iuris consensu et utilitatis communione sociatum esse determinat." ("[Scipio argues that] not every assembly of a multitude is a people, but an assembly defined by agreement about the right and a community of advantage.")
[23] Cicero, *rep.* 1.39
[24] Ibid, 3.31.
[25] Strictly speaking, Augustine's concern here was what it is for a group to be a people *vis a vis* Scipio's definition of a republic. After denying that, by Scipio's definition, Rome was never a people, Augustine redefines what it is for individuals to be a people (*civ dei.* 19.24). Thus, for Augustine, "people" admits of multiple meanings. Our concern here is the meaning of "people" that Scipio invokes in asking what it is for individuals to be a people of a republic.
[26] Straumann 2016, 171

the Carneadean objections. Augustine agreed with Laelius and Scipio that there is true justice, but also agreed with Philus-Carneades that no earthly city, including Rome, has evinced it.

Philus begins by examining what defenders of justice take it to be. Justice's defenders say that it is 1) universal and uniform; 2) self-sacrificial; and 3) closely related to wisdom.[27] Philus disputes each. First, he argues that what is called justice is conventional, not universal. Different cities, in different places and at different times, conceive of right and wrong differently.[28] Thus, justice is neither universal nor uniform.[29] This problem especially affects the person who hopes to be just. Such a person will not know which laws to obey.[30]

Most of Philus's second argument is lost. David Hahm reconstructs it from Lactantius's arguments in book 5 of the *Divine Institutes* as follows. Justice is not practiced out of self-sacrifice, but out of self-preservation. In being driven by bare self-preservation, we are no different from animals.[31] We follow rules of justice to avoid retaliation. And those who think they can get away with sacrificing justice for advantage attempt to do so.[32]

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[27] *rep.*, 3.8-31. My reading of Philus's argument is deeply indebted to Hahm 1999. As Hahm argues, this speech is modeled after Glaucon's in Plato's *Republic.* Just as Glaucon defends in Plato's text a position associated publicly with Thrasymachus and philosophically with the Sophists, so does Philus defend in Cicero's text a position associated publicly with Carneades and philosophically with the Skeptics. See, esp. Hahm 1999, 179-183

[28]After rehearsing different customs among the Egyptians, Persians, Greeks, Gauls, Carthaginians, Taurians, and more, Philus claims: "But if I wished to describe the conceptions of justice, and the principles, customs, and habits which have existed, I could show you, not merely differences in all the different nations, but that there have been a thousand changes in a single city, even in our own, in regard to these things." (Ibid, 3.10)

[29] Ibid, 3.9: "For the justice which we are investigating is a product of government, not of nature at all; for if it were natural, then, like heat and cold, or bitter and sweet, justice and injustice would be the same thing to all men."

[30] Ibid, 3.11: "If it is the duty of a just and good man to obey the laws, what laws is he to obey? All the different laws that exist? But virtue does not allow inconsistency, nor does nature permit variation"

[31] Hahm 1999, 169-77.

[32] Lactantius replied to this line of inquiry by providing "examples of highly regarded people who have been willing to sacrifice even their lives for others." (Hahm 1999, 173; Lactantius, *div. inst.*, 5.17.20-4).

Philus's third argument is related, though much of it is also lost. It begins similarly to Glaucon's argument in book two of the *Republic.*[33] All acts fall into one of three categories. First, people can do injustice while avoiding the consequences. Second, they can avoid injustice and thus its bad consequences. Third, they can do injustice and suffer the consequences. The first option yields the best life, the third option the worst. The second is safest. Philus's argument cuts off soon after this, but it resumes in the middle of a development that resembles Glaucon's.

A policy can be wise, benefiting a polity, but unjust.[34] A related development is lost, but appears to be this: states that can benefit from injustice with impunity should.[35] Philus further argues that a just person reputed to be unjust is worse off than an unjust person reputed to be just. In such cases, the just suffer the penalties of injustice – censure, penalty, infamy– while the unjust enjoy the benefits of justice – praise, fame, fortune. Anyone would choose the life of the unjust over the just in these situations; thus, justice isn't worth pursuing for its own sake.[36]

Laelius and Scipio do not deny that what Philus describes sometimes goes by the name justice. But Laelius protests that there is something else – a political ideal – differs from the phenomenon that Philus describes.[37] Augustine seized on the distinction between the political ideal that Laelius and Scipio were calling justice and the earthly reality that Philus showed went by the name justice. He called the former "true justice." Like Laelius and Scipio, Augustine believed that there is such a thing as true justice. However, he was less optimistic than Laelius

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[33] Plato, *Republic* 357e-361d
[34] *rep.* 3.24
[35] Hahm 1999, 178.
[36] *rep.* 3.27. See also Hahm 1999, 178.
[37] Laelius's counterexamples are largely lost, but they would have occurred in or before *rep.* 3.29. We know this because in 3.30, Scipio praises Laelius for having "defended cases so eloquently" in response to Philus.

about the prospects for true earthly justice after Philus's attacks.[38] He agreed, in other words, with Philus that what goes by the name justice never amounts to true justice. Most devastatingly for Rome, Augustine argued that Roman society was guilty of each of the problems that Philus raises for justice. First, Augustine argued, Rome's laws did not represent universal justice. As we saw in the previous chapter, he argued that the Roman gods failed to issue laws to help their worshippers live virtuously. And when the gods gave good laws, it was only to a secret few.[39]

Augustine brought Philus's second and third arguments together against Rome. Rome, he argued, regularly subordinated its concern for justice to its concerns for honor, power, and glory. He gave examples of Roman injustice in its founding, civil conflicts, and imperial wars to demonstrate that this subordination was not simply occasional. Rome's willingness to subordinate justice was at its root, in its very founding. Romulus and Remus fought to the death for the glory of having founded Rome.[40] They thereby placed glory above brotherhood.[41] Rather than lamenting Romulus's founding crime, Rome worshipped him as a god.[42]

The same argument could be turned against Augustine's own Christianity. After all, the God of the Hebrew Bible commands that Israel seize the land of Canaan from the Canaanites and kill all the Amalekites, including their children.[43] As we saw in the previous chapter, Augustine insisted against the Manicheans that the God of Christianity is the God of the Hebrew Bible. If

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[38] In this he is like Lactantius, who thought that Philus had shown a genuine tension between *ius* and *utile* that Roman politics had been unable to resolve. Lactantius did not think that Cicero had resources to respond adequately to resolve this tension. By contrast, he took it to be a mark of Christians that they are willing to suffer disadvantage for the sake of justice (*div. inst.*, 5.12).
[39] *civ. Dei.*, 2.6 and 2.26
[40] Ibid, 15.5: "Ambo gloriam de Romanae rei publicae institutione quaerebant; sed ambo eam tantam, quantam si unus esset, habere non poterant." ("Both sought the glory of founding the Roman republic; but neither could have as much glory together as could one alone.")
[41]Ibid: "Poeta commemorauit illorum, *fraterno primi maduerunt sanguine muri*." ("A poet commemorates them: 'the first walls were soaked in a brother's blood.')
[42] Ibid, 2.17.
[43] Joshua 1; 1 Samuel 15

so, then Christians worship the God who commanded the apparent crimes against the Canaanites and Amalekites. Christians appear, then, to make the mistake the Romans did. They endorse injustices that were foundational to their existence. In book 16 of *City of God,* Augustine justified Israel's conquest of Canaan on the grounds that it was commanded by God. God, in turn, commanded it because the Canaanites had been so sinful.[44] But Augustine never considered the more significant objection to Christianity – that God's command itself appears unjust.

Rome's civil wars further undermined the good of citizenship. In an extended passage in *City of God* book 3, Augustine rehearsed Rome's many wars and civil conflicts, from the wars of Marius and Sulla through the end of the Roman Republic.[45] These wars, even more than the foreign wars, permanently damaged the republic.[46] In each case, Augustine attributed to the aggressors a desire for power and a fear of others' power.[47]

When Augustine wrote of power here, he seems to have thought of it as something that should never be sought. This echoes language from *City of God* 5.19, where he paired 'power' and 'domination.'[48] Since Augustine typically used the term 'domination' to name something inherently bad, it is tempting to think that by pairing the two he meant to call power inherently bad. At other times, however, Augustine wrote of legitimate power.[49] If power can be legitimate, then it is not inherently bad. Furthermore, he invoked a triplet of 'glory, honor, and power'

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[44] *civ. Dei.,* 16.43
[45] Ibid, 3.30.
[46] Ibid: "Crudelia bella ciuilia, omnibus bellis hostilibus, auctoribus etiam eorum fatentibus, amariora, quibus illa res publica nec adflicta, sed omnino perdita iudicata est." ("Such bloodthirsty civil wars, as their own authors confess, were even more bitter than all of their foreign wars and are judged not to have merely damaged the republic, but entirely destroyed it.")
[47] Ibid, 3.30: "Caesar autem Pompei potentiam non ferebat, sed quia non habebat" ("Caesar did not bear Pompey's power because he did not have it"); "Huius deinde potentiam … adfectare uidebatur Antonius" ("[Caesar's] power, therefore… was desired by Antony")
[48] Ibid, 5.19: "But whosoever, without possessing that desire of glory which makes one fear to displease those who judge his conduct, desires domination and power (*dominari atque imperare*), very often seeks to obtain what he loves by most open crimes." (trans. M. Dods)
[49] Ibid, 16.38

repeatedly in *City of God* 5.12. In these cases, he did not treat these aims as inherently bad. Rather, he said that they can be pursued either viciously or virtuously.[50] Augustine's treatment of power was therefore not straightforward. Sometimes it seems that he conceived of it as inherently bad. Other times it seems that he conceived of it as neither inherently good nor bad.

I am inclined to square the competing data as follows. Augustine did not think that power is inherently bad. Rather, it is necessary for certain good things; for instance, it is necessary for just governance that the just have the power to rule.[51] Power goes wrong when people seek it by bad means,[52] use it for bad ends,[53] or wield it in bad ways. As I argue below, a paradigmatically bad way to wield power is to do so unaccountably. When Augustine criticized the desire for power, his target was often the desire for a power with one of these deficiencies. Sometimes bad people desire unaccountable power. Other times they desire a good sort of power too much, so much that they are willing to do wrong to obtain it.[54] Still other times they desire power so that they might harm others. This doesn't make power inherently bad, only dangerous.

At its worst, Augustine judged, Rome's exercise of power went wrong in all these ways. He reserved his bitterest criticism for Rome's war against the Albans:

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[50] He borrowed this triplet from Sallust, who distinguished the noble and ignoble in *bellum catilinae* 11.1 as follows. The noble seek glory, honor, and power ("gloriam honorem imperium") using only the "true path" (*vera via*); the latter by "craft and deception" ("dolis atque fallaciis") (trans. J.C. Rolfe/rev. J.T. Ramsey). Augustine agrees with Sallust, glossing his uses of the right means as 'virtuously' and the wrong ones as 'viciously.'

[51] Ibid, 5.19: "Illi autem, qui uera pietate praediti bene uiuunt, si habent scientiam regendi populos, nihil est felicius rebus humanis, quam si Deo miserante habeant potestatem." ("Nothing is happier for human affairs that those gifted with true piety of a good life, if they have the wisdom to rule the people, by the mercy of God, have the power to do so.")

[52] Ibid, 5.12

[53] *conf.* 2.6: "saevitia potestatum timeri vult." ("the cruelty of the powerful wishes to be feared.")

[54] *civ. Dei.* 5.12: "Vnde qui tales iam morum labe superabant atque abundabant, quando scribebat ista Sallustius canebatque Vergilius, non illis artibus ad honores et gloriam, sed dolis atque fallaciis ambiebant." ("By the time Sallust wrote and Virgil sang that verse, people of these morals prevailed and abound, who did not solicit honor and glory by those [good] arts but by fraud and deceit.")

> This vice of such wickedness drove that social and parricidal war…this lust for domination drives and exhausts humankind with great evils. Rome was overcome by this lust to overcome Alba and it praised this wickedness, calling it glory.[55]

When power and glory conflicted with justice towards foreign nations, Augustine judged, Rome chose power and glory over justice. His criticism of Rome recalls Philus's argument for a tension between justice and wisdom. Wisdom urges a person to seek the benefit of the state. Justice "instructs us to spare all men, to consider the interests of the whole human race, to give everyone his due, and not to touch sacred or public property, or that which belongs to others."[56] Augustine thought that humans have a duty of love to all other humans in virtue of their shared humanity.[57] Rome neglected this duty for the sake of its own glory. It embodied Philus's case against justice.

Scipio and Laelius accept that a person or polity that looked as Philus described lacked justice as a political ideal, what Augustine called true justice. Thus, Augustine sought to show that Rome looked as Philus described. If successful, he would have shown that, according to an account of justice that Scipio accepted, Rome lacked true justice. His examples show that he was talking about a failure to give fellow humans their due.[58] But as Chambers argues, Augustine never said the Romans were unable to give others their due.[59] For my interpretation to be successful, I will have to show how these apparently contradictory claims cohere.

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[55] Ibid, 3.14: "Illo itaque uitio tantum scelus perpetratum est socialis belli atque cognati…Libido ista dominandi magnis malis agitat et conterit humanum genus. Hac libidine Roma tunc uicta Albam se uicisse triumphabat et sui sceleris laudem gloriam nominabat." Notice Augustine's play on 'overcome' (*uicta/uicisse*) in this quote. As Charles Mathewes (2010:117) puts it: "the lust to dominate is also the lust that dominates."

[56] *rep.* 3.24

[57] Augustine, *ep.* 153.3. See Clair 2016, 95-102 for an analysis of this duty in the context of this letter.

[58] To be clear, I do not deny that failure to give God God's due was also one of Augustine's concerns. Indeed, it sometimes appears to have been his chief concern. I only argue that Augustine accused Rome of a failure of justice between humans in addition to his accusation of its failure with respect to justice as right relationship with God.

[59] Chambers 2018, 393

Augustine followed Cicero in distinguishing justice from its semblances. Cicero has Philus distinguish justice from self-restraint.[60] Though self-restraint and justice may result in similar conduct, they are not identical. Self-restraint is centrally motivated by concern for one's own advantage. It is closely related to fear of retaliation and censure.[61] A person practicing self-restraint might judge that his advantage is best served if he does not harm his neighbors. But if harming his neighbors would advantage him and he can do so while avoiding repercussions, he will.[62] By contrast, a just person will not harm her neighbors, even if she could get away with it.

A person can act appropriately without having the virtue of justice. Instead, he may have one of justice's semblances, such as self-restraint. Similarly, there could be a polity in which everyone receives his or her due that lacks the virtue of justice. True justice results in right action even when right action would be inconvenient or disadvantageous. To borrow language from Philip Pettit, true justice makes "robust demands."[63] Chambers is right therefore that Augustine never denies that Romans sometimes gave people their due. But, Augustine judged, Rome's apparent justice was not robust and thus not true justice. "What type of justice," he asked, "is held because of gold, as though gold were more precious than justice itself?"[64] To gold we might add glory, or power.[65]

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[60] *rep.* 3.12: "What is commonly called justice in states is nothing but an agreement for mutual self-restraint, which is a result of weakness, and is based on nothing whatever but utility." (trans. C.W. Keyes)
[61] Ibid, 3.13: "But when there is mutual fear, man fearing man and class fearing class, then, because no one is confident in his own strength, a sort of bargain is made between the common people and the powerful; this results in that mixed form of government which Scipio has been recommending."
[62] Ibid: "The happiest choice is to do it with impunity, if you can; the second best is neither to do it nor to suffer it; and the worst fate of all is to engage in the everlasting struggle of doing and suffering injustice."
[63] Pettit 2015, esp. ch.2
[64] *en. ps.* 72.18: "Qualis iustitia, quae propter aurum habetur; quasi pretiosius sit aurum quam ipsa iustitia"
[65] I don't mean to endorse Augustine's analysis here. Roman justice was, in many cases, far more robust than Augustine gives it credit for. Moreover, Augustine's standard of robustness may be too high. Rather, I am trying to show what Augustine's view was, emphasizing along the way what would have had be true for his view to be vindicated.

Augustine often turned to the Psalms to reason through the conflict between justice and advantage. As he knew, this theme that runs through the Psalms; the psalmists often ask what the righteous are to do when the wicked appear to prosper.[66] In his commentaries on the Psalms, Augustine took the Psalm's direct speaker to be the psalmist, and all Christians to be its indirect speakers.[67] Thus, the conflict between advantage and justice confronts Christians too: "Sinners and evildoers have happiness on this earth; the truly pious and servants of God are often wearied by temptations and labors."[68]

However, he thought that Christians had robust and decisive reasons to seek justice over advantage. He appealed to the roles they occupy *vis à vis* God: slaves, sons, and citizens.[69] A slave obeys his master without complaining about his master's plans.[70] A child lovingly heeds, or at the very least obeys, his father.[71] A citizen seeks the good of his polity. Since God's law commands justice, Christians who act unjustly behave like fugitive slaves and wicked children. Since full heavenly citizenship requires obedience to the eternal law, Christians who act unjustly jeopardize their heavenly citizenship. The apparent conflict between justice and advantage is not

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[66] E.g., *en. ps.* 36, 72, and 91.
[67] See Cameron 2012, ch6, esp. 204ff for a discussion of Augustine's use of *totus Christus.*
[68] *en. ps.* 72.23: "Peccantes et scelera facientes felicitatem habent in hac terra; pii vero et Deo servientes in tentationibus plerumque et in laboribus fatigantur." See also Clark 2010, 178.
[69] As MacCormack (1997: esp. 654-6) argues, for Augustine and his predecessors, baptism inaugurated the Christian into these responsibilities. In the post-Augustinian period, as baptism took on a more public, political role, this church-specific understanding of baptism changed significantly.
[70] *en. ps.* 36.9: "Murmura adversus illum, quando vides infidelem felicem. Quid tibi promisit felicitatis? Quid nisi in resurrectione mortuorum? Quid autem in hac vita? Quod ipse: quod ipse, inquam. An dedignaris, serve discipule, quod Dominus, quod magister?" ("Grumble against him, when you see the happiness of the treacherous. What happiness did he promise you? What, except the resurrection of the dead? But what in this life? What is his: what is his, I say. Or do you disdain, slave and student, what your master and teacher, endured?")
[71] *en. ps.* 94.1: "Ego vellem, fratres, ut patrem nostrum potius audiremus; sed et hoc bonum est ut patri obediamus." ("I should wish, brothers, that we rather listen to our father; but it is even good that we obey our father.").

a conflict between temporal goods, but between a temporal good, advantage, and an eternal one.[72] Properly framed, the conflict between justice and advantage turns out to be a canard.[73]

We are now in a position to tie up a thread introduced in Chapter Five. There, I promised to explain in further detail why Augustine listed sociability alongside friendship with God as an eternal good. Now we can see why: he believed that sociability must be eternal if it is to give citizens robust reasons to seek one another's welfare. This is in turn required for citizens to have the virtue of justice and not just a semblance, like self-restraint. Temporal laws are crucial for polities to be republics. If laws do not guide citizens towards the virtue of justice, then the polities they govern cannot be republics at all. At best, such a polity will instead be a loose collection of people who refrain from committing acts of injustice against one another but are not bound together in justice, with a shared concern for common goods.

