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## Three Kinds of Ambiguity: Rhetoric and Christian Citizenship in the Martyr Act of Cyprian\*

*Summary* – This article describes and interprets ambiguities of language in the two interrogation scenes in the *acta* of the martyrdom of St. Cyprian. Three kinds of ambiguity appear successively, and each represents a difficulty of Christian citizenship. First, Cyprian answers his interrogator satisfactorily – but only by reinterpreting his words in Christian terms not known to the interrogator. Thereby are illustrated both the ability of the Christian to be a good citizen and the inability of the authorities to understand. Then, Cyprian deflects his interrogator’s attempt to learn the names of other priests by glossing two ambiguous legal terms which show that the principles of Christian community and Roman law coincide. But Cyprian’s explication paradoxically underscores that power is always able to override equity. Last, Cyprian is sentenced to death in harsh language that, if interpreted spiritually, gives the true meaning of martyrdom in a way the interrogator could not possibly have known. Thereby is represented the need for the Christian to see punishments as the will of God, acting through the authorities in ways unknown to them. The ambiguities of language all told are thus almost equivalent to a theology of martyrdom.

### 1. Ambiguity of Language and Christian Citizenship

The purpose of this article is to explore the rhetoric of the *acta* of the martyrdom of St. Cyprian, in particular how ambiguous language embodies the difficulties of Christian citizenship. The *acta* record Cyprian’s interrogations by two proconsuls of Africa who were enforcing the decrees of the emperors Valerian and Gallienus. The first decree, in 257, ordered Christian clerics (*episcopi* and *presbyteri*, Act. Cypr. 1, 5) to venerate the Roman gods (*eos qui non romanam religionem colunt debere romanas ceremonias recognoscere*, 1, 1). Aspasius Paternus interrogated Cyprian that year and exiled him to Curubis. The next year, when the decree was amended by rescript to allow the execution without trial of Christian bishops, priests, and deacons

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(Cypr. epist. 80, 1), Galerius Maximus, who had succeeded Paternus, recalled Cyprian from exile, interrogated him, and, on his refusal to apostasize, sentenced him to death.<sup>1</sup>

Cyprian's *acta*, like many *acta*, are intended to represent his interrogations by Roman magistrates in direct speech, point by point. Those interrogations have many features in common with other *acta*. There is a *confessio nominis*; Acts 4, 24 is quoted; a chance to apostasize is given and refused; the sentence pronounced is willingly accepted.<sup>2</sup> But the working out of these features is distinctive in the *Acta Cypriani*. The narrative of the interrogations falls into three "movements" with a common motif, the ambiguity of language, and a common theme, the relation of the Christian citizen to Roman authority. But in each movement a different kind of ambiguity and a different aspect of Christian citizenship is at issue.

The argument of the article is as follows. In the first "movement" (1, 1 *sacratissimi* – 4), it will be shown, Cyprian talks past Paternus: Cyprian provides what are ultimately satisfactory answers to Paternus' questions – but only by reinterpreting Paternus' language in terms of the special vocabulary of the Christian community, which Paternus couldn't possibly have understood. Doubleness of language – another occasional feature of other martyr acts – acquires here a double meaning: it is an emblem both of the ability of the Christian to be a good citizen and of the inability of the Roman authorities to see as much. In the second "movement" (1, 5–7) Cyprian rebuffs Paternus' attempt to discover the names of other priests on the grounds that Roman law forbids it; and he supports his case by glossing two ambiguous terms. Here a different aspect of Christian citizenship is at issue: the principles of the Christian community and Roman law are shown to coincide, in the narrow matter of informing at least. The third "movement" (3, 2–5) is represented by Galerius' interrogation: here Cyprian hardly speaks, and it is Galerius' language, unbeknownst to him, that is ambiguous, its stern phrases of condemnation susceptible of a "spiritual interpretation" that gives the true meaning of martyrdom. Indeed, Cyprian's deacon Pontius, not long after the martyr's death, provided exactly such an interpretation of Galerius' words. Cyprian's own acquiescence to his fate, it may almost be said, was catalyzed by the *omen* of the magistrate's speech. Here is thus represented yet another aspect of Christian citizenship: the readiness to see

<sup>1</sup> For the details and circumstances of these decrees, see Keresztes, *Two Edicts*, and Selinger, *The Mid-Third Century*.

<sup>2</sup> The last feature is not present in one recension and may not be original; on the authenticity of the text, see further below.

in punitive measures the will of God, working in a way unknown to the punishers.

A remark on the interpretive approach of this article is in order. The article does not treat broad details of form but depends closely on the connotations and implications of the specific words of Cyprian and his interrogators. It is a use of philology to explore ideology. That approach is possible because, even though the *acta* are transmitted in two different recensions, the language of the interrogations, or at least those parts that I will treat in detail, is substantially identical across the tradition.<sup>3</sup> The further question is, what does that sameness mean? It is possible to claim that, even though Cyprian's *acta* are commonly held to be authentic, the authenticity extends only to the events described and that the details of language owe their specific form to recasting, interpolation, and even outright invention as martyr acts became a fictional genre. I take a less skeptical view. Ancient forensic practice recorded proceedings.<sup>4</sup> *Testimonia* suggest that in the case of Cyprian's hearings these records were available for precisely those parts of the *acta* on which this article most depends.<sup>5</sup> I take the tone of these particular *acta*, and critical parts of their language, to be due in part to real knowledge of the events described.<sup>6</sup> A close reading of the language of the

<sup>3</sup> The *acta* fall into four parts: (i) an account of the interrogation before Aspasius Paternus in August of 257; (ii) the events of 258, viz. (ii.a.) an account of Cyprian's return to Carthage and (ii.b.) of his trial before Galerius Maximus in 258, the latter of which originally circulated separately; and (ii.c.) an account of Cyprian's martyrdom proper that same year. Reitzenstein, *Die Nachrichten* (summarized in Delehay, *Les Passions*, 82–104), on the basis of a partial survey of the manuscripts which showed up seemingly interpolated language used to join (i) and (ii), and variants within (ii) that suggested that one branch had been adapted for those with less knowledge of Carthage, argued for two recensions of the text, an "incomplete" version transmitted with collections of Cyprian's works and a "complete" version transmitted in martyrologies.

<sup>4</sup> See references in Clarke, *The Letters*, 288. Lucian *Apol.* 12 is a striking example of a record of judicial proceedings. Cf. also *Anullinus* (the proconsul) *dixit: Quid pluribus sufferimus impiam Christianam? acta ex codice, quae dicta sunt, relegantur* (Crisp. 4). Cf. also the remarks of Fox, *Pagans*, 471/472.

