



## [Arnobius, Against the Pagans II.67-68](#)

The temporal nature of Roman laws and religious practices

**Name of the author:** Arnobius of Sicca

**Date:** 297 CE to 310 CE

**Place:** Sicca Veneria (near Carthage, North Africa)

**Language:** Latin

**Category:** Christian

**Literary genre:** Apologetic and Rhetorical treatise

**Title of work:** Against the Pagans

**Reference:**

II.67-68

### **Commentary:**

For a general introduction to Arnobius and *Against the Pagans*, please see the commentary on [I.5](#).

In the second book of his *Against the Pagans*, Arnobius critiques the assertion that the educated are superiorly wise (in II.15 he speaks of certain “men till now unheard of,” who may be Neoplatonist philosophers, that Arnobius claims discuss the immortality of the soul, and have “an extravagant opinion of themselves”), and argues that Christ is both wiser and more powerful than a philosophical thinker (II.11). In addition to philosophy, however, Arnobius makes the case that the whole institution of ancient education, literature, and law, which the intelligent are so proud of, is mere stupidity in the opinion of the one supreme ruler: “the wisdom of man is foolishness with God” (II.6; see Oliver Nicholson, “Arnobius and Lactantius,” p. 260-261). In the present two chapters, Arnobius defends Christianity against the charge that it is a novelty, deviating from centuries and centuries of religious tradition. Firstly, he argues, it is certainly not a crime to change one’s opinion, and this is something which the Romans themselves have done on numerous occasions, when ancient rituals or institutions have been either abandoned or adapted (a similar argument is also made by Tertullian, *Apology* VI.9). The overall aim of listing the various examples of Roman adaptation and/or abandonment of particular institutions, laws, and religious practices is to emphasise that none of these customs have been deemed worthy of continuation beyond a certain point, and so the Christians should not be targeted for identifying a new, and morally superior lifestyle. Roman legal institutions, as well as religious customs, are not eternal, unlike the message of Christ.

The author proceeds to give examples of ancient Roman institutions which are no longer prevalent, beginning with the division of the people into five classes. This is in reference to the *comitia centuriata* (Centuriate Assembly), which was set up in the time of the Republic as one of three voting assemblies, and was so named because it divided Roman citizens into groups of one-hundred men according originally to their military class, but later according to their wealth (Livy attributes this to Servius Tullius, the sixth king of Rome, reigning c. 575-535 BCE (*History of Rome* I.43). The Centuriate Assembly was responsible for voting on important issues such as wars, and the election of consuls and praetors, and also held judicial powers.

Arnobius next mentions “military, city, and popular assemblies,” but as no *comitia militaria*, *urbana*, or *communia* are otherwise known of, George McCracken argues that the author refers here to the *comitia centuriata*, *curiata*, and *tributa* (*Arnobius of Sicca*, Vol. I, p. 340-341). The *comitia curiata* (Curiate Assembly) was the highest assembly during the early years of the Republic. The Roman people was divided into thirty *curiae* according to the Patrician clan to which they belonged, and these assemblies were responsible for passing laws, electing consuls, and trying judicial cases. Finally, the *comitia tributa* (Assembly of the People) was a democratic assembly during the Republic made up of Roman citizens representing the tribes of Rome (five rural, from outside the city of Rome, and thirty-one from within the city itself). This assembly, usually headed by a consul or praetor, had the task of electing quaestors, curule aediles, and consular tribunes (three types of Roman magistrates), as well as a more limited judicial role (for a study of the different assemblies, see Lily Ross Taylor, *Roman Voting Assemblies*, especially p. 59-106). In addition to these institutions, Arnobius notes that the Romans are no longer in the habit of suspending public functions if bad omens are predicted, or placing standards on the citadel as a sign that war is afoot (for an example of this practice, see Virgil, *Aeneid* VIII.1, where Turnus places a banner over the Laurentine citadel). The next institution stated to have declined is that of the *fetiales*, an ancient college made up of twenty



priests devoted to Jupiter, who were tasked with matters of international law and the enacting of treaties and alliances, as well as declaring wars and the extradition of criminals (for an example of the role of the *fetial* in the exchange of a treaty between the peoples of Rome and Alba Longa, see Livy, *History of Rome* I.24; on the *fetiales* throughout Roman history, see recently John Rich, "The *Fetiales* and Roman International Relations"). The reference to the "favourable omens from the points of spears" recalls the final task of the fetial priest, which was to throw a spear into the enemy's territory (McCracken, *Arnobius of Sicca*, Vol. I, p. 341).