2. The Scope of Citizenship

If the Cicero of *On the Commonwealth* was optimistic about justice, by *On Duties* he had become less sanguine. In book three of *On Duties* he considered the apparent conflict between

[72] Ibid, 72.31: "Comparavit voluntati suae terrenae praemium coeleste quod accepturus est; vidit quid ibi sibi servaretur … servas, inquit, mihi tu in coelo divitias immortales, te ipsum; et ego volui a te in terra quod habent et impii, quod habent et mali, quod habent et facinorosi; pecuniam, aurum, argentum, gemmas, familias… haec pro magno desideravi a Deo meo super terram, cum servet se mihi in coelo Deus meus." ("He compares his earthly will and his heavenly reward which he will receive. He sees what is reserved there for him… 'You reserve,' he says, 'for me your immortal riches, and indeed, yourself, in heaven. And I have wanted from you, on earth, what even the impious have, what even the evil have, what even the wicked have; money, gold, silver, jewels, households…these things I have greatly desired from my God above the earth, although my God reserves himself for me in heaven.") See also Clair 2016, ch.6

[73] *Serm.* 302.5: "You're prepared to give away even what you need and beg in this world. But you are not prepared to give out what you don't need and reign with Christ! Please, weigh the matter up… There's nothing to weigh. The one weighs nothing compared with the other one." (trans. Atkins and Dodaro). As we saw earlier in the chapter and have seen throughout this dissertation, Augustine tended to overlook the ways his criticisms of Rome (and other polities) could be turned against Christians and Christianity. If, in this present world, Christians still give into the temptation of what appears to be advantage at the cost of justice, then Christianity is a no more promising earthly political project than was Rome. Augustine does not seriously engage this idea.

honorableness (*honestas*) and advantage (*utilitas*).[74] In doing so he followed the example of Panaetius, a 2nd century BCE Stoic who had taken up the same task.[75] This was not Cicero's first attempt to reason through questions about what a person ought to do when it seems that he could benefit himself by wronging another. The same question had come up in *On the Commonwealth*, albeit with slightly different terms. There he discussed advantage and justice (*iusta*).[76]

Cicero believed these conflicts to only be apparent and sought to reframe the debate to resolve them. Though he thought that honor and advantage never truly conflict, they are often believed to conflict. Thus, he aimed to provide a way for ordinary people to proceed in cases of an apparent conflict between honor and advantage.

Before presenting his own view, Cicero discussed Panaetius's. Cicero modeled *On Duties* after Panaetius's most famous text, also called *On Duties*.[77] Like many Stoics, Panaetius dissolved the tension between advantage and honor by saying that the happy life is the virtuous life. Whatever opposes virtue ultimately opposes happiness, and therefore advantage.[78] Harming others opposes the virtue of justice.[79] Therefore, apparent advantages secured by harming others are not truly advantageous. Though Cicero presented and never rejected this defense, he did not proceed with it. This, however, was not to signal tacit disagreement. Throughout *On Duties* Cicero treated Stoicism's rigor as beneficial for a wayward state.[80] But he also thought the Stoic

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[74] Cicero, *off.*, 3.50: "Cases often do arise, however, as I have said already, where benefit seems to conflict with honorableness. Then one must examine whether it clearly conflicts, or whether it could be combined with what is honorable." All citations of *off.* are from Cicero (1990), translated by M.T. Griffin and E.M. Atkins, unless otherwise noted.
[75] Ibid, 3.7
[76] Atkins 1990, 263: "justice is closely connected to beneficence, which is the other half of *honestas*." Benjamin Straumann (2017: 269) renders *honestum* "other-regarding justice."
[77] *off.*, 1.2
[78] Ibid, 3.12-13. I quote here from 3.13: "When the Stoics say that the greatest good is to live agreeably with nature, this means, in my view, the following: always to concur with virtue."
[79] Ibid, 1.20
[80] Dyck 1996, 511; Kries 2003, 392.

resolution generally actionable only for sages.[81] He sought instead a "rule of procedure," compatible with Stoic ethics, that could help ordinary people choose honor over advantage.[82]

Cicero's resolution relied on arguments he had developed in the first two books. In the first book he had argued that sociality is fundamental to happiness. He noted first that humans are social.[83] Then he rejected the idea that sociality is a mere means to secure non-social goods:

> If everything needed for sustenance and comfort were provided by a magic wand, so to speak, then any talented man would drop all his business and immerse himself completely in learning and knowledge. But it would not be like that: he would flee from loneliness, seeking a companion for his studies; he would want both to learn and to teach, both to listen and to speak. Therefore, every duty whose effect lies in preserving the bonding between men and their fellowship must be preferred to the duty that is limited to learning and knowledge.[84]

Humans benefit from sociality in a way that is irreducible to the non-social benefits we get from cooperation. Thus, the happiest people must have good relationships with those around them.

In the second book he showed that goods like glory, goodwill, and power are best secured through virtue.[85] People support those they judge virtuous and oppose those they regard vicious.[86] They are apt to support rulers whom they think just.[87] Cicero agreed with Socrates,

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[81] In *off.* 3.14 Cicero invoked a distinction from book 1 between complete duty (*perfectum officium*), which only sages can achieve, and middle duty (*medium officium*), which ordinary people can achieve. Ordinary people cannot be faulted for meeting 'middle duty.' So, for them, it is still complete. Dyck 1999, 511-12; Kries 2003, 384-5.
[82] *off.*, 3.19-20
[83] Ibid, 1.156-7
[84] Ibid, 1.158
[85] Long 2006
[86] *off.*, 2.36-7: "In general men admire everything they notice that is great and beyond their expectation; in particular, if they see in individuals any good things that take them by surprise. Therefore they look up to an lavish great praise upon those men in whom they think they see outstanding end exceptional vigor; but they look down upon and despise those whom they think have no virtue, nor spirit, nor vigor…men are regarded with admiration if they are thought to excel others in virtue."
[87] Ibid, 2.42: "This, therefore, is manifest: the men who are usually chosen to rule are those who have a great reputation among the masses for justice."

furthermore, that the most reliable way to appear just is to just be just. Someone who only appears just will likely be found out eventually.[88] To secure advantage, Cicero advised, be good.

The arguments of the first two books become part of the procedure that Cicero proposed for how a person should reason through situations where it appears that he could benefit himself while harming another. Suppose I am to choose whether to cheat a friend in business. By Cicero's lights, I should first consider that doing so will likely harm my reputation, and thus damage my long-term business prospects.[89] People will be less likely to trade with me if they believe me to be a cheat. More importantly however, I should recognize that helping myself at another's expense undermines the bond of fellowship between us.[90] Since to be happy I must have good relationships with others, I have a reason of advantage not to cheat others in business.

Cicero, therefore, offered two ways of reconciling honor and advantage. The first-order reconciliation is that dishonorable individual advantage often creates more individual disadvantage down the line. The second-order reconciliation is that, by itself, individual advantage is not true advantage. Everyone's happiness is both individual and social.

Most people already behave as though this were true. Most people, for example, "would not deprive a parent or brother of anything for their own advantage."[91] This is (ideally) because most of us already recognize the bond of family as a good worth pursuing. The family's benefit

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[88] Ibid, 2.43: "And yet, as Socrates declared splendidly, the nearest path to glory, a short cut, so to speak, is to behave in such a way that one is what one wishes to be thought. For men who think that they can secure for themselves unshakeable glory by pretense and empty show, by dissembling in speech and countenance, are wildly mistaken. True glory takes root and spreads its branches too; but everything false drops swiftly down like blossom; and pretense can never endure."

[89] Ibid, 2.40: "If anyone steals or snatches something from one of his fellows in banditry, he leaves no place for himself even within the gang of bandits. And if the one called the pirate chief does not share the booty fairly, he will be killed or abandoned by his comrades."

[90] Ibid, 3.28

[91] Ibid.

is the individual's benefit. *Mutatis mutandis* for the republic.[92] Cicero cast honor as securing the group's advantage[93] and thus resolved the apparent conflict between honor and advantage by coordinating individual and group advantage.[94] This aligned with the first definition of a republic he offered in *On the Commonwealth*: the republic is bound by common advantage (*utile*).[95]

Notice that this conception of justice aspires to neither formality nor impartiality.[96] It instead situates a person in particular relationships and derives her reasons to benefit others from those relationships. Nevertheless, one such role is one's role as fellow-human. The gods have "established a fellowship among mankind."[97] This means that every human owes it to others to benefit them as within their means.[98] Since Cicero also took justice to entail a duty to prevent injury, every human owes it to others to prevent their injury, as possible.[99]

Every person occupies many different roles. Many are at once congregants, spouses, parents, friends, citizens, and employees.[100] Each role generates duties. These may conflict. Cicero worried most about conflict between duties of citizenship and humanity. Citizens must

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[92] Ibid.
[93] *off.* 1.85: "Those who are about to take charge of public affairs should…fix their gaze so firmly on what is beneficial to the citizens that whatever they do, they do with that in mind, forgetful of their own advantage."
[94] Dyck 1996, 492-3
[95] *rep.* 1.39
[96] Atkins 1990, esp. 266-8. Atkins contrasts this with what she judges is a modern view of justice, which aspires towards impartiality.
[97] *off.* 3.28. Cf. Andrew Dyck (1996, 492): "in spite of the Stoic cosmopolitanism for which he makes a strong case at §28, it soon becomes clear that the *republica* is, for Cicero, the relevant social unit."
[98] I say 'within their means' since Cicero permits people to secure their own advantage without benefiting others if they also do not harm others (*off.* 3.42: ""Each should attend to what benefits him himself, so far as may be done without injustice to another."). It seems to follow by corollary that one is not obligated to benefit another if to do so would severely disadvantage oneself.
[99] Atkins 1990, 263ff.
[100] Thus, a model of "concentric circles" of roles and duties is often attributed to Cicero. He suggests this imagine, for example, in *fin.* 5.23.65: "Each virtue contains an element not merely self-regarding, which embraces other men and makes them its end, there results a state of feeling in which friends, brothers, kinsmen, connections, fellow-citizens, and finally all human beings (since our belief is that all mankind are united in one society) are things desirable for their own sakes." (in Cicero 1914, translated by H. Rackham).

benefit the city. Humans must benefit humanity. But sometimes it appears that the best way to benefit the city is to harm other people.[101] For example, a state may increase its strength and wealth by subjugating a neighboring state. Cicero's resolution of the tension between advantage and justice/honor therefore generated a new conflict between the political and ethical duties. By the end of *On Duties,* he was not wholly satisfied that this conflict is resolved.[102]

Neither was Augustine, who considered the consequences of leaving the tension unresolved devastating. If politics and ethics generate incommensurable duties, then a polity could justify injustice in the name of politics. Indeed, throughout recorded history self-interested empires had offered precisely such justifications in the name of expansion.[103] Augustine sought to ensure that ethics not be sacrificed for political gain.[104]

To do so, he broadened the scope of one's duties of citizenship.[105] He cast all humans as actual or potential citizens of the heavenly city and claimed that there is a duty of beneficence to potential citizens, grounded in the wish that they become actual citizens. Thus, there is a political duty of beneficence to all: treat everyone either as friend or possible friend.[106] The political duty accords with the ethical duty of beneficence to all humans that he and Cicero were committed to.

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[101] It seems likely that Cicero thought it compatible with justice to secure the advantage of the commonwealth without benefiting others, so long as one also refrained from harming others; he permitted the analogous in the case of individuals (*off.* 3.42).

[102] Kries 2003, 391-4.

[103] Though as we have seen Augustine primarily targeted Roman imperialism, he also inveighed against the Assyrians (*civ. Dei.* 4.6) and attributed the spirit of expansion to the fratricidal origins of the earthly city, when Cain killed Abel (*civ. Dei.,* 15.5). Rome, therefore, while a particularly salient example of this point (especially because its founding myth also begins with fratricide) was not meant to be unique.

[104] He was not the first Christian to use this tension productively. As Peter Brown (2012:130ff) shows, Ambrose was similarly inspired by "this pair of concentric circles in the thought of Cicero" to write his own version of *de officiis*.

[105] Herdt 2015

[106] *serm.* 299D: "Every human being is neighbor to every other human being. Ask nature; is he unknown? He's human. Is she an enemy? She's human. Is he a foe? He's human. Is she a friend? Let her stay a friend. Is he an enemy? Let him become a friend." (in Augustine 1990, trans. Hill, E.) See also Stewart-Kroeker 2017, 207.

Beneficence is not equivalent to friendship – I do not become your friend simply by treating you kindly. There are many reasons this is so, but an especially important one has to do friendship's very structure. Friendship is a two-way street. Beneficence isn't sufficient for friendship. Nonetheless, beneficence is necessary for friendship; there is no friendship unless each party extends kindness towards the other. When describing friendship, Augustine often lost sight of this mutuality, focusing exclusively on one person's entitlements and duties.[107] On occasion, however, he did emphasize the necessity of mutuality for friendship. As we have seen, he did so in his discussion of marriage as involving mutual power and accountability – and therefore, mutual authority. Thus, though Augustine did not always focus on the fact that friendship is mutual, we can justifiably assign this view to him.

Augustine was committed to an "ever widening" model of friendship. [108] This reflects his endorsement of the Stoic doctrine of *oikeiōsis*.[109] As Joseph Clair explains, the doctrine begins with the observation that some things – goods – are desirable. We desire these goods for ourselves, but often struggle to reliably desire others' good in ways that aren't fundamentally self-interested.[110] Stoics and Peripatetics agreed that friendship meant expanding concern beyond oneself but disagreed about the grounds for this duty: rationality or affection. The Stoics grounded it in humanity's "common rational nature." Humans have duties to one another in

[107] This explains, I think, James O'Donnell's more skeptical view of Augustinian friendship. O'Donnell's Augustine had few friends (O'Donnell 2006, 81), perhaps because he gathered disciples more readily than friends (103), and turned his friends into sidekicks (69, 96, 104). When a 'friendship' is not a two-way street, one party in the 'friendship' can readily become a disciple or a sidekick.
[108] This paragraph summarizes Clair 2016, 40 and 46
[109] The Stoic image of drawing those from wider concentric circles into the narrower ones goes back at least as far as Hierocles. See McCabe 2013, esp. 255-258.
[110] For example, by "lower-level" oikeiosis a person might desire the wellbeing of his child, but this is rooted in the natural impulse to self-preservation shared by animals and humans alike. What the Stoics, Peripatetics, and Augustine were ultimately after was an account of friendship that was not fundamentally self-interested and would distinguish humans from animals (Clair 2016, 45).

virtue of the fact that we are all rational animals. The Peripatetics grounded it in our "shared affection." Humans have a natural affection for others that inclines us towards friendship. Augustine proposed re-framing the division between one's good and another's. [111] When a person's desires are transformed by God, she comes to see her good and the good of others as bound together. Thus, she comes to desire the goods of others.[112] These others are now her friends, for a friend is one "from whom you want nothing but their own good."[113]

The project of expanding citizenship in the city of God is co-extensive with the project of helping all return to faithful slavery to God. All are slaves of God. In Adam, all become fugitives, slaves to sin. Some flee their evil masters and return into God's service. Others remain slaves of their evil masters. But all humans are in one of these categories. Slaves of God wish that all should leave their bad masters and return to God's service. Thus, the best way to love another is to help them to love God and thereby reenter God's service.[114] Those who have already returned are heaven's citizens. Those who have not could yet become so.

However, though all faithful slaves of God are citizens of the heavenly city, the terms 'slave' and 'citizen' identify different roles that people occupy within the heavenly city.

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[111] Evenepoel 2006 185-90 discusses Seneca's discussion of the paradox between autonomy and friendship. If the sage needs friends to be happy, then the sage cannot be happy without an external. This undermines the importance of autonomy in Stoic thought. On the other hand, if friends are not needed for happiness, then friendship seems to be an unimportant good. Seneca himself seems to go back and forth on this question, though Evenepoel argues that fundamentally, Seneca thought that friends were useful but not essential for a happy life. Rejecting the Stoic emphasis on autonomy, Augustine thought that friendship was essential for a happy life.

[112] See also Herdt 2015, 71-75 (for her discussion of the Stoics) and 76-81 (for her discussion of Augustine) within the context of empathy.

[113] Paffenroth 2005, 60.

[114] Augustine, *doct. christ.* 1.22: "Quisquis ergo recte diligit proximum, hoc cum eo debet agere, ut etiam ipse toto corde, tota anima, tota mente diligat Deum." ("Whoever, therefore, loves his neighbor properly, should drive him so that he too may love God with his whole heart, whole soul, and whole mind."); *civ. Dei.,* 19.14: "Qui Deum diligit: consequens est, ut etiam proximo ad diligendum Deum consulat." ("[For] anyone who loves God it follows that he also advises his neighbor to love God."); *serm.* 336: "He loves his friend truly who loves God in him – either because He is in him, or so that He might be in him." (trans. E. Hill)

Christians relate directly to God as slaves. They are all fellow-slaves – but Augustine did not say much about the character and norms of this relationship. Instead, he analyzed the relationship between Christians in terms of fellow-citizenship. Full citizenship in the heavenly city is characterized by love of neighbor as well as love of God.[115] Love of God takes the form of faithful slavery, as we saw in the previous chapters. Love of neighbor takes the form of friendship, as we have just seen. The categories of slave and citizen are inextricable.

As Cicero argued, a citizen will desire the benefit of other citizens.[116] Augustine believed that citizens also hope for others to become citizens. One aspect of the duty to regard and love non-citizens as potential citizens comes from a radical inability to know who among the non-citizens will eventually become a citizen.

> But let this city bear in mind, that among her enemies lie hidden those who are destined to be fellow citizens… some are not now recognized; others declare themselves, and do not hesitate to make common cause with our enemies in murmuring against God.[117]

This side of paradise, no one knows who will become a heavenly citizen. Apparent enemies may come in. Therefore, heavenly citizens should love all. Citizens of the heavenly city are friends; potential fellow-citizens are potential friends: "among our most declared enemies there are now some, unknown to themselves, who are destined to become our friends."[118]

Augustine's conception of friendship united Platonic and Ciceronian influences.[119] For Plato, loving my friend awakens me to a higher loveliness that explains why my friend is

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[115] *civ. Dei.,* 19.14
[116] Ibid: "Id est ordinata concordia, cuius hic ordo est, primum ut nulli noceat, deinde ut etiam prosit cui potuerit." ("Anyone ordered by the order of conc, first harms none, and second, benefits who he can.") Cf. *off.* 1.85
[117] Ibid, 1.35: "Meminerit sane in ipsis inimicis latere ciues futuros, … nec secum futuros in aeterna sorte sanctorum, qui partim in occulto, partim in aperto sunt, qui etiam cum ipsis inimicis aduersus Deum… pud apertissimos aduersarios praedestinati amici latitant, adhuc ignoti etiam sibi" (trans. M. Dods)
[118] Ibid.
[119] Paffenroth 2005, 53-66, esp. 54-59.

lovely.[120] Augustine agreed, describing the love of the friend as an admiration of God in the friend. But this love returns to the friend, either for their particular expression of God's loveliness, or for the hope that they might come to express God's loveliness in their own unique way.[121] Everyone either expresses God – and therefore the common good of the city – or potentially expresses God. Friendship is radically personal. It is also ineluctably political.

Like Cicero, Augustine claimed that a central purpose of friendship is formation in moral and political virtue. [122] When all goes well, my friends love me and are concerned for my good. They know my flaws and point them out constructively.[123] I can trust that they love me and are concerned for my good. Therefore, I can appreciate, rather than balk at, their constructive criticism. We become better for having friends. This formation is also political. True friends help us love God better. Kim Paffenroth puts it this way: "God gives the friends each other, and the friends love God together."[124] Since God is the common good of the heavenly city, friends help one another care better for the common good of the heavenly city.[125]

If all humans are fellow-citizens or potential fellow-citizens, then all humans owe friendship to all other humans as a political duty. Nonetheless, the many-roles problem applies to Augustine's account as well. A person can be a citizen of an earthly state while also being a citizen of the heavenly city.[126] Suppose an act would benefit her state while also harming a

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[120] Nehamas 2007, 6.
[121] Paffenroth 2005, 55.
[122] Brunt 1965, 351-81; Edwards 2015, 44. Each discusses friendship as a political virtue in Cicero's thought.
[123] Paffenroth 2005, 58
[124] Ibid, 60
[125] Sarah Stewart-Kroeker (2017: ch.5) discusses how the church – a community of care and friendship – performs this formative function for the pilgrim.
[126] I do not mean that she can be a citizen both of the earthly city and of the heavenly city. Augustine took these two citizenships to be exclusive. He said in *civ. Dei.,* 14.28: "Fecerunt itaque ciuitates duas amores duo, terrenam scilicet amor sui usque ad contemptum Dei, caelestem uero amor Dei usque ad contemptum sui." ("Thus, two cities have been established with two loves. The earthly by love of self even to the contempt of God; the heavenly by true love of God, even to the contempt of self."). No

citizen of a different earthly state. This act would apparently fulfill one duty while also apparently undermining another. What ought she to do?