<sup>5</sup> *Cypr. epist.* 77, 2, 1 (a letter written to Cyprian) records knowledge of the particular words Cyprian spoke at his trial in 257. Some knowledge of language used in (ii.b.) was clearly in the hands of the author of the *Vita Cypriani* (17, cited below p. 170/171; Monceaux, *Examen*, 252).

<sup>6</sup> Cf. Musurillo, *Acts*, XXX/XXXI: "Whether or not the author used actual court records ... or details he could glean from eyewitnesses ..., the document presents an impression of honesty and objectivity: there is a lack of embroidery or any editorial comment beyond the occasional adjective applied to Bishop Cyprian, as *beatissimus*, *sanctus martyr*." Indeed, (iii) is also very precise (cf. Monceaux, *Examen*, 256–260), consonant with, if not proof

exchanges as though they were transcripts, even if there can never be complete certainty about every detail and despite the obvious perils, is therefore worth attempting.

## 2. First Movement: Reinterpreting Aspasius Paternus

In response to the decree of 257, Aspasius Paternus, proconsul of Africa, summoned Cyprian to his chambers. Paternus summarizes the decree and asks a question, to which Cyprian responds:

*Sacratissimi imperatores Valerianus et Gallienus litteras ad me dare dignati sunt, quibus praeceperunt eos qui non romanam religionem colunt debere romanas ceremonias recognoscere. Exquisivi de nomine tuo: quid mihi respondes? Cyprianus episcopus dixit: Christianus sum et episcopus.*<sup>7</sup>

“The most holy emperors Valerianus and Gallienus have seen fit to send me a document in which they have instructed that those who do not follow Roman religious practice must recognize Roman ritual. I have made inquiries regarding your person: what do you have to say to me? Cyprian the bishop replied: ‘I am a Christian and a bishop’” (1, 1/2).

Cyprian’s immediate confession is true to his own advice: *apprehensus enim et traditus loqui debet* “If you’ve been arrested and handed over, you should speak” (epist. 81, 4). But it is also a hidden play on words. By *de nomine tuo* ‘regarding your person’, lit. ‘regarding your name’, Paternus obviously has in mind the legal sense of *nomen*.<sup>8</sup> In financial or legal lists, a ‘name’ stood by extension for a ‘person’; hence the legal phrase *nomen accipere* (or *re-*) ‘to agree to hear a case against a particular person.’ *Exquiro* is often used of legal inquiries.<sup>9</sup> In preparation for this meeting, Paternus has “pulled Cyprian’s file”, as it were.

But Cyprian’s reply has another sense of *nomen* in mind: Cyprian gives him his *nomina*, his ‘labels’, even ‘titles’, *Christianus* and *episcopus*. That is, he performs a pre-emptive *confessio nominis*, a formal admission that one is a Christian.<sup>10</sup> Here, then, is a subtle reworking of a common feature of

of, an eyewitness account. It is worth passing on the observation of Musurillo, Acts, 179 n. 5, about an exchange in the martyr act of Fructuosus: “Similar remarks, which reflect a macabre wit, are not infrequent in the Acts of the martyrs, and may well be authentic.”

<sup>7</sup> The text followed is that of Bastiaensen, except where noted.

<sup>8</sup> Pace Rauschen, *Echte alte*, 366, who takes the question as the simple equivalent of *quis vocaris* / τίς καλεῖ; cf. Dahm, *Lateinische Märtyrerakten*, Bd. 2, 150. Cyprian responds as if that were the question.

<sup>9</sup> TLL 5, 2, 1819, 55 *speciatim* in *re iudic.*, i. q. *inquirere*, *examinare*.

<sup>10</sup> On the importance of the *confessio nominis* in trials of Christians, cf. “It is only Christians who are forbidden to say anything to get the charges dropped or defend the truth or win

martyr acts: martyrs often stress the importance of the name ‘Christian’ over their given names. Sanctus, one of the martyrs of Lyon, refused to tell his name, race, city, or legal status (slave or free), responding to all questions only, *Christianus sum* (cf. Mart. Ly. 20). Carpus, when asked his name (τίς καλεῖ), replied that, though he had the worldly name Carpus, his true, chosen name was ‘Christian’.<sup>11</sup> Perpetua’s semantic reflections bear on the same point:

*Cum adhuc, inquit, cum prosecutoribus essemus et me pater verbis evertere cupiret et deicere pro sua affectione perseveraret: Pater, inquam, vides verbi gratia vas hoc iacens, urceolum sive aliud? et dixit: Video. et ego dixi ei: Numquid alio nomine vocari potest quam quod est? et ait: Non. sic et ego aliud me dicere non possum nisi quod sum, Christiana.*

“While we were still in custody, she said, and my father wanted to overcome me with his words and, out of affection, kept trying to change my mind, ‘Father,’ I said, ‘to take an example, do you see this vessel lying here, a pot or whatever it is?’ And he said, ‘I do.’ And I said to him, ‘Can it be called by any other name than what it is?’ And he said, ‘No.’ ‘Neither can I call myself anything else than what I am: a Christian’” (Perp. et Fel. 3, 1/2).

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the judge’s impartiality; people wait for just one thing: that prerequisite to public hatred, the confession of the name – not an examination of the charge. But if you’re investigating a criminal, you’re not content, are you, to pass sentence just because he’s confessed the name of ‘murderer’ or ‘temple thief’ or ‘sexual deviant’ or ‘public enemy’ (if I may mention the cheer they give to Christians)? Don’t you also look for corroborating evidence – the nature of the deed, its frequency, the opportunity, the means, the time, abettors, accomplices?” (*sed christianis solis nihil permittitur loqui, quod causam purget, quod veritatem defendat, quod iudicem non faciat iniustum; sed illud solum expectatur, quod odio publico necessarium est: confessio nominis, non examinatio criminis; quando, si de aliquo nocente cognoscatis, non statim confesso eo nomen homicidae vel sacrilegi vel incesti vel publici hostis (ut de nostris elogiis loquar) contenti sitis ad pronuntiandum, nisi et consequentia exigatis, qualitatem facti, numerum, locum, modum, tempus, consocios, socios?*, Tert. apol. 2).