The observance of "laws relating to the appointed year" is likely in reference to the *leges annales*, the laws which prescribed the age at which a man was eligible to be a magistrate, and the order in which the various magistracies could be held (see Livy, *History of Rome* XL.44). The first law which specifically determined the age at which a man might be a candidate was the *Villia*, proposed by the tribune Lucius Villius, which stated that he could be elected quaestor at the age of thirty-one and consul at the age of forty-three. Moreover, Arnobius's citing of the *Lex Cincia*, a law passed by the tribune Marcus Cincius Alimentus and the Plebeian council in 204 BCE which sought to stop lawyers from receiving compensation after their cases had been pleaded, may indicate that he had quite specific knowledge of Roman legal terms (Tacitus, *Annales* XI.5; see McCracken, *Arnobius of Sicca*, Vol. I, p. 341). In addition to legal institutions, Arnobius also brings into his argument elements of domestic and popular religion and culture, such as those surrounding the household gods and marital customs, questioning the continuity of these practices among the Roman population.

Chapter 68 turns to address the religious rites of old, beginning with those believed to have been instituted in the times of the Roman kings. For instance, on the highest peak of the Alban volcano, about seventeen miles southeast of Rome between the Via Latina and the Via Appia were celebrated the *Feriae Latinae*, a public festival held in Roman legend to have been founded by the last Tarquin in commemoration of the alliance between the Romans and Latins, at the temple of Jupiter Latiaris (see Dionysius of Halicarnassus, *Roman Antiquities* IV.49). Arnobius notes that while once snow-white bulls were required for the sacrifice, the senate later approved the use of reddish ones instead, and while Romulus and Numa Pompilius, the second king of Rome, burnt thoroughly cooked offal to the gods, later on only half-raw entrails were offered.

Arnobius's point is made extremely clearly through the numerous examples that he lists in these two chapters. He concludes by asserting that just as the Romans quite logically changed many of their customs once it was realised that there were either errors, or better ways of doing things, so too have the Christians simply become enlightened as to something "greater and more certain." While Roman laws and religious practices are shown in these chapters to be temporal and subject to change, then, the foundations of Christianity are more solid, and Christians cannot be faulted for pursuing them, especially by a Roman people who themselves have not been strangers to evolution in ideas and practice.

Keywords in the original language:

- [Albanus](#)
- [antique](#)
- [Apollo](#)
- [bellum](#)
- [comitium](#)
- [condemnatio](#)
- [constitutum](#)
- [crimen](#)
- [deus](#)
- [Dis](#)
- [genius](#)
- [Hercules](#)
- [Italia](#)
- [lex](#)
- [magistratus](#)
- [matrimonium](#)
- [militarius](#)
- [mos](#)



- [pater](#)
- [Pompilius](#)
- [populus](#)
- [prior](#)
- [regno](#)
- [religio](#)
- [ritus](#)
- [Romulus](#)
- [sanctio](#)
- [Saturnus](#)
- [senatus](#)
- [toga](#)
- [Tullus](#)
- [urbanus](#)

Thematic keywords in English:

- [Apollo](#)
- [change](#)
- [comitia](#)
- [Fetiales](#)
- [Hercules](#)
- [magistracy](#)
- [mores](#)
- [Roman customs](#)
- [Roman law](#)
- [Romulus](#)
- [sacrifice](#)
- [superiority of Christianity](#)
- [tradition](#)

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