Though Augustine never referred to Cicero's "rule of procedure," his answer to this question matches that rule's form. Cicero thought that one's duties as a citizen ought to frame all of one's other duties.[127] He thought it wrong, therefore, to benefit a friend to the detriment of the state.[128] Indeed, a good friend would never enjoin you to do so, since such an act would make you a bad citizen. One should evaluate one's friends on these grounds. Good friends make us good citizens.[129] An apparent friend who insists that you do wrong by the republic is not a true friend after all. One therefore does not owe duties of friendship to him.[130] Those who see that the duties of citizenship structure all others see that friendship and citizenship do not conflict.[131]

Augustine moved the argument up one level. One's duties as a citizen of the heavenly city ought to frame all of one's other duties. As argued earlier in the chapter, Augustine appealed to this principle to forbid Christians from wrongdoing even if it could benefit them. In the same way, it is wrong to benefit one's state to the detriment of the heavenly city.[132] The best city will never enjoin you to do so, since such an act would make you a bad heavenly citizen. Good cities

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particular earthly city is coextensive with Augustine's type. Different cities manifest its spirit in different ways and to different degrees. When I refer to earthly cities in the plural, or mention a particular earthly city, I do not mean Augustine's type, the earthly city. I mean Rome, Athens, Assyria, etc.

[127] *off.* 3.28; Atkins 1990

[128] Ibid. 3.43: "The good man will never, for the sake of a friend, act contrary to the republic."

[129] *amic.* 83-4: "Such a partnership as this… should be considered the best and happiest comradeship along the road to nature's highest good. In such a partnership, I say, abide all things that men deem worthy of pursuit—honor and fame and delightful tranquility of mind; so that when these blessings are at hand life is happy, and without them, it cannot be happy." (in Cicero 1923, trans. W.A. Falconer)

[130] *off.*, 3.44: "The kind of friendships in which everything that friends wish must be done should not be thought friendships at all, but rather conspiracies." (trans. Griffin and Atkins)

[131] Ibid, 3.46: "When that which seems beneficial is compared with that which is honorable, let the appearance of benefit lie low, and let honorableness prevail. On the other hand, when something that is not honorable is demanded within a friendship, let pious faithfulness be preferred to friendship." (trans. Griffin and Atkins)

[132] Recall Augustine's words in *civ. Dei.* 3.14: "Rome was overcome by this lust to overcome Alba and it praised this wickedness, calling it glory."

will help you be a good Christian.[133] One should evaluate states on these terms. Good cities make good heavenly citizens because good cities are defined and bound together by love of the good.[134] In opposing the good, a city has no authoritative claim on one's allegiance. A person may disobey its laws.[135] The duties of heavenly citizenship structure all other duties. Therefore, the duties pertaining to citizenship in an earthly city and the heavenly city will not conflict.

For Cicero, someone who fails to bring friendship-duties under citizenship-duties is in fact not friend but criminal co-conspirator.[136] Honorable thieves are no less thieves despite the "particle of justice" in their activity.[137] Augustine applied a similar test to rulers: a ruler who fails to bring earthly citizenship-duties under heavenly citizenship-duties is not an authority. Gleefully, he recounted the story of a pirate, arrested by Alexander the Great, who retorts: "What do you mean by seizing the whole earth? When I do it with a small ship, I am called a thief, while you, with a great navy, are called emperor."[138]

Augustine's model of an ever-widening community of heavenly citizenship required the common good of the heavenly city to not be competitive. A good is competitive if increasing the

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[133] *ep.* 185.19: "But how can kings serve the Lord in fear, except by forbidding and punishing breaches of the Lord's commandments with devout severity? As a man, he serves in one way, as a king in another. As a man, he serves by living faithfully, as a king by sanctioning with suitable vigor laws that order just behavior and prevent its opposite." (trans. Dodaro and Atkins. Augustine 2001a, 185)

[134] *civ. Dei.,* 19.24: "Si autem populus non isto, sed alio definiatur modo, uelut si dicatur; "Populus est coetus multitudinis rationalis rerum quas diligit concordi communione sociatus", profecto, ut uideatur qualis quisque populus sit, illa sunt intuenda, quae diligit. … tanto utique melior, quanto in melioribus, tantoque deterior, quanto est in deterioribus concors." ("If, however, 'people' is defined not like this [Cicero's definition], but in another way, and say; 'a people is an assembly of many rational beings united by common agreement as to what they love,' surely to see what the quality of a people is, it is necessary to consider what it loves…it will be a better people inasmuch as its shared love is better and a worse people inasmuch as it is worse.")

[135] *lib.arb.,* 1.5: "Surely we will not dream of calling these laws unjust – or rather, not to call them 'laws' at all, for a law that is not just does not seem to me to be a law." (in Augustine 2010, trans. King, P.)

[136] *off.* 3.44

[137] *off.* 2.40.

[138] *civ. Dei.,* 4.4: "Quod tibi, inquit, ut orbem terrarum; sed quia id ego exiguo nauigio facio, latro uocor; quia tu magna classe, imperator."

number of people who have it diminishes the portion of the good each person possesses. One example is money: the more money (as a share of a currency) one individual has, the less everybody else has. By contrast, a good is non-competitive if increasing the number of people who share in it does not diminish each person's portion. Augustine's descriptions of power seem to presume that it is competitive. Consider his example that Caesar not only desired power, but desired that Pompey lack power. [139] This makes most sense if we think of power as competitive. Caesar's power involved his ability to realize his will. If Pompey opposed Caesar, then any increase in Pompey's power would diminish Caesar's ability to realize his own will. Thus, Caesar and Pompey's powers were competitive.

Some goods that citizens of earthly cities have in common are competitive. Augustine used the story of Romulus and Remus to show the competitiveness of glory: each would have had less glory if they shared in the founding of Rome than either would have if he founded it individually.[140] However, not all common goods of an earthly city are competitive. One city's justice or peace, for example, does not diminish another's. There may even be non-competitive versions of glory (a possibility Augustine does not seem to have seriously considered). However, because some of the common goods of earthly cities are competitive, earthly citizenship must be exclusive. As more people share in competitive goods, each citizen will have less of such goods.

By contrast, Augustine took the common good of the heavenly city to be goodness itself, God.[141] God is not a competitive good. Necessarily, there is enough to go around. Citizens of the heavenly city do not have less, but more, for sharing in this good.[142]

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[139] *civ. Dei.* 3.30.
[140] *civ. Dei.,* 15.5
[141] *nat. bon.* 1; Clark 2001
[142] Ibid: "Nullo enim modo fit minor accedente seu permanente consorte possessio bonitatis, immo possessio bonitas, quam tanto latius, quanto concordius indiuidua sociorum possidet caritas. Non habebit denique istam possessionem, qui eam noluerit habere communem, et tanto eam reperiet ampliorem,

Because not all become citizens of the heavenly city, Augustine's account of ever-widening citizenship is not, strictly speaking, cosmopolitan.[143] Nonetheless, it has universal aspirations and thus cosmopolitan resonances. Tamara Chin has argued that we find in the history of cosmopolitanism two competing traditions. The first, "anti-imperial" cosmopolitanism, "upset vertical relations of power" by setting allegiance to the *kosmos* in competition with allegiance to any "imperial order." Chin traces its roots to Diogenes and Philo. The second, "abstracted cosmopolitanism," was compatible with imperial rule. It "emphasized the ethical extension of horizontal relations of belonging beyond a particular place to a larger community."[144] Chin assigns this view to the Stoics. Augustine (perhaps due to his direct familiarity with Stoicism and indirect familiarity with Philo) resists easy categorization.[145]

Augustine's cosmopolitan impulse was not anti-imperial in Chin's sense. It affirmed the rule of one god over the whole world.[146] It also extended the language of existing relationships

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quanto amplius ibi potuerit amare consortem." ("In no way, therefore, is the possession of goodness diminished by being shared either temporarily or permanently. Indeed, the possession of goodness increases to the degree of concord and charity of the group of those who share it. In fact, he cannot possess it who will not hold it in common, and as he who most loves to admit others into a share of it will most abound in it.")

[143] Augustine, *civ. Dei.*, 14.26: "Verum tamen omnipotenti Deo, summo ac summe bono creatori omnium naturarum, uoluntatum autem bonarum adiutori et remuneratori, malarum autem relictori et damnatori, utrarumque ordinatori, non defuit utique consilium, quo certum numerum ciuium in sua sapientia praedestinatum etiam ex damnato genere humano suae ciuitatis impleret, non eos iam meritis, quando quidem uniuersa massa tamquam in uitiata raffice damnata est, sed gratia discernens et liberatis non solum de ipsis, uerum etiam de non liberatis, quid eis largiatur, ostendens." ("The almighty God, supreme and supremely good creator of all nature, who both helps and rewards good wills and abandons and damns bad wills, ordains both. He was not lacking a plan whereby, in his wisdom, he would fill his city with a certain number of those citizens out of the damned humankind. Not due to their merit, as the entire mass was damned in its vitiated root but showing grace not only to the freed but also to the condemned.") John Bowlin argues that Augustine is unable to hold together his accounts of "kinship and sacrifice" and "judgment and grace" (2012: 201ff). He thinks Augustine should have given up on his doctrine of hell.

[144] Chin 2016, 146.

[145] Rist 1994, 263 argues that Augustine did not read Philo firsthand but may have been indirectly influenced by him through his engagements with Ambrose and Origen. Sarah Byers has done the most extensive work on Augustine's debts to Stoicism (see, *inter alia,* Byers 2003, 2012a, 2012b, 2012c, and 2016)

[146] *en. ps*. 24.2

between citizens of the heavenly kingdom to all humans and demanded universal allegiance. On the other hand, it resisted identification with any one earthly place. [147] It also funded his critique of imperialism. Augustine opposed earthly cities that seek to dominate other cities via expansion. If all cities were just, they would all be small.[148] Because not all cities are just, good cities may sometimes need to subdue bad ones. Sometimes this will occur via expansion. But good cities, when they expand, do so reluctantly, wishing instead for a world where this was not necessary.[149]

Only the heavenly city may demand universal allegiance. Earthly cities that do so usurp its role. With abstracted cosmopolitans Augustine affirmed that a dual citizen's duties to the cosmic (heavenly) and local (earthly) cities need not be competitive. Good earthly cities make good heavenly citizens. However, with anti-imperial cosmopolitans he believes that earthly cities should not seek to expand. Expansion generally opposes the good of the heavenly city.[150]

3. Conclusion

Augustine, therefore, endorsed much of Cicero's descriptions of justice and the republic. Like Cicero, he believed that justice gives each his or her due and that republics require justice.

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[147] *ep.* 52: "For it is the Catholic Church; the reason it is called *καθολικόςin* the Greek is that it is spread throughout the world… the sect of Donatus, however, found only in Africans; slanders the word and does not consider that by that sterility, because of which it refuses to bear the fruits of peace and love, it is cut off from the Eastern churches, from which the gospel came to Africa." (in Augustine 2001b, trans. Teske, R.)

[148] *civ. Dei.* 4.15: For the iniquity of those with whom just wars are carried on favors the growth of a kingdom, which would certainly have been small if the peace and justice of neighbors had not by any wrong provoked the carrying on of war against them; and human affairs being thus more happy, all kingdoms would have been small, rejoicing in neighborly concord; and thus there would have been very many kingdoms of nations in the world, as there are very many houses of citizens in a city. (trans. M. Dods)

[149] Ibid, "Therefore, to carry on war and extend a kingdom over wholly subdued nations seems to bad men to be felicity, to good men necessity. But because it would be worse that the injurious should rule over those who are more righteous, therefore even that is not unsuitably called felicity. But beyond doubt it is greater felicity to have a good neighbor at peace, than to conquer a bad one by making war." (trans. M. Dods)

[150] Ibid: "Proinde belligerare et perdomitis gentibus dilatare regnum malis uidetur felicitas, bonis necessitas." ("Therefore, to make war and thoroughly subjugate a people by expanding one's kingdom will appear to bad people as good fortune but to good people as necessity")

Moreover, Augustine took seriously Cicero's observation that justice involves more than giving what is owed to each. To have justice, and not a mere semblance of it, one must be disposed to give what is owed to each even when doing so comes at significant cost to oneself. However, Augustine believed that Rome never attained this standard of justice. In his estimation, Rome often gave people their due, but failed to do so robustly. Rome was not disposed to act justly when doing so would be too costly, or if Rome could secure significant advantage by acting unjustly. This meant that it lacked the virtue of justice – what Augustine called "true justice" – and thus, it was never a republic.

For Cicero and Augustine alike, the apparent conflict between justice and advantage found especially salient expression in the apparent conflict between ethics and politics. What ought a polity to do when the apparent best way to pursue its own good seems to involve committing injustices against others? Cicero introduced the rule of procedure in attempt to resolve the conflict between personal advantage and justice in *On Duties.* Augustine adapted Cicero's rule of procedure to resolve the conflict between justice and advantage between earthly polities. He believed that the best solution to this problem required people to think of themselves and everyone else first and foremost as citizens of a universal polity – the heavenly city. The heavenly city gives everyone political duties to relate justly to everyone else. Thus, one's overarching political duties can never conflict with one's ethical duties.

Augustine therefore believed that Cicero's analysis of justice could be sustained only if there is a universal polity that makes demands on all people, regardless of their earthly citizenship. He also believed that a person is best equipped to enact true justice if she takes herself to be bound to do so by her statuses as slave of God, child of God, and citizen of heaven.

Imperial expansion was a paradigmatic example of the consequences of a polity falling short of true justice. As had other empires before it, Rome unjustly subjugated other peoples for the sake of the empire. Augustine thought that the way to avoid such injustice was to treat all people – regardless of *patria* – as fellow citizens or potential fellow citizens of the heavenly city. This should pressure empires not to expand: if Rome or its enemies engaged in imperial expansion, they would be threatening their heavenly citizenship.

However, his interlocutors would have found little solace in this argument. *City of God* was intended as a reply to those who had blamed Christianity for Rome's downfall. They were not worried about a heavenly city, but their earthly home. Learning that their conquerors had jeopardized their own heavenly citizenship by acting unjustly would have been precious little comfort.

Despite this, Augustine took himself to have adequately addressed those who blamed Christianity for Rome's downfall. This is because he took himself to have proven two things: first, that Christianity was no worse than traditional Roman religion in handling Rome's temporal concerns, and second, that Romans should have been committed to certain eternal goods that Christianity could best provide. We saw in Chapter Five that Augustine believed that the Roman religion had failed to help Romans secure the eternal goods of virtue and blessedness and that Christianity was well-equipped to provide these goods. That leaves the temporal goods. Augustine offered a negative case. Even if Christianity could not give Rome all of the earthly goods the Romans desired, in Augustine's view, it did no worse than the traditional Roman religions.[151] This is why after first raising the issue in *City of God* book 2, Augustine only

[151] Throughout *civitate Dei* 3 for example, Augustine recounted the various famines and pestilences (3.1, 3.17), wars and conflicts, (3.1, 3.7, 3.10, 3.17, 3.25-30), and mass murders of innocent people (3.24) that Rome endured under the watch of the traditional gods.

returned to the question of Rome and true justice in book 19, after devoting some of the interim books to arguing that Roman religion had failed to help Rome secure the temporal goods it wanted and that unlike Roman religion, Christianity could help Rome secure the eternal goods it needed.

Conclusion

> "Christianity is pre-eminently the religion of slaves, that slaves cannot help belonging to it, and I, among others."
> ~ Simone Weil[1]

> "[Governor Atkins of Barbados] told me he was informed that I was making the Negroes Christians and would make them rebel and cut their throats. I told him it was a good Work to bring them to the Knowledge of God and Christ Jesus and to believe in Him that died for them, and for all Men, and that would keep them from rebelling, or cutting any Man's throat."
> ~ William Edmundson[2]

At the outset of this dissertation, I promised to respond to three clusters of questions. First: what did Augustine think the purpose of chattel slavery is? Why did he think what he thought? Second: how did Augustine think of the relationship between divine slavery and chattel slavery? Third: how does slavery function in Augustine's other core ethical and political commitments?

Part One answered the first two questions. Augustine thought that God ordained chattel slavery for a specific purpose: to block a worse sort of slavery – slavery to sin. He believed that God ordained masters over slaves so that masters could help slaves become Christians. By doing so, masters helped free their slaves from sin. Accounts of Augustine on slavery that argue that Augustine took slavery to be either a lamentable feature of fallen world or an unimportant, ephemeral, temporal reality fail to appreciate Augustine's case for slavery. While he took chattel slavery to be temporal rather than eternal, and a result of the fall, Augustine did not lament chattel slavery or minimize its importance. He believed it to, ideally and potentially, provide eternal benefits.

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[1] Weil 1951, 67
[2] Edmundson 1774, 85-6

His analysis drew on salient themes in standard Roman discussions of slavery. Cicero had explained the purposes of slavery on similar grounds, arguing that slavery helps those unable to rule themselves live as well as they can. Augustine agreed, though he disagreed with Cicero that anyone is a natural slave. Seneca denied that chattel slavery is morally bad because chattel slavery cannot make a person bad. The only thing that is morally bad is what can make a person bad. He thought that the only sort of slavery that can make a person bad is slavery to externals. Augustine adopted a Senecan relativization of chattel slavery. However, Augustine thought that the only sort of slavery that can make a person bad is slavery to sin. Thus, while Seneca thought that the worst sort of slavery is slavery to externals, Augustine thought it is slavery to sin.

Augustine also took himself to be accountable to the Christian Scriptures, especially the New Testament. In his discussions of slavery, he appealed to the way slavery functions in the Christian Scriptures. His analysis resembles Lactantius's in this respect. Both Lactantius and Augustine took their cues from New Testament discussions that identified slavery to the true God as the best sort of slavery and slavery to false gods as the worst.

This was implicit in Augustine's theory of religion. He borrowed this theory from Lactantius, who had himself developed it out of Cicero's virtue concept of religion. Cicero took religion to be the virtue by which a person gives the gods due worship. The virtue of religion helps a person take up and critically re-analyze received traditional religious practices, institutions, and teachings. The virtue of religion is neighbored on one side by the vice of superstition, excessive concern for the gods, often expressed in the fear that they are capricious. It is neighbored on the other side by the vice of impiety: neglect of the gods and the received traditional religious practices. Cicero used this virtue conception of religion to analyze and respond to increasing levels of religious neglect, the instrumentalization of religion in his day.

Lactantius wedded Cicero's virtue conception to a Christian origin story. Humans and God were once united, but this bond was marred by sin and error. Various societies attempt to reunite humans to God through various practices, institutions, and beliefs. Each such attempt is called a religion.

The result of this union was a theory of religion. Lactantius used this theory of religion to argue that only Christianity could successfully navigate between the vices of impiety and superstition. Because the true religion identifies the right deity for worship, it is able to successfully reunite humans to God. The various false religions cannot because they worship the wrong deities. All false religions involve impiety (as practitioners will fail to give the true God due worship), superstition (as they will worship beings that don't merit worship), or both. Only practitioners of the true religion can have the virtue of religion.