<sup>11</sup> τὸ πρῶτον καὶ ἐξαίρετον ὄνομα Χριστιανός, εἰ δὲ τὸ ἐν τῷ κόσμῳ ζητεῖς, Κάρπος, Martyrdom of Saints Carpus, Papyrus and Agathonice 2/3. Cf. τὸ μὲν ἐξαίρετόν μου ὄνομα Χριστιανός εἰμι, τὸ δὲ ἐκ γονέων ἐπιτεθέν μοι Δάσιος καλοῦμαι (Das. 6, 1). Cf. also Ὁ δὲ ἡγεμὼν λέγει τῷ μάρτυρι· Εἰπέ μοι, ἄνθρωπε, πόθεν εἶ, ἢ ποίου γένους τυγχάνεις, ἢ τί τὸ ὄνομά σου; Κόνων εἶπεν· Πόλεως μὲν εἰμι ἐγὼ Ναζαρέθ τῆς Γαλιλαίας, συγγένεια δὲ μοί ἐστιν πρὸς Χριστόν, ὃ ἐκ προγόνων λατρεύω, ὃν ἐγνώκα ἐπὶ πάντων θεόν (Con. 4, 1/2). On the last passage, Musurillo, Acts, 189 n. 4 comments: “It is noteworthy that a man with such a historic Greek name should have come from Nazareth; if he was not originally a slave, he may have been descended from some Greek soldier stationed in Palestine.” But Conon plainly means that he is a Christian, coming from “Nazareth of Galilee” not in a literal, but in a spiritual or mystical sense.

In short, the purely legal phrase of Paternus is willfully reinterpreted by Cyprian according to the protocols of persecuted Christians. But Cyprian does not stop there; he goes on to gloss what his *nomen* means:

*Nullos alios deos novi, nisi unum et verum Deum, qui fecit caelum et terram, mare et omnia quae sunt in eis. Huic Deo Christiani deservimus: hunc deprecamur diebus ac noctibus, pro nobis<sup>12</sup> et pro omnibus hominibus, et pro incolumitate ipsorum imperatorum.*

“I recognize no other gods but for the one true God, who made heaven and earth, the sea and everything that is in them. This God we Christians zealously serve; to this God we zealously pray night and day, for ourselves and for all people, and even for the security of the emperors” (1,2).

Here, too, appears a stock element of martyrs’ replies to their questioners: many martyrs quote Acts 4,24.<sup>13</sup> But Cyprian has expanded upon it, and not simply by way of rhetorical amplification. Rather, Cyprian’s expansion is meant to reply to the mandate of Valerian and Gallienus by accommodating them within Cyprian’s worldview.<sup>14</sup> Cyprian cites Acts 4,24 not merely to describe the God he worships, as in most martyr acts, but rather as the *principium* of an argument. Acts 4,24 assigns to the Christian God universal sovereignty: He is the author of creation. Such a universal lord deserves service, and prayers to him have a chance of being fulfilled; that is exactly the posture of Christians towards Him: they serve Him (*huic ... deservimus*) and pray for His favor (*hunc deprecamur*).

Those prayers include the emperors themselves – and thus Cyprian comes to Paternus’ concern. Cyprian has, to be sure, implicitly critiqued the theology of the imperial edict: Cyprian’s religion is not a question of performing

<sup>12</sup> Musurillo, Acts, 168 prints and translates the variant *vobis*.

<sup>13</sup> Acts 4,24 (*qui cum audissent, unanimiter levaverunt vocem ad Deum, et dixerunt: Domine, tu qui fecisti caelum et terram et mare et omnia quae in eis sunt*), cf. Ex 20,11 (*sex enim diebus fecit Dominus caelum et terram et mare et omnia quae in eis sunt*), Ps 145 (146), 5/6 (*beatus cuius Deus Iacob adiutor eius spes eius in Domino Deo ipsius qui fecit caelum et terram mare et omnia quae in eis*). The verse is quoted in the martyr acts of Apollonius (2), Fructuosus (2,4), Pionius (8,3), Euplus (B, 2,5), Crispina (1,7) and Phileas (B, 3,4). Cyprian’s *nullos alios deos novi* alludes to Ex 20,2/3, the first commandment: *ego sum Dominus Deus tuus ... non habebis deos alienos coram me*.

<sup>14</sup> This is not quite the point of Dahm, *Lateinische Märtyrerakten*, Bd. 2, 151, but his remark deserves notice: “Im Anschluß an seine bis hierher reichenden Ausführungen über die christliche ‘religio’, zu der er sich bekennt, legt Cyprian seinem Gegenüber einen Teil der ‘caeremoniae’ dar, die er als Christ praktiziert (Cyprian geht also in seiner Antwort auf die ihm vorgegebenen Stichworte ‘religio’ und ‘caeremoniae’ ein).”

rituals (*cerimonias recognoscere*) – which many martyrs repudiate fiercely and even some Roman officials affected to regard lightly<sup>15</sup> – but of a relationship with a kind of patron who can be served and asked for favors, a patron superior to the emperors themselves. But despite that tacit critique – rather less bold than Cyprian’s declarations elsewhere<sup>16</sup> – Cyprian professes to share a desire with Paternus or at any rate with the emperors: their welfare.<sup>17</sup> Indeed, since Cyprian declares that the Christian God is the true God, it follows that his participation in prayers for the emperors is a truer expression of regard for their welfare than the symbolic obeisance of burning incense or the like. While respect for leaders does appear in a few martyr acts,<sup>18</sup> it is never so smoothly integrated as here.

In sum, the *nomen* ‘Christian’ does not, Cyprian’s argument implies, really require a magistrate *de nomine exquirere*. In fact the rhetorical structure of Cyprian’s definition illustrates that very point by integrating the Biblical text seamlessly into the style of Roman prayer language. Where Biblical language – for example, Acts 4, 24 and its precedents in the Hebrew Bible – makes frequent use of merisms (the enumeration of constituent parts

<sup>15</sup> In the *Passio Iuli Veterani*, the prefect Maximus remarks *quid enim grave est turificare et abire?* “What’s so hard about burning incense and leaving?” (2). Cf. Fox, *Pagans*, 421. The very wording of Valerian’s decree opened itself up to Cyprian’s implicit critique: the decree instructed those who “did not regard Roman religion with conviction” (*qui romanam religionem non colunt*, “der römischen Religiosität aus Überzeugung anhängen”, in the translation of Dahm, *Lateinische Märtyrerakten*, Bd. 2, 149) “to recall the rituals” (*cerimonias recognoscere*, “sich wieder auf die römischen Zeremonien ... besinnen, d. h. sie wieder ausüben,” *ibid.*). Thus is opened a fissure between *religio* and *ritus*, which, as Stockmeier, *Christlicher Glaube*, 889 points out, means that “religiöse Überzeugung und Vollzug kultischer Riten sind danach nicht schlechthin identisch.”

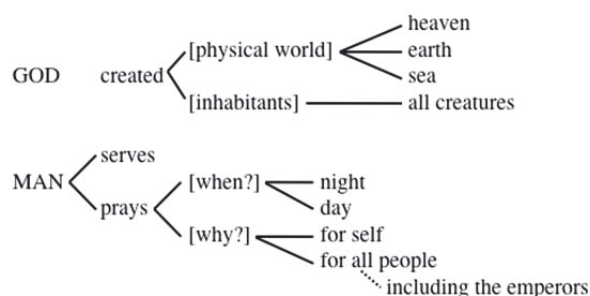
<sup>16</sup> *De exhortatione martyrii*, for example, contains a thoroughgoing attack against idolatry.

<sup>17</sup> So also “For everyday according to the ordinance of just instruction we pray to the God who dwells in the heavens on behalf of Commodus, who rules in this world, knowing very well that he rules over the earth thanks to nothing else but the will of the undefeated God, the God who embraces everything, as I just said” (διὸ καθ’ ἡμέραν κατὰ πρόσταγμα δικαίας ἐντολῆς εὐχόμεθα τῷ κατοικοῦντι ἐν οὐρανοῖς θεῷ ὑπὲρ τοῦ βασιλεύοντος ἐν τῷδε τῷ κόσμῳ Κομόδου, εἰδότες ἀκριβῶς ὅτι οὐχ ὑπὸ ἄλλου τινὸς ἀλλὰ ὑπὸ μόνῃς τῆς τοῦ ἀνικίτου θεοῦ βουλῆς, τοῦ τὰ πάντα ἐνπεριέχοντος, ὡς προεῖπον, βασιλεύει ἐπὶ τῆς γῆς, *Apoll.* 9).

<sup>18</sup> E. g. δεδιδάγμεθα ... ἀρχαῖς καὶ ἐξουσίαις ὑπὸ τοῦ θεοῦ τεταγμέναις τιμὴν ... ἀπονέμειν (*Poly.* 10); βούλει δὲ ὀμνῦναι με ὅτι καὶ βασιλέα τιμῶμεν καὶ ὑπὲρ τοῦ κράτους αὐτοῦ εὐχόμεθα; ἡδέως ἂν ὁμόσαιμι ἀληθεύων τὸν ὄντως θεὸν τὸν ὄντα [τὸν] πρὸ αἰώνων (*Apoll.* 6). The inspiration is presumably Romans 13, 1: Πᾶσα ψυχὴ ἐξουσίαις ὑπερεχούσαις ὑποτασσέσθω. οὐ γὰρ ἔστιν ἐξουσία εἰ μὴ ὑπὸ θεοῦ, αἱ δὲ οὗσαι ὑπὸ θεοῦ τεταγμέναι εἰσίν.



to express a whole), Roman and Italic prayer language made frequent use of complementary pairs,<sup>19</sup> and the two very similar rhetorical figures are here meshed. Cyprian's definition falls into halves, defining God (*nullos ... omnia*) and then man's relation to Him (*huic Deo ... ipsorum imperatorum*). The first half depends on the Biblical merism; the second half is fitted out in the fashion of Roman prayer (and of epideictic prose generally):



The complementary sets in the second half are all significant. In one sense some ordinary polarities of Roman religion are (to my mind, pointedly) collapsed. The civic religion was practiced by day; night was for witchcraft and the like. The civic religion was directed chiefly to the good of the state; personal benefits were sought by other religious practices. But such distinctions disappear for the prayerful Christian, who is not bound by the times or aims of cult practices, high or low. Justin Martyr made that very observation.<sup>20</sup> In another sense, however, an important polarity of Roman

<sup>19</sup> A fine example comes at the end of Cicero's first Catilinarian, where Cicero addresses a prayer to the cult statue of Jupiter Stator: "You, Jupiter, who were established by Romulus under the same auspices as this city, whom we rightly call the 'Stayer' of this city and empire, will keep him and his ilk from your temples and other temples, from the roofs and walls of the city, from the life and fortunes of the citizens; and the enemies of the good, foes of the fatherland, brigands of Italy, joined to each other in a pact of crime and an alliance of evil, you will chastise, living and dead" (*Tu, Iuppiter, qui isdem quibus haec urbs auspiciis a Romulo es constitutus, quem Statorem huius urbis atque imperii vere nominamus, hunc et huius socios a tuis ceterisque templis, a tectis urbis ac moenibus, a vita fortunisque civium arcebis et homines bonorum inimicos, hostis patriae, latrones Italiae scelerum foedere inter se ac nefaria societate coniunctos aeternis suppliciis vivos mortuosque mactabis*, Catil. 1, 33).

<sup>20</sup> When asked where Christians worship, Justin replied that the very question implies cult practice that is alien to Christian thought: "Do you really think that all of us come together in the same place? That is not at all true: the God of the Christians is not limited to a place but is unbounded, filling the sky and the earth, and is worshipped and glorified by the



religion (and social life) remains: *do ut des* ‘I give that you may give’ – the idea that one favor created a bond and guaranteed a return favor. Cyprian’s Christian version is not as contractual and by no means as certain; but the same principle is here: his God, too, is one who can be begged for favors (*deprecamur*) precisely because He is served (*deservimus*). He is, as I have already noted, a grand patron.