Augustine endorsed Lactantius's theory of religion and built on it, contributing three ideas: 1) that religion is about finding happiness; 2) that humans are enslaved to whatever they ultimately depend on; and 3) that humans will also be slaves of whatever they think will bring them happiness. Thus, Augustine believed that slavery is inevitable. All humans are slaves of God since all depend on God for their very existence. However, false religionists and atheists also take on slavery to other masters as they believe that they can find happiness in something aside from the true God. All slavery to masters aside from God is just slavery to sin by another name.

Because all humans are slaves of God, and slavery to sin is so lamentable, God rightly punishes sinners in order to help free them from slavery to sin. One such punishment is chattel slavery. Thus, Augustine took chattel slavery to be a temporal institution of eternal importance. Though he knew firsthand that chattel slavery could be abused, as it was in the case of the

Galatian slave merchants, he saw it as a potentially crucial evangelistic tool. For this reason, he judged chattel slavery to be permissible.

Augustine's permission of slavery was in line with most ancient Roman thought, including Roman Christian thought. The institution was so familiar that Augustine never seems to have seriously interrogated it. This matched his general approach to analyzing the dominant institutions of his day. He rarely judged an institution inherently bad. Instead, he typically thought institutions could be used well or badly and sought to determine how to use them well.[3]

However, a few similarly situated Christian thinkers – including Lactantius – understood that slavery was wrong.[4] Lactantius is a useful foil for our study of Augustine, as he held many commitments that were an important part of Augustine's explanation of the permissibility of slavery. Unlike Augustine however, Lactantius reasoned that if God is the rightful master of all humans, then it is wrong for any one human to enslave another.

Lactantius had argued this in his *Divine Institutes*, written about 120 years before Augustine's *City of God*. This proves that it was possible for a Christian, situated similarly to Augustine, with similar theological commitments, to have understood that slavery is wrong. Moreover, Augustine knew Lactantius's *Divine Institutes* well enough to quote it in *City of God*.[5] Lactantius's arguments against slavery are compelling. Augustine might have believed that the

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[3] Consider Augustine's treatment of wealth. Against Pelagians such as the anonymous author of *de divitiis*, who argued that there is no such thing as innocent wealth, Augustine did not think that Christians were obligated to literally give all their possessions to the poor (Brown 2005; Brown 2012, 384-396)

[4] Ramelli 2016 is especially instructive on these questions. She contrasts Augustine (354-430) and Theodoret (c.398-c.458/466), who endorsed slavery, with Basil of Caesarea (330-379) and John Chrysostom (349-407), who were more critical. She reserves highest praise for Gregory of Nyssa (c.335-c.395), who of the Early Christians came closest to taking up an outright abolitionist position on slavery (Ramelli 2012 and 2016, 152-189)

[5] Much of my focus has been on Augustine's appropriation of Lactantius's etymology of religion in *civitate Dei* 10. However, two more examples of Augustine's familiarity with some of Lactantius's *institutiones divinae* are telling. In *civitate Dei* 18.23, Augustine describes Lactantius's claim that "sibylline testimonies" prophesied Christ. In *de doctrina christiana* 2.40.60-1, he praises Lactantius for appropriating the wisdom of non-Christians in the defense of Christianity.

right interpretation of Christian Scripture precluded Lactantius's arguments. But I take Augustine's interpretation of Christian Scripture on these questions to be unjustified.

Augustine's account also contained an unresolved tension. If the purpose of slavery is for masters to help non-Christian slaves to become Christians, it seems reasonable to permit Christians to forcibly enslave free non-Christians with the aim of helping them become Christians. Yet Augustine rejected kidnapping and forcible enslavement. On the other hand, Augustine did not think that masters are obligated to free any slaves who convert to Christianity. Frustratingly, he never gave a clear answer as to why he thought it permissible to keep Christians as slaves but impermissible to enslave non-Christians.

The best explanation for this seems to be that Augustine thought that God, as *paterfamilias* over the whole universe, decides who ought to be free and who ought to be enslaved.[6] Enslaving someone born free is wrong because it opposes God's decision. A master is responsible for slaves that God has placed in his care.[7] By enslaving others, he attempts to extend his rule beyond his God-given jurisdiction. As we saw in Chapter One, this nuance rests on the belief God's will is for masters to rule their slaves but not to acquire more. Why think that this is God's will? Augustine gave no warrant for this claim.

Parts Two and Three answered the third question. In Part two, we encountered Augustine's view of law. Augustine believed that only the person who obeys the eternal law out of the right disposition – judging it to be excellent – is truly free. Thus, both the person who disobeys and the person who complies with the letter of the law but not its spirit, remains a slave

[6] Conley 2015

[7] Recall the ecclesial analogy: Augustine believed it was permissible for the Catholic Church to coerce the Donatists – Christian heretics – not Jews or traditional Roman religionists. The latter two groups were beyond the Church's jurisdiction. See Bowlin 1997 and Fredriksen 2008

to sin. The eternal law helps free people from sin. The heavenly city is comprised of free citizens, people who truly obey the eternal law.

Augustine also believed that the best temporal laws could have the same effect. In particular, he argued that the Mosaic law could help its observers secure virtue and blessedness by turning them to ask God for grace. Because he believed that one temporal law was well-suited to help its observers improve in virtue and blessedness (albeit indirectly), he also believed that all temporal laws can be judged against the standard of the Mosaic law. Thus, Augustine judged the Roman law deficient for failing to help its observers improve in virtue and blessedness.

Political Augustinians have often claimed that Augustine thought that temporal laws ought not to be concerned with eternal goods. Part Two showed that this is not an accurate description of Augustine's philosophy of law. Augustine criticized Roman law for its failure to help guide its observers towards eternal goods and praised the Mosaic law for its success in this regard. This explains his endorsement of law's coercive force to compel the Donatists into right religious practice. If Augustine did not think temporal laws ought to be concerned with eternal goods, his endorsement of the coercion of the Donatists makes little sense. If, as I argue, he did think temporal laws rightly focus on eternal goods, then his endorsement of the coercion of the Donatists is perfectly fitting. In this respect, Augustine can be contrasted with Lactantius, who opposed the use of coercion as a method for improving citizens. Lactantius therefore held the view of law that is often wrongly ascribed to Augustine.

Part Three discussed Augustine's view of citizenship. In the previous parts, we saw that Augustine equated slavery to God with true freedom and rational assent to the eternal law. Chapter Six argued that Augustine's position relative to the republican tradition is fundamentally mixed. He believed that citizenship in the heavenly city consists in rationally assenting to the

eternal law. Thus, Augustine equated citizenship and slavery. He took slavery to God to be universal and eternal; therefore, Augustine believed that the heavenly city consists of people who will always be faithful slaves of God. This put him in opposition to the republican tradition in one crucial respect: republicans take citizenship and slavery to be conceptual opposites.

However, with the republican tradition, Augustine also insisted that all legitimate authority requires accountability. This generates a surprising implication about divine authority. If Augustine believed that authority requires that the ruler is accountable to the ruled, and that God is authoritative over humans, then he ought to have also believed that God is accountable to humans. This is not a view that is commonly associated with Augustine. Indeed, it is not a view that Augustine ever explicitly expressed. Yet, if my argument is correct, it follows from his commitments on authority and accountability.

Chapter Seven considered why Augustine thought that according to Cicero's definition, Rome never was a republic. In the mouth of Scipio in *On the Commonwealth,* Cicero had claimed that a republic consists of people bound together in justice. Following Cicero, Augustine sought to distinguish the virtue of justice from its semblances. The virtue of justice is a robust disposition to give others their due. Because the virtue is robust, a person only has the virtue if they give others their due even when doing so would come at great cost. Though Augustine never claimed that Rome never distributed to each their due, he took himself to have shown that it never did so out of the virtue of justice, because Rome was not robustly disposed to do so. He took himself to be licensed to make this judgment because he could identify many moments in Rome's history where justice was sacrificed for the sake of advantage.

Augustine believed that all earthly cities are plagued with a conflict between ethical and political duties, between justice and advantage. As a virtue, justice demands that a city render to

each their due even when doing so would come at great cost to the city. He did not judge Rome exceptional in its failure to meet this high standard. He thought that Christianity was well-suited to help cities solve this problem because Christianity imagines all people as actual or potential citizens of a heavenly city. Thus, there is no conflict between ethical and political duties; understood rightly. If this had been all he said, Augustine's solution would have been substantively no different from the Stoic ideal of the cosmic city. However, Augustine also took Christianity to be best suited to help earthly cities design laws that would guide observers towards virtue.

Given Lactantius's similarities to Augustine and rejection of slavery, it is tempting to recommend that Political Augustinians should instead all be Political Lactantians. If thinking alongside Lactantius can help Augustinians secure the best parts of Augustine's moral and political vision while avoiding Augustine's gravest errors, then relative to Political Lactantianism, Political Augustinianism is a non-starter. But the differences between Lactantius and Augustine on law show that it would be too hasty to make this leap without critical revision of Lactantius. Augustinians have good reasons to be skeptical of Lactantius's view that temporal laws ought not to be concerned with eternal goods. Augustine's reasons for skepticism about the Lactantian view of law were well-placed. It is difficult to imagine how a citizenry could be bound by justice – and not just a *modus vivendi* – unless laws are concerned with and help guide citizens towards virtue. Like Political Augustinianism, Political Lactantianism requires difficult reconstructive work to be viable. Just as Augustinians will have the difficult task of disentangling Augustine's views on slavery from his broader politics, so will Lactantians have the difficult task of disentangling Lactantius's views on law from *his*.

Let me be clear about what I do not mean. First, I do not mean that Lactantius's approach to law is as blameworthy or damning as Augustine's permission of slavery. Augustine's error was far graver. However, both are issues that modern reconstructions must carefully address. Second, I do not mean that Augustine's account of law can be uncomplicatedly applied to our own modern setting. That modern day theocrats invoke Augustinian law against liberalism is proof of the risks that riddle the Augustinian approach. Defending a viable, liberal, modern version of Augustinian law is its own enterprise, one that must take a good deal more care than Augustine did (and that some of his modern followers do) to avoid paternalism and respect autonomy and difference.

I have argued that we should take Augustine's account of slavery to be a serious set of ideas to which he was positively committed, and not just a convenient metaphor or a residue of the fall that Augustine was eager to overcome in the next life. Attending to slavery in Augustine's thought proves intellectually rewarding. His reasons for justifying slavery, and the role that slavery plays in his religion, ethics, and politics, reveals the depth of his engagement with earlier Roman thought and his idiosyncratic and highly influential ways of coordinating his theological commitments with the concepts he had received from his education in Roman philosophy. Taken together, all of this further suggests that contemporary work on Augustine would benefit from deeper engagement with Augustine the Roman.

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Christianity has rarely drawn clear and bright lines between ennobling, converting, and tranquilizing slaves. The epigraph to this Conclusion pairs quotes from Simone Weil and William Edmundson. Weil was a twentieth-century French philosopher who converted to Christianity in the late 1930s. Edmundson was a seventeenth-century missionary who established

the first Quaker meetings in Ireland. He was one of several Quakers who sought to convert slaves in the Americas.[8]

Before her conversion, Weil had spent a year working in the factories in Paris. She found her time in the factories so dehumanizing and alienating that she would later describe herself as having there "received forever the mark of a slave, like the branding of the red-hot iron the Romans put on the foreheads of their most despised slaves" and from then on "regarded [herself] as a slave."[9] After her year of factory work, her parents took her to Portugal. She left them for a time to visit a small fishing village, where one day she observed the fishermen's wives marching and singing a hymn in praise of the village's patron saint. This is the experience that she described as showing her that Christianity is a religion of slaves. This is when she began to understand herself as one of the "slaves [who] cannot help belonging to it."[10]

William Edmundson was accused of agitating slaves by converting them. His accuser was the Governor of Barbados, Jonathan Atkins. The accusation was false: Edmundson had no interest in inciting slaves to seek their freedom and made this clear to Governor Atkins. Edmundson maintained that converting slaves to Christianity was good for them and good for the slaveowners, because Christianity would teach slaves that the temporal condition of slavery was not something to despise or resist. Indeed, he warned, slaveowners might suffer slave rebellions if they failed to convert slaves to Christianity and provide them with the minimal materials they would need to survive, food and clothing. Better to "[give] them the Liberty" that God had promised to all and "[restrain] them" from the liberty that God had not promised them.[11]

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[8] Gerbner 2018, 67-69. See pp. 49-73 for the Quakers in general.
[9] Weil 1951, 66-7
[10] Ibid, 67
[11] Edmundson 1774, 86

Edmundson, in other words, thought that Christianity is a religion of and for slaves and masters alike.

One hears Augustinian echoes in Weil's mysticism and Edmundson's evangelism. He seemed to think of Christianity as ennobling, converting, and tranquilizing slaves all at once. In one vein, Augustine's account of slavery required stable distinctions between the categories of slave and master. For this reason, he exhorted slaveowners to help their slaves attain the liberty that God had promised them, freedom from sin, in one breath and permitted slaveowners to restrain slaves from liberty that God had not promised, manumission, in another. Christianity was therefore a religion of and for slaves and masters. However, Augustine's Christianity also sought to blur the distinctions between slave and master. Only with the distinctions blurred could he cast Christianity as a religion of slaves. Only then could he describe himself – and every other Christian – as a slave who cannot help belonging to it.

Appendix A

Glossary

beatum/beata vita — Happiness/a happy life. Most Roman philosophers and theologians agreed that the purpose of life was to be happy. The best life is the happy life, *beata vita*. Disagreement arises in specifying what makes a person's life happy. Seneca, for example, thought that the happy life is the one lived in accordance with eternal reason. Augustine thought happiness is secured by obeying God.

beneficium — Favor, gift, kindness, benefit. Though not co-extensive with a kind, favorable, or benevolent disposition (*benignitatis*), *beneficia* are ideally given and received with this disposition. Usually, *beneficia* incur debts. Though often refers to gifts in general (especially for Seneca), can sometimes specifically refer to political honors (especially for Cicero).

caerimonia — Ceremony, sacred rite. A ritual performance meant to unite a person with the object of his worship (see *colere*/*cultus* below). A successful *caerimonia* required both a pious attitude towards the object of worship and the precise execution of the form of the ceremony.[1]

colere /cultus — To cultivate, till, honor, cherish, or worship (*colere*); cultivation, habituation, devotion, cult, or the practice of worship (*cultus*). The object of one's *cultus* is sometimes, but not always, a deity. When it is, one is engaging in *cultus deorum*. *Cultus deorum* was a generic term. It could refer to a public or private rite (see *sacra*, below), as well as a foreign or mystery cult. 'Cult' in this context does not imply secretiveness or malice.

dominium — Ownership, rule. The legal ownership a person has over a thing. Things here includes slaves; thus, a master has *dominium* over his slave just as he does over his non-human property. One's ownership of a thing entails a right of rule. This rule is not absolute in the sense of unconstrained (how a person could use that over which he had *dominium* was limited), but it is absolute in the sense of its being perfectly exclusive. If a person or group of people have *dominium* over some object, then no one outside that person/group has any ownership rights over that object.[2]

honestas — Honor, reputation, character, honesty. Could refer to both a person's objective state and how he was regarded publicly. Thus, a person could objectively lack *honestas* (be dishonorable, be of bad character), but still have *honestas* as a matter of public regard (have a good reputation, be

[1] North 1976; Muller 2002, 64-65
[2] Birks 1985

	honored). For Cicero, often in tension with *utilitas* (see below) – things that are expedient can make a person dishonest and/or harm his reputation.
imperium	Command, rule, authority. Patterned after the rule of god over the universe. The power to command those under one's rule. The fundamental seat of *imperium* is the king/emperor. However, *imperium* could be delegated; thus, the sovereign's appointed magistrates have *imperium* as well.[3]
ius	Right, justice, law. Can refer to the concept of law, a system of laws (e.g., *ius civile*, civil law, or *ius gentium*, the law of the peoples). Laws establish rights; therefore, *ius* can also refer to rights that obtain in virtue of a law or legal system (see *lex*, below).
libertas	Freedom, liberty, self-rule. *Libertas* is contrasted against slavery (*servitudo*) and license (see *licentia*, below). A person with *libertas* is free from the relevant external's rule. Depending on the context, this could be a master, or passions, or even fate. *Libertas* need not entail the ability to do whatever one desires; notice that if one has irrational desires, one is not free from one's passions.
lex	Law. Can refer to a particular statute; in which case, the law was typically named after the legislator who sponsored it (e.g., *lex Clodia*). Both Cicero (*De Legibus* 2.16) and Gaius (*Institutiones* 1.2) include in their definitions of law that there must be an entity with sovereign power to pass laws. Could also refer to the body of laws, typically when plural (*leges*). Law establishes rights (see *ius*, above).
licentia	Freedom, license, disorderliness. *Licentia* is typically a semblance of *libertas*. Both the person with *licentia* and the person with *libertas* are not under the rule of another person. However, the freedom *licentia* secures is typically not good or full. Someone with *licentia* uses his freedom to choose bad ends, often because he is enslaved to passions. *Licentia* is sometimes called an excess of *libertas*.
religio	Religion. Polysemic. Sometimes refers to a feeling (hesitation, scruple). Sometimes a vice, closely related to superstition (e.g., Lucretius's *De Rerum Natura* 1.62-65). Sometimes religious practices. Sometimes, a virtue. Did not necessarily specifically concern the relationship between humans and deities (especially before the late republic).
sacra	Religious rites, sacrifices. *Sacra* generally came in two kinds, *sacra publica* and *sacra privata*. *Sacra publica* refer to rites performed for the entire Roman population, including major feasts. These are often said to have been established by Numa. *Sacra privata* refer to the domestic cult a

[3] Hammer 2014, 49-51

	family would carry out on behalf of their own household. These include the *sacra* associated with weddings and funerals.[4]
utilitas	Advantage, usefulness, expediency. Sometimes used neutrally or positively. For example, glasses can have *utilitas* for reading. However, in philosophy (e.g., Cicero) often contrasted with *ius, honestas* or *dignitas*. This is because a person can pursue *utilitas* at the cost of one of these three; the person who does so is unjust, or a bad citizen, or of ill-repute, or all of the above.

[4] Rüpke 2007, 19-30

Appendix B

Timeline of Lactantius's and Augustine's Lives and Major Works[1]

LACTANTIUS

c.250	Born in North Africa
c.290	Offered a position in Nicomedia, teaching rhetoric, by Emperor Diocletian
303-313	Diocletian persecution
c.303	Leaves his position at Nicomedia
303/304	Finishes *De opificio Dei* (*On the Works of God*)
303-311	Writes *Divinae Institutiones* (*The Divine Institutes*)
309/310	Begins tutoring Emperor Constantine's son, Crispus
313/314	Writes *De mortibus persecutorum* (*On the Deaths of the Persecutors*)
c.320	Writes *De ira Dei* (On the Anger of God)
c.324	Begins work on a second edition of *Divinae Institutiones*
c.325	Dies

AUGUSTINE

354	Born on 13 November, in Thagaste, Numidia (modern-day Algeria)
365	Begins education in Latin literature at Madaurus
371	Moves to Carthage to continue education in rhetoric
c.377	Becomes a Manichean
382	Emperor Theodosius decrees death for Manichean monks
384	Appointed professor of rhetoric at Milan
386	Converts to Christianity, under the strong influence of Ambrose of Milan
387	Baptized on Easter
387/8- 391/5	Writes *De Libero Arbitrtio* (*On the Free Choice of the Will*)
390	Writes *De Vera Religione* (*On True Religion*)
391	Theodosius establishes Christianity as official religion. Augustine ordained as priest
395	Becomes Bishop of Hippo.
396-427	Writes *De Doctrina Christiana* (*On Christian Doctrine*)
397-400	Writes *Confessiones* (*Confessions*)
c.399	Finishes *Contra Faustum* (*Reply to Faustus*)
401-416	Writes *De Trinitate* (*On the Trinity*)
410	Sack of Rome
413-426	Writes *De Civitate Dei* (*City of God*)
427	Completes *Retractiones* (*Retractions*)
430	Dies on 28 August in Hippo

[1] In making this timeline, I have relied heavily on Freund 2019 and Healy 1910 for Lactantius's biography and Brown 1967/2000, O'Donnell 1992, and King 2010 for Augustine's.