Paternus is unimpressed by this elaboration and doubtless did not quite grasp its point. He will not have known the reference to Acts, and he probably would not even have been quite sure what Cyprian meant by *deservimus* and *deprecamur*, which Cyprian uses in their Biblical senses.<sup>21</sup> He sticks closely to his juridical duty. In that he had no other choice: he had, after all, just heard a *confessio nominis*. Hence he asks another question with a distinctly legal coloring: *Et in hac voluntate perseveras?* “And this is the intention in which you remain firm?” (1, 3). *In voluntate perseverare* or the like appears several times in the Digest in situations where a party has made a decision and opts to abide by it on a later occasion. For example, if a provincial governor (prematurely) delegates *iurisdictio* before reaching the border of his province, the legate acquires *iurisdictio* as soon as the governor does cross the border – provided the governor hasn’t changed his mind (*si et ante fecerit et ingressus provinciam in eadem voluntate fuerit* “if [the governor granted *iurisdictio*] before and having entered the province remains of the same intention,” 1, 16, 4, 6).<sup>22</sup> That was exactly the right idiom for Paternus to use in this situation: he must have known from the reaction to Decius’ edict of 250 that some Christians, whatever their original *voluntas*, had forsworn their religion under pressure, and he was making sure Cyprian

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faithful wherever they are” (πάντως γὰρ νομίξεις ἐπὶ τὸ αὐτὸ συνέρχεσθαι ἡμᾶς πάντας; οὐχ οὕτως δέ, διότι ὁ θεὸς τῶν Χριστιανῶν τόπω οὐ περιγράφεται, ἀλλ’ ἀόρατος ὢν τὸν οὐρανὸν καὶ τὴν γῆν πληροῖ καὶ πανταχοῦ ὑπὸ τῶν πιστῶν προσκυνεῖται καὶ δοξάζεται, Mar. Just. B, 3, 1, cf. C, 2, 4).

<sup>21</sup> *Deservio* ‘serve zealously’ *vel sim.* is classical, but more commonly of things (e.g. *corpori deservientis*, Cic. leg. 1, 39; *voluptatibus*, Sen. benef. 4, 2, 1; *voracitati*, Apul. met. 7, 27) than of persons, whereas its use for the cult of the gods in particular is much more common in Christian authors and texts (TLL 4, 692, 11–35), e.g. *adstitit enim mihi hac nocte angelus Dei | cuius sum ego et cui deservio* (Acts 27, 23). *Deprecor* outside Christian texts is ‘pray [that some evil be averted]’ (I i. q. *precando aliquid avertere conari, detestari, propulsare, defensare, necnon recusare*, TLL 4, 598, 68/69) or ‘supplicate’ generally, whether god or man (II i. q. *valde precari*, TLL 4, 600, 1), but in the Christian world, especially in Biblical texts, the sense is ‘engage in intercessory prayer,’ a sense similar but not identical to sense II.

<sup>22</sup> Cf. 18, 7, 3; 23, 2, 65, 1; 29, 1, 33, pr.; 32, 1, 1, 5 (*durare*); 34, 3, 31, 5 (*manere*); 40, 1, 15 (*permanere*); 40, 8, 3; 49, 14, 48.

had decided not to do the same.<sup>23</sup> It is, at all events, a common feature of martyr acts, as it doubtless was of the original procedures, that the magistrate provides a chance to recant.<sup>24</sup>

But Paternus' *perseveras* could hardly have failed to put Cyprian in mind of Biblical exhortations to steadfastness and perseverance, for example Mt 10, 22: *et eritis odio omnibus propter nomen meum; qui autem perseveraverit in finem, hic salvus erit* ("Everyone will hate you because of my name; but who endures to the end will be saved").<sup>25</sup> Cyprian had quoted that very text in an exhortation to martyrdom, observing that "one must press hard and remain firm in faith and virtue and the consummation of heavenly and spiritual grace, so as to arrive to the palm and the crown [of victory]" (*insistentum esse et perseverandum in fide et virtute et caelestis ac spiritualis gratiae consummatione ut ad palmam et coronam possit perveniri*, Ad Fort. 8).

But whatever Cyprian may have thought of *perseveras*, he certainly reinterprets Paternus' word *voluntas* theologically: *bona voluntas, quae Deum novit*, he replies, *immutari non potest*: "The good will which knows God cannot be altered" (1, 3). Cyprian adds *bona* to *voluntas* no doubt to give a particular shade of meaning. The phrase typically means 'good intentions',<sup>26</sup> so Paternus would have taken it. But in Christian authors *bona voluntas* often has a particular connotation: the willingness to submit to the will of God.<sup>27</sup> The source text is Paul: *non ad oculum servientes, quasi hominibus placentes, sed ut servi Christi, facientes voluntatem Dei ex animo, cum bona voluntate servientes, sicut Domino, et non hominibus* (Eph 6, 6/7), where *cum bona voluntate* represents the μετ' εὐνοίας of the Greek.<sup>28</sup> Marius Victorinus' commentaries on Paul, which are often concerned with conforming the imperfect human will to the perfect Divine Will, make frequent use of

<sup>23</sup> Cyprian himself had gone into hiding in response to the edict; cf. Cypr. epist. 20.

<sup>24</sup> E. g. Polycarp 11; Carp. Pap. & Agath. 6; Scill. 7, 11; Apoll. 7; Pion. 3.

<sup>25</sup> Cf. also *in disciplina perseverate* (Heb 12, 7).

<sup>26</sup> E. g. Plancus apud Cic. fam. 10, 8, 2: ... *neque ad auxilium patriae nudi cum bona voluntate sed cum facultatibus accederemus* "that we come to the aid of our country, not stripped down, and with [only] good intentions, but with resources" (id. 3). The phrase is common in Seneca the Younger for the 'right attitude' towards the world of adherents of philosophy.

<sup>27</sup> For *voluntas* Dahm, Lateinische Märtyrerakten, Bd. 2, 151 offers 'Willenshaltung,' close to the idea; he also cites the renderings of Hagemeyer, Sie gaben, 78 ('Entscheidung') and Rauschen, Echte alte, 366 ('Gesinnung'), to my mind less satisfactory.

<sup>28</sup> The earlier *facientes voluntatem Domini ex animo* represents ποιούντες τὸ θέλημα τοῦ θεοῦ ἐκ ψυχῆς.

the phrase in this sense.<sup>29</sup> The sense appears also in Augustine: *in bona voluntate pax nobis est* “We find peace in acquiescing to Your will” (lit. “in [our] good intentions”, conf. 13, 9).<sup>30</sup> For Cyprian to say that a “good will, which knows God, cannot be altered” is from his point of view a declaration, not of obstinacy, but of constancy in submission to the Christian God. His will, one might say, is to surrender his will – like a slave in Roman law acting *voluntate domini*?<sup>31</sup>

And yet that submission has a hard mien, and that, as Cyprian can hardly have failed to predict, is all that Paternus can see: Cyprian’s *voluntas* is fixed; he cannot ‘rescind’ it, to give the likely proper sense of *immutare* here.<sup>32</sup> Hence Paternus’ response. He orders Cyprian into exile: *poteris ergo secundum praeceptum Valeriani et Gallieni exul ad urbem Curubitanam proficisci* “Therefore, according to the directive of Valerianus and Gallienus, you will be permitted to go into exile within the borders of Curubis” (1, 4).<sup>33</sup>

<sup>29</sup> E. g. *ita utrumque mixtum est, ut et nos habeamus voluntatem et dei sit ipsa voluntas, et quia habemus voluntatem, adsit efficacia pro bona voluntate*, Ep. ad Phil. 2, 12, 31; *operatur autem deus in nobis et velle et agere pro bona voluntate*, Ep. ad Phil. 2, 12, 37.

<sup>30</sup> Cf. *ibi nos conlocabit voluntas bona, ut nihil velimus aliud quam permanere illic in aeternum* “Our good will will earn us a place there [= in the house of the Lord], so that we will wish for nothing else except to remain there for ever” (*ibid.*). O’Donnell *ad loc.* cites Lk 2, 14 *et super terram pax in hominibus bonae voluntatis* along with serm. dom. m. 2, 6, 21 (*ut cum praecesserit bona voluntas nostra, ... perficiatur in nobis voluntas dei ... ut nulla adversitas resistat nostrae beatitudini, quod est pax*) and adn. Job on 39, 32 (*qui autem contradicit deo, quiescere non potest, hoc est, non invenit quietem nisi in eius voluntate sine ulla contradictione consentiat*).

<sup>31</sup> Slaves were not full agents but acted either *voluntate domini* (so that, e. g., liability could be transferred to the master for the slave’s acts) or *contra voluntatem domini*.

<sup>32</sup> Bastiaensen prints *mutare* but the variant reading *immutare* is especially linked to alterations of *voluntas*, *statuta* and the like (TLL 7, 1, 513, 73–514, 9), hence my ‘rescind’. *Immutare* also frequently connotes changes for the worse (TLL 7, 1, 513, 61–63; 7, 1, 514, 10–40), an appropriate overtone here.

<sup>33</sup> This sentence is sometimes printed as a question (Bastiaensen; Musurillo; Knopf, Krüger, and Ruhbach). But, as Dahm, *Lateinische Märtyrerakten*, Bd. 2, 152 points out, a magistrate in Paternus’ position wouldn’t have imposed sentence in the form of a question; and (more telling to my mind, since I can perfectly well imagine a sarcastic magistrate) taking Paternus’ words as a question makes Cyprian’s reply *proficiscor* somewhat ungrammatical: the proper reply to *poteris ... ?* is *potero*. Paternus’ *poteris*, rather, is a pun: by *potest*, Cyprian meant ‘has the capacity’ (roughly, *quit*, *valet*, δύναται); by his own *poteris*, Paternus means ‘be permitted’ (*tibi licet*, ἔξεστι), in the legal sense (cf. OLD s.v. 4), whence my translation. The play on words might be captured thus: ‘The good will permits of no change.’ ‘Then you will be “permitted” to go into exile ... .’ Benson, *Cyprian*, 465, though he translates Paternus’ words as a question, saw the issue: “*Cyprian*. That a good purpose, formed in the knowledge of God, should be altered is not possible. Paternus

Cyprian is compliant: *Cyprianus episcopus dixit: Proficiscor* “Cyprian the bishop said: ‘I go’” (1, 4).<sup>34</sup>

The proconsul and the bishop both knew that they had now arrived to a critical point in their conversation: Cyprian had become an exile. The details of the sentence, confinement to Curubis, as well as Cyprian’s retention of his property<sup>35</sup> and his later execution by beheading – the rights of citizens – show that by *exsul* Paternus does not mean *exsilium* proper or *deportatio*, both of which involved loss of citizenship and property, but *relegatio*, or banishment only. This is the penalty famously visited upon Ovid: *nec vitam nec opes nec ius mihi civis ademit*, sc. *princeps*, “[The emperor] has taken from me not my life, not my means, not my citizen’s rights” (trist. 5, 11, 15).<sup>36</sup>

*Relegatio* was a relatively mild punishment, but even so for Cyprian it would mean exile, evidently permanent, away from Carthage, the seat of his ministry. Cyprian accepted it without complaint and without question. The paradox of his response is rich: his one-word answer is stylistically correct; repetition of the verb to express assent is regular in entering legal obligations (and, of course, in other sorts of answers).<sup>37</sup> But in this case assent means, if not loss of civic rights, then certainly an impairment of ordinary civic liberty. Paradoxically it is precisely in those circumstances that Cyprian becomes a defender of *libertas*. That brings us to the second “movement”.

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(sneering at Cyprian’s last word). Well, will it be ‘possible’ for you” etc. The *urbs Curubitana* is the *colonia Iulia Curubis*, modern *Korba* on the Cap Bon peninsula, Tunisia. Dahm, *Lateinische Märtyrerakten*, Bd. 2, 152 suggests that Paternus’ quick choice of a city means he had picked the place in advance.

<sup>34</sup> *Proficiscor* is the *vox propria* for going into exile ([*proficisc*]untur qui patriam relinquentes novam sedem quaerunt [in exilium expulsi vel variis de causis migrantes]), TLL 10, 2, 1705, 21/22), e.g. *egredere ex urbe*, *Catilina, libera rem publicam metu*, in *exsilium*, *si hanc vocem exspectas, proficiscere* (Cic. Cat. 1, 20).

<sup>35</sup> When Galerius recalls Cyprian from Curubis, on the return journey he remains in his own gardens (*in hortis suis manebat*, 2, 1); he had sold these shortly after his conversion, but they were returned to him and would have been used to care for the poor, were it not for persecution (*hortos, inquam, quos inter initia fidei suae venditos et de Dei indulgentia restitutos pro certo iterum in usu pauperum vendidisset, nisi invidiam de persecutione vitaret*, Pont. Vit. Cypr. 15, 1).

<sup>36</sup> For the details of various types of *exilium*, which, in descending degree of harshness, were *exilium*, *deportatio* and *relegatio*, see Grasmück, *Exilium*.

<sup>37</sup> It is worth noting Cicero’s remark about pronouncing the word *spondeo* in response to a legal challenge: *si quis quod spondit, qua in re verbo se uno obligavit, id non facit, maturo iudicio sine ulla religione iudicis condemnatur* (Cic. Caec. 7).

### 3. Second Movement: Power, Law, and Legal Interpretation

With Cyprian now a *relegatus*, the character and tone of the conversation changes. Ambiguity is still a motif but now in a different form. Before, Cyprian spoke in a way Paternus could not have understood. Now, in a lawyerly fashion, Cyprian glosses ambiguities in his own language in a way Paternus certainly would have understood. Christian citizenship remains the underlying theme but now, too, in a different form: Cyprian's glosses illustrate that the principles of Roman law and the Christian community coincide. With this shift in the character of the conversation comes a shift in tone. Cyprian's glossing is accompanied by courtly – and, as we will see, tendentious – compliments to Paternus' position; whereas Paternus, having set aside the formal language of interrogation, now speaks a blunter language of power.