Appendix C

The Libraries of Lactantius and Augustine[1]

This appendix provides a brief overview of some of the classical and Christian texts that Lactantius and Augustine had read and the earliest dates these texts were referenced. Because I trace the influence of Cicero and Lactantius (and to a lesser extent Seneca and Varro) on Augustine, for Augustine and Lactantius alike, I will provide overviews of their familiarity with the writings of Cicero, Varro, and Seneca. I use the † symbol to indicate that a text is lost.

LACTANTIUS

Scholars disagree on how best to determine whether Lactantius had read a certain ancient text. R.M. Ogilvie and Jackson Bryce each wrote a book called *The Library of Lactantius*. Ogilvie's book aims to determine which classical texts Lactantius read, and when. Bryce's focus is on which classical texts and ideas influenced Lactantius most, and how. Ogilvie's threshold for determining reference is significantly higher than Bryce's. I have generally hewn closer to Ogilvie's conservativism, but included instructive references to Bryce.

More recently, Stefan Freund has pointed out some of the limitations of Ogilvie's approach.[2] Freund argues that searching for explicit references (whether to known sources or lost sources) sheds no light on situations where Lactantius: quoted secondhand (e.g., referring to anthologies or commentaries); borrowed the testimony of other authors (e.g., philosophical or historical writings that presented the view of a classical author whom Lactantius had not read); reproduced etymologies, examples, stories, or arguments that he had encountered in earlier texts without citing verbatim; reproduced certain rhetorical flourishes or styles of argument from earlier texts.

Freund's framework is instructive. I have used it to supplement Ogilvie and Bryce and categorize some potential references to classical authors that Ogilvie might otherwise exclude.

Cicero

Cicero was the most influential of the classical Roman authors on Lactantius, both on the content of his thought and his style.[3] Lactantius's writings reveal a broad and deep familiarity with Cicero's philosophical writings, political treatises, and speeches. The table below focuses on Cicero's writings that either were especially important for Lactantius or are especially important for the argument of my dissertation.

Text	Earliest Reference	Level of Engagement
De Re Publica	303/4 (*De Opificio Dei*)	Mentioned. Direct (and extended) quotation in *Divinae Institutiones*

[1] The content of this appendix is deeply indebted to Hagendahl 1967, Ogilvie 1978, O'Donnell 1980, Bryce 1990, Cordiviola et al. 2019, and Freund ms.
[2] Freund, ms.
[3] Ogilvie 1978, 58.

Hortensius	311 (*Divinae Institutiones*)	Frequent citations
†*Consolatio*	311 (*Divinae Institutiones*)	Frequent citations[4]
Academica Posteriora	311 (*Divinae Institutiones*)	Occasional citations, frequent paraphrases
De Natura Deorum	311 (*Divinae Institutiones*)	Sustained and detailed discussion
De Divinatione	311 (*Divinae Institutiones*)	Awareness, no verbatim quotes. Possible allusion later, in *De Ira Dei*[5]
De Officiis	311 (*Divinae Institutiones*)	Frequent inaccurate quotations, likely from memory; many corrected in the second edition of *Divinae Institutiones*
De Legibus (books 1 & 2) [6]	311 (*Divinae Institutiones*)	Frequent citations
De Finibus	311 (*Divinae Institutiones*)?	Possible reference: borrowed testimony[7]
In Verrem	320 (*De Ira Dei*) Possibly 311 (*Divinae Institutiones*)	Multiple references and summary of the general text. Possible references earlier (but by no means certain/direct), in *Divinae Institutiones*

Varro

Lactantius's writings mention Varro as early as *On the Workmanship of God* (completed in 303 or 304), though there he did not name any particular text of Varro's. He then referred to Varro's *Human and Divine Antiquities* throughout the *Divine Institutes.* R.M. Ogilvie has argued that Lactantius's familiarity with Varro was mostly secondhand.[8] Jackson Bryce, by contrast,

[4] Though Cicero's *Consolatio* is lost, Lactantius is responsible for much of what of it is preserved (Ogilvie 1978, 60; Cole 2013, 1)

[5] On the possible stylistic allusion (Lactantius could also be alluding to *de legibus*), see Bryce 1990, 219-220

[6] Ogilvie 1978, 61-63 (Bryce 1990 also does not identify any citations beyond *de legibus* book 2). As Ogilvie argues,this suggests that Lactantius's manuscript of *de legibus* was incomplete: it did not go beyond book 2.

[7] Bryce 1990, 138-140. Lactantius's analysis of Aristotle's conception of the highest good in *div. inst..*, 3.7.8 likely relied on the testimony of Cicero. While his attribution of a good reputation (*honestas*) to Aristotle can be found in Cicero's *academica*, the attribution of virtue (*virtus*) is not to be found in the relevant parts of *academica.* Thus, Bryce speculates that Lactantius might have gotten the virtue condition from Cicero's *de finibus*.

[8] Ogilvie 1978, 50-55.

believes Lactantius to have had read Varro. He takes Lactantius's quotations of and references to Ennius to be evidence of this, as he doubts that Lactantius had read Ennius.[9] The question of whether Lactantius read Varro directly is orthogonal to my argument -- on matters of religion, I focus on Lactantius's use of Cicero and Augustine's use of Varro. On this question, therefore, I remain agnostic on the dispute between Bryce and Ogilvie here.

Seneca

As did many Roman Christian elites, Lactantius thought very highly of Seneca. At times in the *Divine Institutes* Lactantius reserves even higher praise for Seneca than for Cicero. He was very familiar with Seneca's Stoic philosophy. However, the three works of Seneca to which Lactantius referred most and at greatest length are lost: the *Exhortations, On Untimely Death*, and *Moral Philosophy*.[10]

Text	Earliest Reference(s)	Level of Engagement
De Beneficiis	304 (*De Opificio Dei*)	One reference. Scattered references in Lactantius's later writings.[11]
†*Exhortationes*	311 (*Divinae Institutiones*)	Frequent Citations[12]
De Providentia	311 (*Divinae Institutiones*)	Paraphrase
†*Moralis Philosophiae*	311 (*Divinae Institutiones*)	Frequent references[13]
Epistula 110	Possibly 311 (*Divinae Institutiones*)	Possible reference (perhaps secondhand)[14]
De Ira	Possibly 320 (*De Ira Dei*)	Possible borrowed reference to Aristotle and Posidonius on anger[15]

AUGUSTINE

It is by no means simple or easy to determine which classical texts Augustine read, when, and to what extent; however, this is simpler and easier to do with Augustine than with Lactantius. The foremost reason for this is that Augustine wrote far more than Lactantius. As a result, he had

[9] Bryce 1990 329-330. This is another example of what Freund calls borrowed authority.
[10] Ogilvie 1978, 73
[11] Ogilvie 1978, 73 calls these references "commonplaces", suggesting that Lactantius may not have even read *de beneficiis* directly.
[12] According to Ogilvie (1978: 77) Some of the quotations that Lactantius draws on from the *exhortationes* are also very similar to themes in *de beneficiis*.
[13]Lactantius is an important source for this now-lost text (Ogilvie 1978, 73; Inwood 2007, xvi).
[14] E.g., *div. inst.*, 1.5.26; 6.24.14
[15] Bryce 1990, 221

more opportunities to leave evidence of his familiarity with classical texts than did Lactantius. This is reflected in the greater detail (and confidence) in the below tables.

They also reflect the fact that the text of Augustine's wherein he most comprehensively named and cited his classical sources is *City of God*, which was also one of his latest writings. This is likely because Augustine spent a great deal of time reading and re-reading various classical texts in preparation for writing *City of God*.[16] Thus, the strongest evidence for Augustine's having read a text is often found in *City of God*.

Cicero

Cicero was the Roman author with whom Augustine was most familiar. Late Antique Roman education centered around four authors: Cicero, Terence, Sallust, and Virgil.[17] Of these four, Cicero was pre-eminent.[18] In the Introduction, I discussed some of the challenges involved in mapping Cicero's influence on Augustine.

As in the case of Lactantius above, I have only mentioned works of Cicero's that were especially important to Augustine or are especially important to the argument in my dissertation. For more comprehensive discussions of Augustine's readings of and references to Cicero, see Hagendahl 1967, O'Donnell 1980, and Brittain 2012a.

Text	**Earliest Reference(s)[19]**	**Level of Engagement**
De Officiis	386 (*Contra Academicos*)	Scattered mentions
De Oratore	386 (*Contra Academicos*)	Single reference
Academica Posteriora	386 (*Contra Academicos*)	Sustained discussion
†*Hortensius*	386-391, various	Frequent, detailed mentions. Longer quotations in *De Trinitate*.
De Finibus	386-393, various	Scattered mentions. Brief, but accurate references later, in *Civitate Dei*.
De Inventione	388-395 (*De Diversis Questionibus LXXXIII*)	Scattered mentions, one long quotation
De Amicitia	397/401 (*Confessiones*)	Scattered mentions

[16] Hagendahl 1967, 572
[17] Hagendahl 1967, 692; O'Donnell 1980, 164
[18] Hagendahl 1967, 692.
[19] These dates refer to the time during which Augustine prepared to write the text mentioned in the subsequent parentheses, or else the time at which Augustine would have completed the part of the text in which the reference occurs, not the date of publication. My dating follows that of O'Donnell 1980.

In Verrem	400-412 (*De Consensu Evangelistarum*)	Scattered mentions
De Natura Deorum	c.413 (*Civitate Dei*)	Sustained discussion
De Divinatione	413-417 (*Civitate Dei*)	Scattered mentions
De Legibus	None	N/A

Varro

The only text of Varro's that Augustine engaged with at a detailed and sustained level was Varro's *Human and Divine Antiquities.* However, his early writings reveal familiarity with Varro's encyclopedia on the liberal arts, and *City of God* demonstrates that Augustine had studied other of Varro's writings as well. James O'Donnell maintains that Augustine read *On the Nation of the Roman People* and *On Philosophy* in preparation for writing *City of God.*[20]

Text	**Earliest Reference(s)**	**Level of Engagement**
†*Libri Disciplinarum*[21]	386 (*De Ordine*)	Occasional references, 386-396
†*Antiquitates Rerum Humanarum et Divinarum*	c.413/415 (*Civitate Dei*)	Sustained and detailed discussion
†*De Gente Populi Romani*	c.413/415 (*Civitate Dei*)	Occasional references
†*De Philosophia*	c.413/415 (*Civitate Dei*)	Occasional references

Seneca

Direct and indisputable cases of Augustine referring to Seneca's writings are rare. By contrast, Augustine's references to Stoicism abound; his indebtedness to Stoicism was vast.[22] Scholars disagree about how much of Augustine's knowledge of Stoicism came via familiarity with Seneca.[23] In the table below, I have followed Hagendahl 1967 and O'Donnell 1980 in their more conservative approach to attributing familiarity with Seneca to Augustine. That said, as discussed

[20] O'Donnell 1980, 166.
[21] This is O'Donnell's hypothesis (1980: 165)
[22] See, e.g., Byers 2003, 2012a, 2012b, 2012c, 2016.
[23] Hagendahl 1967, 678 provides a helpful overview of these debates. He cites Jean Félix Nourrisson (*La Philosophie de Saint Augustin*, vol. II, 139), Gustave Combés (*Saint Augustin et la Culture Classique*, 25), Henri-Iréneé Marrou (*Saint Augustin et la Fin de la Culture Antique*, 19), and Pierre de Labriolle ("Saint Augustin et Sénèque," 47-49) as examples of those who (to varying degrees) took Augustine to have been very familiar with Seneca. Both Hagendahl himself and Max Pohlenz, (*Die Stoa* I, 456) take Augustine to have been far less familiar with Seneca than the aforementioned scholars believed.

in the introduction, Augustine's writings reveal a deeper familiarity with Senecan ideas than the list of direct and indisputable references suggest. One reason for this is that many of Augustine's Christian predecessors not only cited but often championed Seneca as the best (that is, closest to Christianity) of the Roman philosophers.[24] Leaving aside his familiarity with Seneca through his Christian sources, I have listed direct references to Seneca in the table below.

Text	Earliest Reference(s)	Level of Engagement
Epistula 107	415 (*Civitate Dei*)	One long quotation
†*De Superstitione*	415/7 (*Civitate Dei*)	Sustained discussion
Phaedra	397/8 (*Contra Faustum*)	One long quotation
Troades	401 (*Sermo* 293B)	One long quotation

[24] Hagendahl 1967, 676-677

Bibliography

PRIMARY SOURCES

Aristotle (2004) *Rhetoric*, trans. Roberts, W. Rhys. Mineola, NY: Dover Publications, Dover Thrift Editions.

Aquinas (1947). *Summa Theologica*. trans. Fathers of the Dominican Province. New York, NY: Benziger Bros.

——— (2002). *Political Writings*. ed. and trans. Dyson, R.W. Cambridge University Press.

Augustine (1887a). *The Enchiridion: On Faith, Hope and Love*. In *Nicene and Post-Nicene Fathers, First Series* vol. 3. trans Shaw, J.F. ed. Schaff, P. Buffalo, NY: Christian Literature Publishing

——— (1887b). *Contra Faustum.* In *Nicene and Post-Nicene Fathers, First Series* vol. 4. trans Stothert, R. ed. Schaff, P. Buffalo, NY: Christian Literature Publishing

——— (1887c). *On Rebuke and Grace.* In *Nicene and Post-Nicene Fathers, First Series* vol. 5. trans Holmes, P. and Wallis, R.E. ed. Schaff, P. Buffalo, NY: Christian Literature Publishing

——— (1887d). *On The Spirit and the Letter.* In *Nicene and Post-Nicene Fathers, First Series* vol. 5. trans Holmes, P. and Wallis, R.E. ed. Schaff, P. Buffalo, NY: Christian Literature Publishing

——— (1887e). *On Nature and Grace.* In *Nicene and Post-Nicene Fathers, First Series* vol. 5. trans Holmes, P. and Wallis, R.E. ed. Schaff, P. Buffalo, NY: Christian Literature Publishing

——— (1888a). *On the Sermon on the Mount*. In *Nicene and Post-Nicene Fathers, First Series* vol. 6. trans. Findlay, W. ed. Schaff, P. Buffalo, NY: Christian Literature Publishing

——— (1888b). *Tractates on the Gospel of John*. In *Nicene and Post-Nicene Fathers, First Series* vol. 7. trans. Gibb, J. ed. Schaff, P. Buffalo, NY: Christian Literature Publishing

——— (1888c). *Expositions on the Psalms*. In *Nicene and Post-Nicene Fathers, First Series* vol. 8. trans. Tweed, J.E. ed. Schaff, P. Buffalo, NY: Christian Literature Publishing.

———(1957). *Against Julian.* In *The Fathers of the Church*. trans. Schumacher, Matthew A. Washington, D.C.: Catholic University of America Press.

——— (1968). *Retractions*, ed. Deferrari R.J., trans. Bogan, M.I. in *The Fathers of the Catholic Church*. Washington DC: Catholic University of America Press

——— (1990). *Sermons.* Trans. Hill, E. ed. Rotelle, J.E. Hyde Park, NY: New City Press

——— (1991). *The Trinity*. trans. Hill, E. ed. Rotelle, J.E. Hyde Park, NY: New City Press

——— (1994). *The City of God* trans. Dods, M. New York: The Modern Library

——— (2001a). *Political Writings*. trans. and eds. Atkins, E.M. & Dodaro, R.J. Cambridge University Press.

——— (2001b). *Letters*. trans. Teske, R. ed. Rotelle, J.E. Hyde Park, NY: New City Press

——— (2005). *On True Religion* in *On Christian Belief,* ed. Ramsey, B. et. al, trans. Hill, E. Hyde Park, NY: New City Press.

———(2007a). *On Order (De Ordine)*. trans. and intr. Borruso, S. South Bend, IN: St. Augustine's Press.

———(2007b). *Answer to Faustus, a Manichean.* trans. and intr. Teske, R. ed. Ramsey, B. Hyde Park, NY: New City Press.

——— (2010). *On the Free Choice of the Will, On Grace and Free Choice, and Other Writings.* ed. and trans., King, P. in *Cambridge Texts in the History of Philosophy*.

——— (2012). *Confessions*. trans. Boulding, M. ed. Rotelle, J.E. Hyde Park, NY: New City Press.

———(1990/2012). *City of God.* trans. Babcock, W. ed. Ramsey, B. Hyde Park, NY: New City Press

——— (2013). *Teaching Christianity* [*On Christian Doctrine*]. trans. Hill, E. ed. Rotelle, J. E. Hyde Park, NY: New City Press.

——— (2017). *Confessions,* trans. Ruden, S. New York: Modern Library

——— (2017). *On Music*, trans. Jacobsson, M. *Corpus Scriptorum Ecclesiastorum Latinorum* 102. Berlin: De Gruyter

——— (2019). *On the Happy Life: St. Augustine's Cassiciacum Dialogues,* vol.2 trans. Foley, M.P. Yale University Press

——— (2019). *Confessions*. trans. Williams, T. Indianapolis, IN: Hackett Publishing

Caesar (2006). *The Gallic War,* trans. Edwards, H.J. Loeb Classical Library 72. Harvard University Press

Celsus (1987). *On True Doctrine, against the Christians*. trans. Hoffmann, R.J. Oxford University Press

Cicero (1913). *On Duties.* Trans. Miller, W. Loeb Classical Library 30. Harvard University Press

——— (1914). *On Ends*. Trans. Rackham, H. W.A. Loeb Classical Library 40. Harvard University Press

——— (1923). *On Old Age. On Friendship. On Divination.* Trans. Falconer, W.A. Loeb Classical Library 154. Harvard University Press.

——— (1928). *The Verrine Orations, volume 1.* Trans. Falconer, L.H.G. Loeb Classical Library 221. Harvard University Press.

——— (1933). *On the Nature of the Gods. Academics.* Trans. Rackham, H. Loeb Classical Library 268. Harvard University Press.

——— (1949). *On Invention. The Best Kind of Orator. Topics.* Trans. Hubbell, H.M. Loeb Classical Library 386. Harvard University Press.

——— (1976). *In Catilinam* 1-4. *Pro Murena. Pro Sulla. Pro Flacco*. Trans. C. Macdonald. Loeb Classical Library 324. Harvard University Press

——— (1990). *On Duties*, ed. Griffin, M.T. and Atkins, E.M. Cambridge University Press

——— (1999). *On the Commonwealth*, and *On the Laws*, ed. and trans. Zetzel, J.E.G. Cambridge University Press

Edmundson, W. (1772). *A Journal of the life, travels, sufferings and labour of love in the work of the ministry, of Jesus Christ, William Edmundson, who departed this life, the thirty first of the sixth month 1712*. London: Mary Hinde

Gaius (1904) *Institutes*, trans. Poste, Edward. ed. 4, Whittuck E.A. Oxford: Clarendon Press.