It did not escape Paternus' notice that Cyprian had identified himself as a *Christianus* and *episcopus* but had thus far spoken only of his faith, not of his position of leadership. Accordingly Paternus raises the issue: *Paternus proconsul dixit: Non solum de episcopis, verum etiam de presbyteris mihi scribere dignati sunt. Volo ergo scire a te qui sint presbyteri qui in hac civitate consistunt* "Paternus the proconsul said: They deigned to write to me not only about bishops but also about priests. Therefore I want to know from you who the priests are who are settled in this civil district" (1, 5). Paternus' use of *mihi scribere dignati sunt* '[The emperors] deigned to write to me' – he had used the same phrase in describing the content of the edict – does not strike me as only court formality. The phrase implies hierarchy, and awareness of hierarchy lies behind Paternus' stance. As the emperors are above him and compel him to act, so he is above Cyprian and would compel him to act by revealing those who, in their turn, are beneath Cyprian.

This element of compulsion is reflected in Paternus' manner: his judicial precision, brusque enough already, gives way to a sharper and even peremptory tone: *volo scire a te*, he says; "I want to know from you". For all its evident simplicity of language, the phrase is hard to parallel in Latin. Its tone seems sharp. *Volo scire* was not a polite way to ask for information;<sup>38</sup> the phrase appears some dozen times in older comedy, but in Cicero only once, in a bald letter to Atticus.<sup>39</sup> A few instances from declamations and August-

<sup>38</sup> The indicative is frank; but the pragmatics of personal interactions frequently lead to the softening of expressions of will ('I would like' in lieu of 'I want'; 'Ich hätte gern etwas zu trinken' in lieu of 'Ich will etwas trinken'). Studied politeness was a regular feature of Roman elite interaction.

<sup>39</sup> *volo etiam de naufragio Caniniano scire quid sit*, Att. 12,44,3. *Volo scire* in Cicero is otherwise used, not to request information, but, with accusative subject, to transmit it ("I

tine are querulous or impatient.<sup>40</sup> With the preposition *ex*, as here, *volo scire* is very rare, only in Republican comedy, and there very distinctly impatient.<sup>41</sup>

Cyprian fends off this pressure artfully. *Legibus vestris*, he replies, *bene atque utiliter censuistis, delatores non esse; itaque deferri a me non possunt; in civitatibus suis invenientur. Et cum disciplina prohibeat ut quis se ultro offerat et tuae quoque censurae hoc displiceat, nec offerre se ipsi possunt, sed a te exquisiti invenientur*. “In your laws you have rightly and usefully decreed that there not be informers. Accordingly [the priests] cannot be informed on by me. They will be found in their own cities. And since our principles require that no one turn himself in voluntarily<sup>42</sup> – something that would also be disagreeable to your careful investigation – they may not turn themselves in, but if you look for them they will be found.” (1,5). Emblematic of the artfulness of this reply is *vestris*. The word is not sarcastic (“those laws of yours”). Nor does it only draw a crude line between Romans

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want you to know”), e. g. *te tamen, ut iam ante ad te scripsi, scire volo me neque isto nuntio esse perturbatum nec iam ullo perturbatum iri* (Att. 12, 19, 2).

<sup>40</sup> *si vincere Xersen non licet, videre liceat; volo scire, quid fugiam* “Can’t knock Xerxes over? Then let’s look him over. I want to know what I’m running from” (a Spartan deliberating whether to abandon Thermopylae, Sen. suas. 2, 6). Likewise *volo nunc scire, quemadmodum dicat explicitum tam difficile facinus. caecus parricidium cogitavit? cum quo? cuius se commisit oculis?* “I want to know now how he can claim to have explained such a difficult deed. A blind man committed murder? Who helped? Whose eyes did he entrust himself to?” (Quint. decl. mai. 1, 7; cf. 2, 14, Augustine epist. 66, 1; 239, 1).

<sup>41</sup> In one instance, a recent shipwreck victim, unwilling to describe the contents of his lost travel bag, is pressed for details: *LABR. Quid refert, qui periit tamen? sine hoc, aliud fabulemur. | GRIP. Quid si ego sciam qui invenerit? volo ex te scire signa*. “L. What difference does it make [what was in the bag]? It’s lost, after all! Drop it, eh? Let’s talk about something else. G. What if I happen to know who found it? I need you to give me its identifying marks!” (Plautus, Rudens 1311/1312). In another example, a lamb gifted as food is described as fit only for shearing (that is, too thin to eat) – irking the giver, who asks: *volo ego ex te scire qui sit agnus curio* “Why don’t you tell me exactly what you mean – how is that lamb a shear-lamb?” (Aul. 563). Perhaps Pomponius Atell. fr. 102 (a line without context) can be added: *volo scire ex te, cur urbanas res desubito deseris* “I want you to tell me, why you’re so suddenly abandoning city business”, if the speaker’s curiosity is as intense as the addressee’s evident haste (*desubito*). Cf. also Plaut. Cist. 363–366.

<sup>42</sup> *Ut* is acceptable here after a verb of prohibition despite the departure from classical usage. *Ne*, the regular particle, introduces a hortatory or optative clause, stating the desired outcome; *ut* introduces a substantive clause, equivalent to an infinitive, indicating the state or action prevented. The construction is probably attested once in Cicero: at Rosc. Am. 151 the codices have *di prohibeant, iudices, ut hoc quod maiores consilium publicum vocari voluerunt praesidium sectorum existimetur!* but many printed editions follow Whitte’s emendation to *ne*.



and Christians (“your laws [as opposed to the laws of God vel sim.]”), though this is a feature of various martyr acts.<sup>43</sup> Here, rather, *vestris* is a delicate display of technical correctness, referring to the senate. Paternus, now proconsul, will have first been a senator,<sup>44</sup> and at this time, with the old legislative bodies long defunct, *senatus consulta* had the force of law. Laws, in a sense, were the senate’s. *Censuistis* guarantees the reference to that body: the plural connotes a legislative group, and *censeo* is the correct verb for senatorial decrees.<sup>45</sup> It is not true, as Cyprian seems to imply, that legislation banning informing had had its origin in the senate, much less recently, or that there was a blanket ban.<sup>46</sup> But the senate approved imperial decrees, a fiction of its legislative authority.<sup>47</sup> *Vestris* and *censuistis* are Cyprian’s complimentary acknowledgements of that fiction.