Irenaeus (1885). *Against Heresies*. trans. Roberts, A. and Rambaut, W. In *Ante-Nicene Fathers*, vol. 1. eds. Roberts, A., Donaldson, J., and Coxe, A.C. Buffalo, NY: Christian Literature Publishing

Jerome (1893). *Letters of St. Jerome*. trans. Fremantle, W.H., Lewis, G. and Martley, W.G. In *Nicene and Post-Nicene Fathers, Second Series*, vol.6. eds. Schaff, P. and Wace, H. Buffalo, NY: Christian Literature Publishing

Justin Martyr (1885). *Dialogue with Trypho*. trans. Dods, M. and Reith, G. In *Ante-Nicene Fathers*, vol. 1. eds. Roberts, A., Donaldson, J., and Coxe, A.C. Buffalo, NY: Christian Literature Publishing

Justinian (2009). *Digest*, trans. and ed. Watson, A. University of Pennsylvania Press

——— (2010/1911). *Institutes*, trans. and ed. Moyle, J.B. Whitefish, MY: Kessinger Publishing

Lactantius (1886a) *Concerning the Death of the Persecutors*, from *Ante-Nicene Fathers*, vol. 7, trans. Fletcher, W. Buffalo, NY: Christian Literature Publishing

——— (1886b) *On the Anger of God* from *Ante-Nicene Fathers*, vol. 7, trans. Fletcher, W. Buffalo, NY: Christian Literature Publishing

——— (1886c). *On the Workmanship of God* from *Ante-Nicene Fathers,* vol. 7, trans. Fletcher, W. Buffalo, NY: Christian Literature Publishing

——— (2003), *Divine Institutes,* ed. and trans. Bowen, A. & Garnsey, P. Liverpool University Press.

Machiavelli (1988). *The Prince,* trans. Price, R. ed. Skinner, Q. Cambridge University Press.

Mill, J.S. (1989). *On Liberty and Other Writings.* ed. Collini, S. Cambridge University Press.

Milton, J. (1847) *The Prose Works of John Milton,* vol. 2. ed. Griswold, R.W. Philadelphia: John W. Moore

Origen (1885). *Contra Celsum*. from *Ante-Nicene Fathers,* vol. 4, trans. Crombie, F. eds. Roberts, A., Donaldson, J., and Coxe, A.C. Buffalo, NY: Christian Literature Publishing

Plato (1967-8). *Plato in Twelve Volumes.* trans. Bury, R.G. Harvard University Press.

Porphyry (1994). *Against Christians*. ed. Hoffman, R.J. Amherst, NY: Prometheus Books

Possidius (1919). *Life of Augustine*. trans. Weiskotten, H.T. Princeton University Press

Pseudo-Barnabas (1885). *Epistle of Barnabas* from *Ante-Nicene Fathers,* vol. 1, trans. Roberts, A. and Donaldson, J. eds. Roberts, A., Donaldson, J., and Coxe, A.C. Buffalo, NY: Christian Literature Publishing

Sallust (2013). *The War with Catiline,* ed. John T. Ramsey, trans. J.C. Rolfe. Loeb Classical Library 116. Harvard University Press

Seneca (1920). *Epistles* trans. Richard M. Gummere. vol. 2. Loeb Classical Library 76. Harvard University Press.

——— (1928-35). *Moral Essays,* ed. and trans. Basore, J.W., 3 vols. Loeb Classical Library 214. Harvard University Press.

_____ (1971-2). *Natural Questions*. trans. Corcoran, T.H., 2 vols. Loeb Classical Library 450. Harvard University Press

Sextus Empiricus (1996). *Outlines of Pyrrhonism,* ed. and trans. Benson Mates. Oxford University Press.

Tertullian (1885). *Against the Jews* from *Ante-Nicene Fathers,* vol. 3. trans. Thelwall, S. eds. Roberts, A., Donaldson, J., and Coxe, A.C. Buffalo, NY: Christian Literature Publishing.

——— (1885). *Apology* from *Ante-Nicene Fathers,* vol. 3. trans. Thelwall, S. eds. Roberts, A., Donaldson, J., and Coxe, A.C. Buffalo, NY: Christian Literature Publishing.

SECONDARY SOURCES

Alimi, T. (2020). "*Augustine, Confessions. Translated, with Introduction and Notes by Thomas Williams*." Augustinian Studies 51(1), 104-106

Ando, C. (2006). "Religion and *ius publicum*." in Ando, C. and Rüpke, J, eds. *Religion and Law in Classical and Christian Rome*. Stuttgart: Franz Steiner Verlaag. 126-147

——— (2010). "The Ontology of Religious Institutions." History of Religions. 50(1). 54-79.

Ando, C. and Rüpke, J., eds. (2006). *Religion and Law in Classical and Christian Rome*. Stuttgart: Franz Steiner Verlaag.

Annas, J. (2017) *Virtue and Law in Plato and Beyond*. Oxford University Press

Arena, V. (2012). *Libertas and the Practice of Politics in the Late Roman Republic*. Cambridge University Press.

Arendt, H. (1929/1996). *Love and St. Augustine*. Scott, J.V. and Stark, J.C., eds. University of Chicago Press.

Atkins, E. M. (1990). "'*Domina et Regina Virtutum*': Justice and *Societas* in *De Officiis*'", *Phronesis*, 35:258—89.

———. (2000). "Cicero." *The Cambridge History of Greek and Roman Political Thought*, ed. Rowe, C. et. al. 477-516.

Atkins, J. (2013). *Cicero on Politics and the Limits of Reason: The* Republic *and* Laws. Cambridge University Press

———. (2018). "Non-Domination and the *Libera Res Publica* in Cicero's Republicanism." *History of European Ideas*, 44(6). 756-773.

Barnes, T.D. (1973), "Lactantius and Constantine." *The Journal of Roman Studies*, 63. 29-46

Barton, C..A. and Boyarin, D. (2016). *Imagine No Religion: How Modern Abstractions Hide Ancient Realities*. Fordham University Press

Baudy, D. (2006). "Prohibitions of Religion in Antiquity: Setting the Course of Europe's Religious History." in Ando, C. and Rüpke, J., eds. *Religion and Law in Classical and Christian Rome*. Stuttgart: Franz Steiner Verlaag. 100-114

Beard, M. (1986). "Cicero and Divination: The Formation of a Latin Discourse." *The Journal of Roman Studies,* 76. 33-46

Beard, M., North, J., and Price, S. (1998a). *Religions of Rome, volume 1: A History*. Cambridge University Press.

——— (1998b). *Religions of Rome, Volume 2: A Sourcebook*. Cambridge University Press.

Bellah, R. (1980/2013). *Varieties of Civil Religion*. Eugene, OR: Wipf and Stock

Benardete, S. (1987). "Cicero's *De Legibus* I: Its Plan and Intention." *The American Journal of Philology, 108*(2), 295-309.

Benner, E. (2013). Machiavelli's Prince: A New Reading. Oxford University Press.

Birks, P. (1985). "The Roman Law Concept of *Dominium* and the Idea of Absolute Ownership." *Acta Juridica* 1. 1-38

Black, A. (1997). "Christianity and Republicanism: From St. Cyprian to Rousseau." *The American Political Science Review,* 91(3), 647-656

——— (1998). "Christianity and Republicanism: A Reply to Nederman." *The American Political Science Review,* 92(4), 919-921

Bobb, D.J. (2010). "The Humility of True Religion: Augustine's Critique of Roman Civil Religion." in Weed, R. and von Heyking, J. (eds.), *Civil Religion in Political Thought: Its Perennial Questions and Enduring Relevance in North America*. Washington, D.C.: Catholic University of America Press. 66-92

Bochet, I. (1998). "'Non aliam esse philosophiam (…) et aliam religionem': Augustin, *De Ver. Rel.,* 5.8" in Pouderon and Dore, *Les apologists chretiens,* 333-353

Bowen, A. & Garnsey, P. (2003). *Lactantius: Divine Institutes*. Liverpool University Press.

Bowlin, J. (1997). "Augustine on Justifying Coercion." *Annual of the Society of Christian Ethics,* 17, 49-70.

——— (1999). *Contingency and Fortune in Aquinas's Ethics*. Cambridge University Press.

——— (2006). "Tolerance among the Fathers." *Journal of the Society of Christian Ethics*, 3-36.

——— (2016). *Tolerance Among the Virtues.* Princeton University Press.

Bradley, K.R (1988). "Roman Slavery and Roman Law." *Historical Reflections/ Reflexions Historiques,* 15(3), 477-495

——— (2008). "Seneca and Slavery." *Seneca,* ed. Fitch, J.G. Oxford University Press

Bragova. A. (2017). "Cicero on the Gods and Roman Practices." *Studia Antiqua et Archaelogica* 23(2). 303-313

Brandom, R. (2002). *Tales of the Mighty Dead: Historical Essays in the Metaphysics of Intentionality*. Harvard University Press.

Bretherton, L. (2015). *Resurrecting Democracy: Faith, Citizenship, and the Politics of a Common Life*. Cambridge University Press.

——— (2019). *Christ and the Common Life: Political Theology and the Case for Democracy*. Grand Rapids, MI: William B. Eerdmans

Brittain, C.F. (2012a). "Augustine as Reader of Cicero" in *Tolle Lege: Essays on Augustine and on Medieval Philosophy in Honor of Roland J. Teske, S.J.* Issue 73 of *Marquette Studies in Philosophy*. eds. Taylor, R.C., Twetten, D., and Wreen, M.J. Milwaukee, WI: Marquette University Press. 81-114

——— (2012b). "Self-knowledge in Cicero and Augustine' (De Trinitate X, 5, 7 – 10, 16)," in G. Catapano & B. Cillerai (ed.), *Augustine of Hippo's De Trinitate and its Fortune in Medieval Philosophy*, Medioevo XXXVII (2012) 107-36

Brookins, T. (2017). "(Dis)correspondence of Paul and Seneca on Slavery." *Paul and Seneca in Dialogue*. eds. Dodson, J.R. and Briones, D.E. Boston: Brill. 179-207

Brown, P. R. L. (1964). "St. Augustine's Attitude to Religious Coercion." *The Journal of Roman Studies*, 54(1-2), 107-116.

——— (1967/2000). *Augustine of Hippo: A Biography.* University of California Press.

——— (1972). *Religion and Society in the Age of Saint Augustine*. Eugene, OR: Wipf and Stock

——— (2005). "Augustine and a Crisis of Wealth in Late Antiquity." *Augustinian Studies*, 36(1), 5-30

——— (2012). *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350-550 AD*. Princeton University Press

——— (2017). "Dialogue with God." *New York Review of Books*.

Brunt, P. A. (1986). "Cicero's *Officium* in the Civil War." *The Journal of Roman Studies*. 76. 12 32

——— (1988). "*Libertas* in the Republic." In *The Fall of the Roman Republic*. Oxford: Clarendon Press.

Bryce, J. (1990). *The Library of Lactantius.* New York: Garland Publishing

Buckley, M.J. (1970). "Philosophic Method in Cicero." *Journal of the History of Philosophy* 8(2), 143-154

Burnaby, J. (1938/2007). *Amor Dei: A Study of the Religion of St. Augustine*. Wipf and Stock.

Burnell, P. (1993). "The Problem of Service to Unjust Regimes in Augustine's *City of God*." *Journal of the History of Ideas*, 54(2), 177-188.

Burns, P.C. (1999). “Augustine’s Use of Sallust in *City of God*: The Role of the Grammatical Tradition.” *Augustinian Studies,* 30(2), 105-114.

Byers, S. C. (2003). “Augustine and the Cognitive Cause of Stoic Preliminary Passionsi (Propatheiai).” *Journal of the History of Philosophy*, *41*(4), 433-448.

——— (2012a). *Perception, Sensibility, and Moral Motivation in Augustine: A Stoic-Platonic Synthesis*. Cambridge University Press.

——— (2012b). “Augustine and the Philosophers.” *A Companion to Augustine*, *88*, 175-187.

——— (2012c). “The Psychology of Compassion: Stoicism in City of God 9.5. *The Cambridge Critical Guide to the City of God*. Cambridge University Press

——— (2016). “Augustine’s Debt to Stoicism in the Confessions.” *The Routledge Handbook of the Stoic Tradition*. Abingdon, UK: Routledge

Cameron, C. (2014). *To Plead Our Own Cause: African Americans in Massachusetts and the Making of the Antislavery Movement*. Kent, OH: Kent State University Press

Cameron, M. (2012). *Christ Meets Me Everywhere: Augustine’s Early Figurative Exegesis.* Oxford University Press.

Cary, P. (2000). *Augustine’s Invention of the Inner Self*. Oxford University Press.

——— (2008). *Inner Grace: Augustine in the traditions of Plato and Paul*. Oxford University Press

Cavadini, J. (2005). “Feeling Right: Augustine on the Passions and Sexual Desire.” *Augustinian Studies*, 36(1), 195-217.

Cavell, S. (1990). *Conditions Handsome and Unhandsome: The Constitution of Emersonian Perfectionism*. University of Chicago Press

Chambers, K. (2013). “Slavery and Domination as Political Ideas in Augustine's *City Of God*.” *The Heythrop Journal*, 54(1), 13-28.

———(2018). “Augustine on Justice: A Reconsideration of *City of God,* Book 19.” *Political Theology,* 19(5), 382-396

Chaniotis, A. (2010). “Megatheism: The Search for the Almighty God and the Competition of Cults.” in *One God: Pagan Monotheism in the Roman Empire*, eds. S. Mitchell and P. van Nuffelen. Cambridge University Press. 112-140

Chin, T.T. (2016). “What is Imperial Cosmopolitanism? Revisiting Kosmopolitēs and Mundanus” *Cosmopolitanism and Empire: Universal Rulers, Local Elites, and Cultural Integration in the Ancient Near East and Mediterranean*, eds. Lavan, M., Payne, R.E., and Weisweiler, J. Oxford University Press. 129-151

Chroust, A. H. (1944). “The Philosophy of Law of St. Augustine.” *The Philosophical Review, 53*(2), 195-202.

——— (1946). “The Philosophy of Law from St. Augustine to Thomas Aquinas.” *The New Scholasticism,* 20(1), 26-71.

——— (1950). “St. Augustine’s Philosophical Theory of Law.” *Notre Dame Law Review,* 25(2). 286-315

——— (1973). “The Fundamental Ideas in St. Augustine's Philosophy of Law.” *Am. J. Juris., 18,* 57-79.

Clark, G. (2004). *Christianity and Roman Society*. Cambridge University Press

——— (2010). “Paradise for Pagans? Augustine on Virgil, Cicero, and Plato.” *Paradise in Antiquity: Jewish, Christian and Pagan Views*, ed. Bockmuehl, M. Cambridge University Press. 166-178

Clark, J.R. and Motto, A.L. (1993), “Seneca on Friendship” *Atene e Roma* 38. 91-98

Clark, M.T. (2015). “Augustine on Justice.” in *Augustine and Social Justice,* ed. Delgado et. al., Lanham, MD: Lexington Books. 3-10

Clair, J. (2016). *Discerning the Good in the Letters and Sermons of Augustine,* Oxford University Press

——— (2017). “*On Education, Formation, and the Lost Purpose of Learning.* In *Reading Augustine* series, ed. Hollingworth, M. London: Bloomsbury Academic

Coleman, A.P. (2017). *Lactantius the Theologian: Lactantius and the Doctrine of Providence*. Gorgias Studies in Early Christianity and Patristics, 68. Gorgias Press: Piscataway, New Jersey

Combes, I.A.H. (1998). *The Metaphor of Slavery in the Writings of the Early Church: From the New Testament to the Beginning of the Fifth Century*. Sheffield University Press.

Conley, A.D. (2015), “Augustine and Slavery: Freedom for the Free.” in *Augustine and Social Justice,* ed. Delgado et. al., Lanham, MD: Lexington Books. 131-144

Connolly, J. (2007). *The State of Speech: Rhetoric and Political Thought in Ancient Rome*. Princeton University Press.

———(2014). *The Life of Roman Republicanism*. Princeton University Press.

Cooper, K. and Leyser, C. (2000) "The Gender of Grace: Impotence, Servitude, and Manliness in the Fifth-Century West." *Gender & History* 12(3), 536-551.

Corcoran, G. (1985). *Saint Augustine on Slavery*. Studia Ephemeridis “Augustinianum” (vol. 22) Rome: Institutum Patristicum “Augustinianum”

Cordiviola, S. (ed.) (2019). *Compilation of Indexes to the Works of Saint Augustine: A Translation for the 21st Century*. Original Indexes Prepared by Dolan, M., Sprug, J., Strattan, K., Weers, J. Hyde Park, NY: New City Press.

Cornish, P. J. (2010). "Augustine's Contribution to the Republican Tradition." *European Journal of Political Theory, 9*(2), 133-148.

Corvino, J., Anderson, R.T. and Girgis, S. (2017). *Debating Religious Liberty and Discrimination*. Oxford University Press

Couenhoven, J. (2013). *Stricken by Sin, Cured by Christ: Agency, Necessity, and Culpability in Augustinian Theology.* Oxford University Press

Crean, T. and Fimister, A. (2020). *Integralism: A Manual of Political Philosophy.* Editiones Scholasticae: Germany.

Crouse, R. C. (2017). *Two Kingdoms and Two Cities: Mapping Theological Traditions of Church, Culture, and Civil Order*. Fortress Press.

Deane, H.A. (1963). *The Social and Political Ideas of St. Augustine*. Columbia University Press.

Decosimo, J.D. (2014). *Ethics as a Work of Charity: Thomas Aquinas and Pagan Virtue*. Stanford University Press

——— (2015). "An Umma of Accountability: Al-Ghazali against Domination." *Soundings: An Interdisciplinary Journal*. 98(3). 260-288

DeFilippo, J.G. (2000). "Cicero vs. Cotta in *De Natura Deorum*." *Ancient Philosophy*, 20(1). 169-187

Denyer, N. (1985). "The Case against Divination: An Examination of Cicero's *De Divinatione*." *The Cambridge Classical Journal* 31. 1-10

DePalma Digeser, E. (1998). "Lactantius, Porphyry, and the Debate over Religious Toleration." *The Journal of Roman Studies* 88. 129-146

——— (2000). *The Making of a Christian Empire: Lactantius & Rome*. Cornell University Press.

——— (2003). "Citizenship and the roman *res publica*: Cicero and a Christian corollary." *Critical Review of International Social and Political Philosophy, 6*(1), 5-21.

——— (2006). "Religion, Law, and the Roman Polity: The Era of the Great Persecution." in Ando, C. and Rüpke, J., eds., *Religion and Law in Classical and Christian Rome*, Stuttgart: Franz Steiner Verlaag. 68-84.

——— (2012). *A Threat to Public Piety: Christians, Platonists, and the Great Persecution*. Cornell University Press

——— (2016). “Lactantius on Religious Liberty and His Influence on Constantine” in *Christianity and Freedom,* ed. Shah, T.S. and Hertzke, A.D. Cambridge University Press. 90-102

De Wet, C.L. (2017). *The Unbound God: Slavery and the Formation of Early Christian Thought*. Routledge: New York

Dodaro, R. (2000). “Augustine’s Secular City.” *Augustine and his Critics: Essays in Honor of Gerald Bonner,* ed. Dodaro, R. and Lawless, G. 231-59.

——— (2004). *Christ and the Just Society in the Thought of Augustine*. Cambridge University Press.

——— (2005) “Between the Two Cities: Political Action in Augustine of Hippo” in Doody, J. Hughes, K.L. and Paffenroth. K. (eds) *Augustine and Politics*, Lanham, MD: Lexington Books. pp. 99–115.

——— (2009) “Ecclesia and Res Publica: How Augustinian are Neo-Augustinian Politics?,” in Boeve, L., Lamberigts M., and Wisse, M. (eds) *Augustine and Postmodern Thought*. Leuven, Belgium: Peeters 237-271

Dodson, J., and Briones, D. (2017), eds. *Paul and Seneca in dialogue.* Brill: Leiden, Netherlands

Drake, H.A. (2002). *Constantine and the Bishops: The Politics of Intolerance*. Johns Hopkins University Press

——— (2005). “The Impact of Constantine on Christianity” *The Cambridge Companion to the Age of Augustine,* ed. Lenski, N. 111-142

Duke, G. (2019). *Aristotle on Law: The Politics of Nomos.* Cambridge University Press.

Dyck, A. R. (1996). *A Commentary on Cicero,* De officiis. University of Michigan Press.

——— (2003). *Cicero:* De Natura Deorum, *Book I.* Cambridge University Press.

——— (2004). *A Commentary on Cicero’s* De legibus. University of Michigan Press.

Dyson, R. W. (2001). *The Pilgrim City: Social and Political Ideas in the Writings of St. Augustine of Hippo*. Woodbridge, UK: Boydell Press.

East. K.A. (2014). “*Superstitionis Malleus*: John Toland, Cicero, and the War on Priestcraft in Early Enlightenment England.” *History of European Ideas* 40(7). 965-983.

Edwards, C. (2015). “Absence and Presence in Seneca’s Epistles: Philosophy and Friendship.” *The Cambridge Companion to Seneca,* ed. Bartsch, S. and Schiesaro, A. 41-53.

Elia, M. (2018). “Ethics in the Afterlife of Slavery: Race, Augustinian Politics, and the Problem of the Christian Master.” *Journal of the Society of Christian Ethics*. 38(2). 93-110

——— (2019). *Ethics in the Afterlife of Slavery: Race, Augustinian Politics, and the Enduring Problem of the Christian Master*. (Doctoral Dissertation, Duke University)

Elm, S. (2017). "Sold to Sin through *Origo*: Augustine of Hippo and the Late Roman Slave Trade." *Studia Patristica* 98. 1-21

Elshtain, J.B. (1997). *Augustine and the Limits of Politics*. University of Notre Dame Press.

Evenepoel, W. (2006). "Seneca's Letters on Friendship: Notes on the Recent Scholarly Literature and Observations on Three *Quaestiones*." *L'Antiquite Classique* T.75. 177-193

Finley, M.I. (1980/1998). *Ancient Slavery and Modern Ideology*. Expanded edition, ed. Shaw, B. Princeton, NJ: Markus Weiner.

Finnis, J. (2011). *Philosophy of Law. Collected Essays,* vol. 4. Oxford University Press.

Fitzgerald, A.D. (1999). *Augustine Through the Ages*. Grand Rapids, MI: Eerdmans

Fitzgerald, W. (2000). *Slavery and the Roman Literary Imagination.* Cambridge University Press.

van Fleteren, F.E. (1973). "Authority and Reason, Faith and Understanding, in the Thought of St. Augustine." *Augustinian Studies* 4. 33-71

Foley, M. P. (2019). *On the Happy Life: St. Augustine's Cassiciacum Dialogues,* vol. 2. Yale University Press

Forst, R. (2013). *Toleration in Conflict: Past and Present*. Cambridge University Press

Fogleman, A. (2019). "Augustine and Natural Law: Negotiating the *Saeculum* with Markus, Milbank, and Mathewes." *Political Theology* 20.7. 595-612

Fortenbaugh, W.W. (1998). "Cicero, On Invention 1.51-77 Hypothetical Syllogistic and the Early Peripatetics." *Rhetorica* 16.1. 25-42

Fortin, E. (1978). "Augustine, Thomas Aquinas, and the Problem of Natural Law." *Mediaevalia* 4, 179-208

——— (1980). "Augustine and Roman Civil Religion: Some Critical Reflections." *Revue d'Etudes Augustiniennes et Patristiques* 26.3-4. 238-256.

Frede, M. (1988). "The Sceptic's Two Kinds of Assent and the Question of the Possibility of Knowledge." *Philosophy in History: Essays in the Historiography of Philosophy*, eds. Richard Rorty, Jerome B. Schneewind, and Quentin Skinner. Cambridge University Press. 255-278

Fredriksen, P. (1986). "Paul and Augustine: Conversion Narratives, Orthodox Traditions, and the Retrospective Self." *The Journal of Theological Studies,* 37(1), 3-34

——— (1988). “Beyond the Soul/Body Dichotomy: Augustine and Paul against the Manichees and the Pelagians.” *Recherches Augustiniennes et Patristiques* 23, 87-114

——— (2008). *Augustine and the Jews: A Christian Defense of Jews and Judaism*. Yale University Press

Freund, S. (2019). “Lactantius.” In *Oxford Bibliographies.* Retrieved online: https://www.oxfordbibliographies.com/view/document/obo-9780195389661/obo-9780195389661-0344.xml

——— (ms.) “The Hidden Library of Lactantius.”

Friedrich, C.J. (1955). *The Philosophy of Law in Historical Perspective*. University of Chicago Press.

van Gaans, G.M., (2013). “The State of Research on the Manichaean Bishop Faustus.” HTS Teologiese Studies/Theological Studies 69(1), Art. #1921, 11 pages.

Garnsey, P. (1984). “Religious Toleration in Classical Antiquity.” *Studies in Church History*. 21. 1-27

——— (1996). *Ideas of Slavery from Aristotle to Augustine*. Cambridge University Press.

——— (2002). “Lactantius and Augustine” in *Representations of empire: Rome and the Mediterranean world* (Vol. 114). ed. Bowman, A. K. Oxford University Press.

——— (2007). *Thinking about Property: From Antiquity to the Age of Revolution*. Cambridge University Press

Gerbner, K. (2018). *Christian Slavery: Conversion and Race in the Protestant Atlantic World*. University of Pennsylvania Press

George, R.P. (1996). “Natural Law and Positive Law.” *The Autonomy of Law: Essays on Positivism*. ed. Robert P. George. Oxford: Clarendon Press. 321-334

Gibson, R. (2008) “Lactantius on Anger.” *The Consolations of Theology*. ed. Rosner, B.S. Wm. B. Eerdmans Publishing.

Gilbert, N. (2015). *Among Friends: Cicero and the Epicureans*. (Doctoral Dissertation, University of Toronto)

Glancy, J. A. (2002). *Slavery in Early Christianity*. Oxford University Press.

Goar, R.J. (1968). “The Purpose of *De Divinatione*.” *Transactions and Proceedings of the American Philological Association.* Vol. 99. Johns Hopkins University Press. 241-248

——— (1972). *Cicero and the State Religion*. Amsterdam, Netherlands: Hakkert.

Goetz, R.A. (2012). *The Baptism of Early Virginia: How Christianity Created Race*. Johns Hopkins University Press.

Goldenberg, D. (2003). *The Curse of Ham: Race and Slavery in Early Judaism, Christianity, and Islam*. Princeton University Press

Gothóni, R. (1994). "*Religio* and *Superstitio* Reconsidered." *Archive for the Psychology of Religion*, 21(1), 37-46.

Griffin, M. (1976). *Seneca: A Philosopher in Politics.* Oxford: Clarendon Press

——— (2000). "Seneca and Pliny." *The Cambridge History of Greek and Roman Political Thought*, 545-8.

Gregory, E. (2008) *Politics and the Order of Love: An Augustinian Ethic of Democratic Citizenship*. University of Chicago Press.

Gregory, E. and Clair, J. (2015). "Augustinianisms and Thomisms." *Cambridge Companion to Political Theology*. 176-95

Gustafson, S.M. (2014). "Between Cicero and Augustine: Religion and Republicanism in the Americas and Beyond." In *Religious Transformations in the Early Modern Americas*, eds. Kirk, S. and Rivett, S. University of Pennsylvania. 252-264.

Hadas, D. (2017). "St Augustine and the Disappearance of Varro." *Bulletin of the Institute of Classical Studies*, 60(2), 76-91.

Hagendahl, H. (1967). *Augustine and the Latin Classics*. vols. 1 (*Testimonia*) and 2 (*Augustine's Attitude*). Issues 21-22, *Studia Graeca et Latina*. Gothenburg, Sweden: Acta Universitatis Gothoburgensis

Hahm, D.E. (1999). "Plato, Carneades, and Cicero's Philus (Cicero, Rep. 3-8-31)." *The Classical Quarterly*, 49(1), 167-183.

Hammer, D. (2014). *Roman Political Thought: From Cicero to Augustine.* Cambridge University Press

Hanke, L. (1959). *Aristotle and the American Indians: A Study in Race Prejudice in the Modern World*. London, UK: Hollis and Carter

———(1974). *All Mankind is One: A Study of the Disputation between Bartolomé de Las Casas and Juan Ginés de Sepúlveda in 1550 on the Intellectual and Religious Capacity of the American Indians.* DeKalb, IL: Northern Illinois University Press

Harding, B. (2008). *Augustine and Roman Virtue*. Bloomsbury Publishing.

Harman, E. (2011). "Does Moral Ignorance Exculpate?" *Ratio* 24.4, 443-468

Harper, K. (2011). *Slavery in the Late Roman World, AD 275 – 425*. Cambridge University Press

Harper, K. and Scheidel, W. (2018). "Roman Slavery and the Idea of 'Slave Society.'" In *What is a Slave Society,* eds. Lenski, N. and Cameron, C. Cambridge University Press. 86-105

Harrill, J.A. (2006). *Slaves in the New Testament: Literary, Social, and Moral Dimensions*. Minneapolis, MN: Fortress Press

Harris, M. J. (2001). *Slave of Christ: A New Testament Metaphor for Total Devotion to Christ* (Vol. 8). Downers Grove, IL: InterVarsity Press.

Harrison, C. (2006). *Rethinking Augustine's Early Theology: An Argument for Continuity.* Oxford University Press.

Healy, P. (1910). "Lucius Caecilius Firmianus Lactantius." In *The Catholic Encyclopedia.* New York: Robert Appleton Company.

Heibges, U. (1969a). "Cicero, a Hypocrite in Religion?" *The American Journal of Philology*. 90(3). 304-312

——— (1969b). "Religion and Rhetoric in Cicero's Speeches." *Latomus* 28(4). 833-849

Herdt, J. A. (2008). *Putting on Virtue: The Legacy of the Splendid Vices*. University of Chicago Press.

——— (2015). "Empathy Beyond the In-Group: Stoic Universalism and Augustinian Neighbor Love." *Journal of Philosophy, Theology, and the Sciences* 2(1). 63-88

Hersch, K.K. (2014). "Introduction to the Roman Wedding: Two Case Studies." *The Classical Journal,* 109(2). 223-232

von Heyking, J. (2001). *Augustine and Politics as Longing in the World.* Columbia, MO: University of Missouri Press.

Hollingworth, M. (2010). *The Pilgrim City: St Augustine of Hippo and His Innovation in Political Thought*. London: Bloomsbury Publishing

Hood, J.Y.B. (2019). "Did Augustine Abandon His Doctrine of Jewish Witness in *Aduersus Iudaeos*?" *Augustinian Studies* 50(2). 171-195.

Hopper, W.D. (1917). "Cicero's Religious Beliefs." *The Classical Journal.* 13(2). 88-95.

Honoré, T. (2010). "Ulpian, Natural Law and Stoic Influence." The Legal History Review 78(1-2), 199-208

Hoyt, S. (1912). "The Etymology of Religion." *Journal of the American Oriental Society.* 32(2), 126-9

Hurd, E. S. (2015). *Beyond Religious Freedom: The New Global Politics of Religion*. Princeton University Press.

Inwood, B. (2005). *Reading Seneca: Stoic Philosophy at Rome*. Oxford University Press.

——— (2007). *Seneca's Letters.* Translated, with an Introduction and Commentary by B. Inwood. Oxford University Press

——— (2008). "The Will in Seneca the Younger." *Seneca,* ed. Fitch, J.G. Oxford University Press

Irwin, T.H. (1999). "Splendid Vices? Augustine For and Against Pagan Virtues." *Medieval Philosophy and Theology* 8. 105-127

Judge, E.A. (2008). "Was Christianity a Religion?" *The First Christians in the Roman World: Augustan and New Testament Essays.* ed. J.R. Harrison. Tübingen: Mohr Siebeck. 404-409

——— (2010). ". "The Absence of Religion, Even in Ammianus?" *Jerusalem and Athens: Cultural Transformation in Late Antiquity.* ed. A. Nobbs. Tübingen: Mohr Siebeck, 2010. 264-275

Kabala, B. (2019). "Augustine and Contemporary Republicanism: On Speech as Domination." *Political Research Quarterly* 73(1). 15-26

Kantorowicz, E. (1957). *The King's Two Bodies: A Study in Medieval Political Theology*. Princeton University Press.

Kaufman, P.I. (2010) "Christian Realism and Augustinian (?) Liberalism," *Journal of Religious Ethics* 38(4), 699-724

——— (2016). "Augustine's Punishments." *Harvard Theological Review*, 109(4), 550-566.

Kaveny, C. (2012). *Law's Virtues*: *Fostering Autonomy and Solidarity in American Society*. Georgetown University Press.

——— (2016). *A Culture of Engagement: Law, Religion and Morality.* Georgetown University Press.

——— (2018). *Ethics at the Edges of the Law: Christian Moralists and American Legal Thought*. Oxford University Press

Kendeffy, G. (2000). "Lactantius on the Passions." *Acta Classica Univsersitatis Scientiarum Debrecenensis*, 36, 113-129.

Kennedy, G. (2014). "Cicero, Roman Republicanism and the Contested Meaning of *Libertas*." *Political Studies*, 62(3), 488-501.

King, P. (2010). *Augustine: On the Free Choice of the Will, On Grace and Free Choice, and Other Writings.* Cambridge University Press.

Klingshirn, W.E. (2006). "Inventing the *Sortilegus*: Lot Divination and Cultural Identity in Italy, Rome, and the Provinces." in *Religion in Republican Italy*. *Yale Classical Studies Volume XXXIII*. eds., Shultz, C. and Harvey, P.B. Cambridge University Press. 137-161.

Knobe, J., Prasada, S., & Newman, G.E. (2013). "Dual Character Concepts and the Normative Dimension of Conceptual Representation." *Cognition* 127(2), 242-257

Konstan, D. (2015). "Senecan Emotions." *The Cambridge Companion to Seneca*, ed. Bartsch, S. and Schiesaro, A. 174-186.

Koterski, J.W. (1980). "St. Augustine on the Moral Law." *Augustinian Studies.* 11. 65-77

Kries, D. (2003). "On the Intention of Cicero's 'De Officiis'" *The Review of Politics* 65(4), 375-393

Laborde, C. (2008). *Critical Republicanism: The Hijab Controversy and Political Philosophy.* Oxford University Press

——— (2013). "Republicanism." In *The Oxford Handbook of Political Ideologies*, eds. Freeden, M. and Stears, M. Oxford University Press. 513-535

——— (2017). *Liberalism's Religion*. Harvard University Press

Lamb, M. (2014). *A Commonwealth of Hope: Reimagining Augustine's Political Thought* (Doctoral dissertation, Princeton University)

——— (2017). "Augustine and Republican Liberty: Contextualizing Coercion." *Augustinian Studies*.

Lane, M. (2014). *Greek and Roman Political Ideas*. London: Pelican.

———(2019). "*Technē* and *archē* in *Republic* I." *Oxford Studies in Ancient Philosophy* 57. 1 24.

——— (2020a). "The Idea of Accountable Office in Ancient Greece and Beyond." *Philosophy*, 95(1). 19-40.

———(2020b). "Politics as architectonic expertise? Against taking the so-called 'architect' (ἀρχιτέκτων) in Plato's *Statesman* to prefigure this Aristotelian view." *Polis* 37:3 (2020) 449-467.

Layton, B. (1987). *The Gnostic Scriptures: Ancient Wisdom for the New Age*. New York: Doubleday

Lee, G. W. (2011). "Republics and Their Loves: Rereading City of God 19." *Modern Theology, 27*(4), 553-581.

——— (2016a). "Using the Earthly City: Ecclesiology, Political Activity, and Religious Coercion in Augustine." *Augustinian Studies*, 47(1), 41-63.

——— (2016b). “Israel between the Two Cities: Augustine’s Theology of Jews and Judaism.” *Journal of Early Christian Studies*, 24(4), 523-551

Leiter, B. (2012). *Why Tolerate Religion?* Princeton University Press

Lenski, N. (2015). “Constantine and the Donatists: Exploring the Limits of Religious Toleration,” in M. Wallraff, ed. *Religiöse Toleranz: Moderne Idealien im Spiegel antiker Realien*. Colloquium Rauricum XIV. Berlin: DeGruyter. 101-39.

——— (2016a). “Violence and the Roman Slave,” in Gareth G. Fagan and Werner Reiss (eds.) *The Topography of Violence in the Greco-Roman World*. Cambridge University Press. 275-98.

——— (2016b). “Imperial Legislation and the Donatist Controversy.” in *The Donatist Schism: Controversy and Contexts*, ed. Miles, R. Liverpool: Liverpool University Press. 166–219.

——— (2017). “Peasant and Slave in Late Antique North Africa, c. 100-600 CE,” in R. Lizzi Testa, ed. *Late Antiquity in Contemporary Debate*. Newcastle: Cambridge Scholars Publishing. 113-55.

Lenski, N. and Cameron, C., eds. (2018). *What is a Slave Society? The Practice of Slavery in Global Perspective*. Cambridge University Press.

Leslie, S.J. (2015). “‘Hillary Clinton is the only man in the Obama administration’: Dual Character Concepts, Generics, and Gender.” *Analytic Philosophy*, 56(2), 111-141.

Letwin, S.R. (2005). *On the History of the Idea of Law*. Cambridge University Press.

Levy, E. (1940). “Natural Law in the Roman Period.” *Natural Law Institute Proceedings*, 2. 43-72

Lintott. A (1999). *The Constitution of the Roman Republic.* Oxford: Clarendon Press

Long, A. A. (1999). “Cicero’s Plato and Aristotle” In *Cicero the Philosopher: Twelve Papers*, ed. Powell, J.G.F., Oxford University Press: Clarendon

_____ (2006). “Cicero's Politics in *De officiis*.” *From Epicurus to Epictetus: Studies in Hellenistic and Roman Philosophy*, 307-334.

Lovett, F. (2010). *A General Theory of Domination and Justice*. Oxford University Press.

MacCormack, S. (1997). “Sin, Citizenship, and the Salvation of Souls: The Impact of Christian Priorities on Late-Roman and Post-Roman Society,” *Comparative Studies in Society and History* 39.4. 644-673

MacRae, D. (2016). *Legible Religion: Books, Gods, and Ritual in Roman Culture.* Harvard University Press.

Malamud, M. (2017). “Receptions of Rome in Debates on Slavery in the U.S.A.” in *Roman Error: Classical Reception and the Problem of Rome’s Fatal Flaws*, ed. Dufallo, B. Oxford University Press. 97-126

Markus, R. A. (1965). “Two Conceptions of Political Authority: Augustine, *De Civitate Dei*, xix. 14-15, and some Thirteenth-century Interpretations.” *The Journal of Theological Studies*, 68-100.

——— (1970). *Saeculum: History and Society in the Theology of St Augustine*. Cambridge University Press.

——— (2006). *Christianity and the Secular*. University of Notre Dame Press.

Martin, D. B. (1990). *Slavery as Salvation: The Metaphor of Slavery in Pauline Christianity*. Yale University Press.

——— (2007). *Inventing Superstition: From the Hippocratics to the Christians*. Harvard University Press

Mates, B. (1996). *The Skeptic Way: Sextus Empiricus’s* Outlines of Pyrrhonism. Oxford University Press

Mathewes, C. (2001). *Evil and the Augustinian Tradition*. Cambridge University Press.

——— (2007). *A Theology of Public Life*. Cambridge University Press.

——— (2010). *A Republic of Grace: Augustinian Thoughts for Dark Times*. Grand Rapids, MI: Wm. B. Eerdmans Publishing

Marshall, A.J. (1975), “Flaccus and the Jews of Asia (Cicero “Pro Flacco” 28.67-69).” *Phoenix* 29(2). 139-54

Mary, M. (1954). “Slavery in the Writings of St. Augustine.” *The Classical Journal*, 49(8), 363-369.

McCabe, M.M. (2013). “The Stoic Sage in the Original Position.” in *Politeia in Greek and Roman Philosophy*, eds. Harte, V. and Lane, M. Cambridge University Press. 251-273.

McCarthy, M. C. (2009). “Divine Wrath and Human Anger: Embarrassment Ancient and New” *Theological Studies*, *70*(4), 845-874.

McDonnell, M. (2007). *Roman Manliness:* Virtus *and the Roman Republic.* Cambridge University Press

McMahon, R. (2003). “Book Thirteen: The Creation of the Church as the Paradigm for the *Confessions*.” in *A Reader’s Companion to Augustine’s Confessions,* ed. Paffenroth, K. and Kennedy, R.P. Louisville, KY: Westminster John Knox. 207-224.

Mercer, C. (2019). "The Contextualist Revolution in Early Modern Philosophy." *Journal of the History of Philosophy*, 57(3). 529-548

Micka, E. F. (1943). *The Problem of Divine Anger in Arnobius and Lactantius*. Washington: The Catholic University of America Press.

Miethe, T.L. (1980). "Natural Law, the Synderesis Rule, and St. Augustine." 91-97.

Milgrom, J. (2001). *Leviticus 23-27: A New Translation with Introduction and Commentary*. Anchor Bible, v.3B. New York, NY: Doubleday.

Millar, F. (2002). *The Roman Republic in Political Thought*. University Press of New England.

Miller, F. D., & Biondi, C. A. (Eds.). (2015). *A History of the Philosophy of Law from the Ancient Greeks to the Scholastics.* New York, NY: Springer.

Mitchell, T.N. (1984). "Cicero on the Moral Crisis of the Late Republic." *Hermathena* 136. 21 41

Momigliano, A. (1984). "The theological efforts of the Roman upper classes in the first century BC." *Classical Philology*, 79(3), 199-211.

Motto, A.L. (2007). "Seneca on Love." *Cuadernos de Filología Clásica. Estudios Latinos*, 27(1), 79-86.

Muccigrosso, J, (2006). "Religion and Politics: Did the Romans Scruple about the Placement of Their Temples?" in *Religion in Republican Italy*. *Yale Classical Studies Volume XXXIII*. eds., Shultz, C. and Harvey, P.B. Cambridge University Press. 181-206

Muller, H-F. (2002). *Roman Religion in Valerius Maximus*. London: Routledge.

Nederman, C. (1998). "The Puzzling Case of Christianity and Republicanism: A Comment on Black." *American Political Science Review*, 92(4), 913-918

Nehamas, A. (2007). *Only a Promise of Happiness*: *The Place of Beauty in a World of Art*. Princeton University Press.

Newell, W.R. (1987) "How Original is Machiavelli? A Consideration of Skinner's Interpretation of Virtue and Fortune." *Political Theory*, 15(4), 612-634

Nicholson, O. (2004) "Arnobius and Lactantius." *Cambridge History of Early Christian Literature*, ed. Young, F. et. al, 259-265

Niebuhr, R. (1932/2013). *Moral Man and Immoral Society*. Louisville, KY: Westminster John Knox

——— (1943/1996). *The Nature and Destiny of Man*. Louisville, KY: Westminster John Knox

——— (1953). *Christian Realism and Political Problems*. New York: Scribner.

——— (1954). "The Idea of Covenant and American Democracy." *Church History* 23(2). 126 135

Nongbri, B. (2013). *Before Religion: A History of a Modern Concept*. Yale University Press.

North, J.A. (1976). "Conservatism and Change in Roman Religion." *Papers of the British School at Rome*. 44. 1-12

——— (1979). "Religious Toleration in Republican Rome" *The Cambridge Classical Journal*. 25. 85-103

——— (1986). "Religion and Politics, from Republic to Principate." *The Journal of Roman Studies* 76. 251-258

——— (2000). *Roman Religion*. In *Greece and Rome: New Surveys in the Classics* no. 30. Cambridge University Press

——— (2016). "Slaves and Religion." in *The Oxford Handbook of Greek and Roman Slaveries.* Retrieved online: https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199575251.001.0001/oxfordhb-9780199575251-e-26

——— (2014). "The Limits of the 'Religious' in the Late Roman Republic." *History of Religions*. 53(3). 225-245

van Nuffelen, P. (2010). "Varro's Divine Antiquities: Roman Religion as an Image of Truth." *Classical Philology, 105*(2), 162-188

——— (2011). *Rethinking the Gods: Philosophical Readings of Religion in the Post-Hellenistic Period*. Cambridge University Press

Nyquist, M. (2013). *Arbitrary Rule: Slavery, Tyranny, and the Power of Life and Death*. University of Chicago Press.

O'Connell, J. (1954). "The Social Philosophy of St. Augustine." *The Irish Ecclesiastical Record.* 82. 297-309

O'Donovan, O. (1987). "Augustine's City of God XIX and Western Political Thought." *Dionysius* 11. 89-110

O'Donnell, J. (1980). "Augustine's Classical Readings." *Recherches Augustiniennes* 15. 144-75

——— (1992). *Augustine: Confessions.* Oxford University Press.

——— (2006). *Augustine: A New Biography*. New York: Harper Perennial

Ogilvie, R.M. (1978). *The Library of Lactantius.* Clarendon Press: Oxford.

Orr, W.F. and Walther, J.R. (1976). *1 Corinthians: A New Translation.* The Anchor Bible, v.32. Garden City, NY: Doubleday & Company.

Paffenroth, K. (2005). "Friendship as Personal, Social, and Theological Virtue in Augustine." in *Augustine and Politics,* ed. Doody, J., Hughes, K.L., and Paffenroth, K. Lanham, MD: Lexington Books. 53-66

Patterson, O. (1982). *Slavery and Social Death*: *A Comparative Study*. Harvard University Press.

——— (2012). "Trafficking, Gender and Slavery: Past and Present." *The Legal Understanding of Slavery: From the Historical to the Contemporary*. ed. Allain, J. Oxford University Press. 323-59

Penwill, J. (2004). "Does God Care? Lactantius v. Epicurus in the *De Ira Dei*." *Sophia*, *43*(1), 23-43.

Perry, M.J. and Ellart, C.S.M. (2013). "Emancipation (*emancipatio*)" in *The Encyclopedia of Ancient History.* Eds., Erskine, E, Hollander, D.B., and Papaconstantinou, A. Oxford, United Kingdom: Blackwell Publishing

Pettit, P. (1996). "Freedom as Antipower." *Ethics,* 106(3), 576-604.

——— (1997). *Republicanism: A Theory of Freedom and Government*. Oxford University Press.

——— (2002). "Keeping Republican Freedom Simple: On a Difference with Quentin Skinner." *Political Theory*, 30(3). 339-356

———(2010). "A Republican Law of Peoples." *European Journal of Political Theory*, 9(1). 70 94

———(2012). *On the People's Terms: A Republican Theory and Model of Democracy*. Cambridge University Press

——— (2015). *The Robust Demands of the Good: Ethics with Attachment, Virtue, and Respect*. Oxford University Press.

Rawson, E. (1985). *Intellectual Life in the Late Roman Republic*. Johns Hopkins University Press.

Quine, W.V.O. (1951). "Two Dogmas of Empiricism." *The Philosophical Review* 60(1). 20-43

Ramelli, I. (2012) "Gregory of Nyssa's Position in Late Antique Debates on Slavery and Poverty, and the Role of Asceticism" *Journal of Late Antiquity,* 5(1), 87-118

——— (2016) *Social Justice and the Legitimacy of Slavery: The Role of Philosophical Asceticism*. Oxford University Press

Rawson, E. (1973). "The Interpretation of Cicero's *De legibus*" *ANWR* 1.4: 334-56

Raz, J. (1988). “Autonomy, Toleration, and the Harm Principle.” in *Justifying Toleration: Conceptual and Historical Perspectives*, ed. Mendus, S. Cambridge University Press.

Reuter, K. (2018). “Dual-Character Concepts.” *Philosophy Compass* 14(1) e12557. 1-10

Rhodes, H.B. 2006, *Public Law and Ethical Formation: Intimations of Legal Perfectionism in Aquinas and Augustine* (Doctoral Dissertation, Princeton University)

Riedl, M. (2010). “Truth versus Utility: The Debate on Civil Religion in the Roman Empire of the Third and Fourth Centuries.” in Weed, R. and von Heyking, J. (eds.), *Civil Religion in Political Thought: Its Perennial Questions and Enduring Relevance in North America*. Washington, D.C.: Catholic University of America Press. 47-65

Rist, J. M. (1994). *Augustine: Ancient Thought Baptized*. Cambridge University Press.

——— (2016). “Augustine and Religious Freedom.” in *Christianity and Freedom*, ed. Shah, T.S. and Hertzke, A.D. Cambridge University Press. 103-122

Rives, J.B. (2006). “Magic, Religion, and Law: The Case of the *Lex Cornelia de sicariis et veneficiis*.” in Ando, C. and Rüpke, J., eds. *Religion and Law in Classical and Christian Rome.* Stuttgart: Franz Steiner Verlaag. 47-67

Roller, M. B. (2001). *Constructing Autocracy: Aristocrats and Emperors in Julio-Claudian Rome*. Princeton University Press.

Roots, P. A. (1987). “The De Opificio Dei: The Workmanship of God and Lactantius.” *The Classical Quarterly*, *37*(2), 466-486.

Rorty, R. (1984). “The Historiography of Philosophy: Four Genres.” *Philosophy in History: Essays on the Historiography of Philosophy*, ed. Rorty, R. Schneewind, J.B. and Skinner, Q. Cambridge University Press. 49-75.

Rosen, G. (2003). “Culpability and Ignorance.” *Proceedings of the Aristotelian Society*. 103(1). 61-84

Rousseau, P. (1977). “Augustine and Ambrose: The Loyalty and Singlemindedness of a Disciple.” *Augustiniana* 27(1/2), 151-165

Ruden, S. (2018). “Sarah Ruden Responds to David van Schoor’s Review of Her Translation of Augustine’s *Confessions*.” *Johannesburg Review of Books* 1.8

Rüpke, J (2006). “Religion in *lex Ursonensis*.” in Ando, C. and Rüpke, J., eds. *Religion and Law in Classical and Christian Rome.* Stuttgart: Franz Steiner Verlaag. 34-46

——— (2007). *The Religion of the Romans*. Cambridge, UK: Polity Press.

——— (2012). *Religion in Republican Rome: Rationalization and Ritual Change.* University of Pennsylvania Press.

——— (2014). “Historicizing Religion: Varro’s Antiquitates and History of Religion in the Late Roman Republic.” *History of Religions, 53*(3), 246-268.

——— (2016). *On Roman Religion*: *Lived Religion and the Individual in Ancient Rome*. Cornell University Press

Saller, R. (1994). *Patriarchy, Property, and Death in the Roman Family*. Cambridge University Press.

Salzman, M.R. (1987). “‘Superstitio’ in the ‘Codex Theodosianus’ and the Persecution of Pagans.” *Vigiliae Christianae*. 41(2). 172-188

Santurri, E. (1997). “Rawlsian Liberalism, Moral Truth, and Augustinian Politics.” *The Journal for Peace Studies,* 8(2). 1-36

Scheid, J. (2003/1998). *An Introduction to Roman Religion*. trans. Lloyd, J. Indiana University Press.

Scheidel, W. (1997). “Quantifying the Sources of Slaves in the Early Roman Empire.” *The Journal of Roman Studies*. 156-169

Schofield, M. (1986). “Cicero For and Against Divination.” *The Journal of Roman Studies* 76. 47-65

——— (1995). “Two Stoic Approaches to Justice.” *Justice and Generosity. Studies in Hellenistic Social and Political Philosophy,* Cambridge University Press, 191-212.

——— (1999a). *The Stoic Idea of the City*. University of Chicago Press.

——— (1999b). “Cicero’s Definition of *Res publica*.” In *Cicero the Philosopher: Twelve Papers,* ed. Powell, J.G.F., Oxford University Press: Clarendon

——— (2000). “Epicurean and Stoic Political Thought.” *The Cambridge History of Greek and Roman Political Thought,* 435-56.

——— (2013). “Cosmopolitanism, Imperialism, and Justice in Cicero’s *Republic* and *Laws*” *Journal of Intellectual History and Political Thought*, 2(1), 5-34

——— (2015). “Seneca on Monarchy and the Political Life: *De Clementia, De Tranquilitate Animi, De Otio*.” *The Cambridge Companion to Seneca,* ed. Bartsch S. and Schiesaro, A., 68-81

——— (2017). “Cicero and the Ethics of Empire” Conference Presentation at Oxford University

van Schoor, D. (2017). “Translation as Nuclear Arms Race” *Johannesburg Review of Books* 1.7

Schott, J. M. (2008). *Christianity, Empire, and the Making of Religion in Late Antiquity*. University of Pennsylvania Press.

Shaw, B. (1987). “The Family in Late Antiquity: The Experience of Augustine.” *Past and Present,* 115. 3-51

——— (2011). *Sacred Violence: African Christians and Sectarian Hatred in the Age of Augustine*

——— (2015). “Augustine and Men of Imperial Power.” *Journal of Late Antiquity*, 8. 32-61

Skinner, Q. (1978). *The Foundations of Modern Political Thought*, 2 vols. Cambridge University Press

——— (1984). “The Idea of Negative Liberty: Philosophical and Historical Perspectives.” In *Philosophy in History*, eds. Rorty, R., Schneewind, J.B., Skinner, Q. Cambridge University Press. 193-221

——— (1998). *Liberty before Liberalism*. Cambridge University Press.

——— (2002). *“A Third Concept of Liberty.” Isaiah Berlin Lecture, Proceedings of the British Academy*, 117, 237-268.

Stacey, P. (2007). *Roman Monarchy and the Renaissance Prince*. Cambridge University Press.

——— (2015). “Senecan Political Thought from the Middle Ages to Early Modernity.” *The Cambridge Companion to Seneca,* ed. Bartsch, S. and Schiesaro, A. 289-302

Staudt, R. J. (2008). *Religion as a Virtue: Thomas Aquinas on Worship through Justice, Law, and Charity* (Doctoral Dissertation, Ave Maria University)

Stewart-Kroeker, S. (2017). *Pilgrimage as Moral and Aesthetic Formation in Augustine's Thought*. Oxford University Press.

Stout, J. (2017). *Religion Unbound: Ideals and Power from Cicero to King*. *Gifford Lectures,* University of Edinburgh

Straumann, B. (2016). *Crisis and Constitutionalism: Roman Political Thought from the Fall of the Republic to the Age of Revolution*. Oxford University Press.

Striker. G. (1986). “Origins of the Concept of Natural Law.” *Proceedings of the Boston Area Colloquium in Ancient Philosophy*. 2(1), 79-94

Su, A. (2016). *Exporting Freedom*: *Religious Liberty and American Power*. Harvard University Press.

Sullivan, W. F. (2005). *The Impossibility of Religious Freedom*. Princeton University Press.

Tapie, M.A. (2014). *Aquinas on Israel and the Church*: *The Question of Supersessionism in the Theology of Thomas Aquinas.* Eugene, OR: Pickwick Publishers

Taran, L. (1987). “Cicero's Attitude towards Stoicism and Skepticism in the *De Natura Deorum*” in K.L. Selig and R. Somerville eds. *Florilegium Columbianum: Essays in Honor of Paul Oskar Kristeller*. New York: Columbia University Press. 1-22

Tarren, K. (2005). *Economy of Grace*. Minneapolis, MN: Fortress Press.

Tebbe, N. (2017). *Religious Freedom in an Egalitarian Age*. Harvard University Press.

Tellegen-Couperus O. (ed.) (2011). *Law and Religion in the Roman Republic.* Leiden: Brill.

Teske, R. (2009). *Augustine of Hippo: Philosopher, Exegete, and Theologian. A Second Collection of Essays*. Milwaukee, WI: Marquette University Press

Thuesen, P.J. (2003). “The ‘African Enslavement of Anglo-Saxon Minds’: The Beechers as Critics of Augustine.” *Church History* 72(3), 569-592

Thomas, N. L. (2011). *Defending Christ: The Latin Apologists Before Augustine*. Turnhaut, Belgium: Brepols.

Torre, C. (2015) “Seneca and the Christian Tradition.” *The Cambridge Companion to Seneca,* ed. Bartsch, S. and Schiesaro, A. 266-276

Tully, J. (Ed.). (1988). *Meaning and Context: Quentin Skinner and His Critics*. Princeton University Press.

Viroli, M. (2005/2010). *Machiavelli’s God*. trans. Shuggar, A. Princeton University Press.

Vogt, K. M. (2008). *Law, Reason, and the Cosmic City: Political Philosophy in the Early Stoa*. Oxford University Press.

——— (2018). “Ancient Skepticism.” *The Stanford Encyclopedia of Philosophy* (Fall 2018). Edward N. Zalta, ed. URL= <https://plato.stanford.edu/archives/fall2018/entries/skepticism-ancient/>.

Wall, S. (1998). *Liberalism, Perfectionism, and Restraint.* Cambridge University Press.

Wallace-Hadrill, A. (1981). “The Emperor and His Virtues.” *Historia: Zeitschrift für Alte Geschichte,* (H. 3), 298-323.

——— (1982). “*Civilis Princeps*: between Citizen and King.” *The Journal of Roman Studies*, 72 32-48.

Watson, A. (1992). *The State, Law, and Religion: Pagan Rome.* University of Georgia Press.

Wayman, B. D. (2013). “Lactantius’s Power Struggle: A Theological Analysis of the *Divine Institutes*, Book V.” *Political Theology*, 14(3), 304-324.

Webb, C.T. (2018). “‘Otherworldly’ States: Reimagining the Study of (Civil) ‘Religion.’” *Journal of the American Academy of Religion,* 86(1), 62-93

Webb, M. (2013). "'On Lucretia who slew herself': Rape and Consolation in Augustine's *De ciuitate dei*." *Augustine Studies,* 44(1), 37-58.

——— (2016). *Rape and Its Aftermath in Augustine's* City of God. (Doctoral dissertation, Princeton Theological Seminary)

Weil, S. (1951). *Waiting for God.* trans. by E. Craufurd. New York: Harper & Row

Weiner, I. A. (2009). *Religion out Loud: Religious Sound, Public Space, and American Pluralism*. The University of North Carolina at Chapel Hill.

Weithman, P. J. (1991). "Toward an Augustinian Liberalism." *Faith and Philosophy*, 8(4), 461-480.

——— (1992). "Augustine and Aquinas on Original Sin and the Function of Political Authority." *Journal of the History of Philosophy,* 30(3), 353-376.

——— (2001). "Augustine's Political Philosophy." *The Cambridge Companion to Augustine*, 234-252.

Wenger, T. (2017). *Religious Freedom: The Contested History of an American Ideal*. University of North Carolina Press

Wetzel, J. (1992). *Augustine and the Limits of Virtue*. Cambridge University Press

Wiebe, G. D. (2015). *Demons in the Theology of Augustine* (Doctoral dissertation, McMaster University).

Wilken, R.L (2019). *Liberty in the Things of God: The Christian Origins of Religious Freedom*. Yale University Press

Wiseman, T.P. (1995). *Remus: A Roman Myth*. Cambridge University Press.

——— (2009). *Remembering the Roman People: Essays on Late-Republican Politics and Literature.* Oxford University Press

Wood, N. (1988). *Cicero's Social and Political Thought.* Berkeley, CA: University of California Press.

Wynne, J.P.F. (2015). "Learned and Wise: Cotta the Sceptic in Cicero's *De Natura Deorum*." Oxford Studies in Ancient Philosophy. 47. 245-275

——— (2019). *Cicero on the Philosophy of Religion: On the Nature of the Gods and On Divination*. Cambridge University Press

Young, F. (2000) "Christianity" *The Cambridge History of Greek and Roman Political Thought*, ed. Rowe, C. et. al. 477-516.