*Bene atque utiliter* enhances the compliment: it is not a simple amplification but compendiously employs the stock philosophical and rhetorical contrast between *honestum* (καλόν) and *utile* (χρηστόν). Here that is a nod to the education that Cyprian and Paternus shared<sup>48</sup> and whose mannerisms were a regular feature of real rhetoric – for example, on the senate floor. In short, with *bene atque utiliter* Cyprian gestures to the intellectual habits of the educated, just as with *censuistis* and *vestris* he gestures to the (ideal) constitutional position of the senate.

But these compliments are not merely flattery. Rather, they represent a careful rhetorical maneuver – a parry and a thrust. First, the parry: Cyprian is responding to Paternus’ tone. Paternus’ *dignati sunt* and the sharp tone of

<sup>43</sup> Schäfer, *Frühchristlicher Widerstand*, 640: “In den Märtyrerakten ist der Gegensatz zwischen christlichem und heidnischem Gesetz immer wieder Gegenstand der Auseinandersetzung.” In Cyprian’s act, however, the issue is not difference but harmony.

<sup>44</sup> Africa was a senatorial province; such provinces were governed by senators who had held the office of praetor or consul.

<sup>45</sup> TLL 3, 792, 13/14: *existimare aliquid faciendum esse*; i. q. *suadere, admonere, probare, sententiam dicere* (*imprimis in senatu*); OLD s. v. B. “of the decrees or resolutions of the Senate.” The syntax here, where a bare infinitive implies obligation, is an acceptable variant for the commoner gerundive without *esse*; e. g. *Labeo apud Gellius 20, 1, 3* (*praetores ... legem abolescere et relinquere censuerunt*), Suetonius *Caes. 26* (... *consulem ... Gnaeum Pompeium fieri censuerant*). Further examples in TLL 3, 793, 39–76.

<sup>46</sup> More precisely, false informing (*calumnia*) was subject to penalty. There was already a law against *calumnia* in the Republic, the *lex Remmia*, cited in the Digest by Marcian (48, 16, 1, 2).

<sup>47</sup> For senatorial procedure, see Talbert, *The Senate*.

<sup>48</sup> On Cyprian’s education, cf. *fuert licet studia et bonae artes devotum pectus imbuerint* (*Pont. Vit. Cypr. 2, 2*). For the depth of Cyprian’s rhetorical education as manifest in his rhetorical technique, see Brent, *Cyprian’s Exegesis*.



*volo scire a te* pointed to the hard face of imperial power: Paternus' tone of voice, one might say, embodies the proconsul's right and duty to punish – it is a voice of power. Cyprian's flattery of senatorial legislative authority points, by contrast, to a countervailing principle, the rule of law as a check on the exercise of power. In my view it is not accidental that Cyprian's reply, which might have begun with, say, *bene atque utiliter*, begins with *legibus*.

Cyprian, then, has parried an assertion of power by an appeal to law. That allows him a thrust: his interpretation of the law on delation. At first glance *itaque deferri a me non possunt* is logically redundant. If laws forbade delation, then obviously Cyprian could not delate – why say it? The redundancy has a purpose. The apparent logical redundancy reflects the method of law: Cyprian is drawing a specific conclusion from a general principle. The Digest contains several instances of such conclusions introduced, as here, by *itaque*.<sup>49</sup> If Cyprian said *detegi et deferri*, as printed in older editions, then there is also a semantic redundancy, which likewise has the law in mind. The term *delator* and the related verb *deferre* were not used precisely. Sometimes they mean 'inform' in a general sense, and sometimes they refer specifically to prosecutions of *crimina publica* undertaken in order to win a share of the property of the convicted.<sup>50</sup> If Cyprian also said *detegi*, that shows what he meant by *delator* – not a mercenary prosecutor, but an informer, someone who 'uncovers' (*detegit*). In short, the apparent redundancy is a gloss on the preceding *delatores non esse*. The gloss, too, or more precisely, the pleonastic paraphrase, is of course a regular feature of legal texts. There is another feature of legal texts here, beyond these one or two redundancies: *possunt* has its legal meaning, 'be permitted', as before.

<sup>49</sup> Thus, for example, *denique Cassius libro sexto scripsit talem curatorem neminem dari posse nisi praesentem neque cuique nisi praesenti et postulanti, itaque infanti non potest dari* "Cassius in his sixth book writes that a trustee of this kind can only be given in his presence to a party in that party's presence and at his request; thus such a trustee cannot be given to an infant" (Dig. 26, 1, 3, 2); *veteranorum privilegium inter cetera etiam in delictis habet praerogativam, ut separentur a ceteris in poenis. nec ad bestias itaque veteranus datur nec fustibus caeditur* "The privilege attaching to veterans extends, among other things, to preferential treatment in punishments; that is, they are not punished the same way as others. Accordingly, a veteran is not consigned to the beasts or beaten with cudgels" (Dig. 49, 18, 1). Cf. also 1, 8, 5; 4, 5, 8; 9, 2, 39; 11, 7, 37; 28, 5, 32, 1; 30, 116, 1; 33, 7, 12, 16; 33, 2, 42; 34, 9, 15; 37, 14, 6, 2; 38, 1, 3, 1; 38, 1, 22, 1; 38, 10, 10, 5; 38, 16, 15; 40, 9, 32, 1; 41, 1, 5, 2; 41, 1, 5, 6; 41, 2, 3, 6; 48, 19, 12; 50, 16, 209.

<sup>50</sup> Dahm, *Lateinische Märtyrerakten*, Bd. 2, 153 considers only the latter possibility.

Cyprian also expands on *invenientur*. He joins it to *exquisiti*, lit. '[if they are] carefully sought out' to narrow the sense of that word: Cyprian did not mean 'come upon' or 'light upon' (OLD s. v. 1) but to 'discover through searching' (OLD s. v. 4). As *nec offerre se ipsi possunt* shows, Cyprian has in mind the difference between *professio*, or 'turning oneself in', and *confessio*, or 'admitting the truth when apprehended': his priests will not profess, but confess – if they're found. In short, Cyprian's expansion on the meaning of *invenientur* is a gloss like his expansion on the meaning of *delator*.

But this gloss has a profounder significance: in his gloss on *delatores* Cyprian was merely explicating the principles of Roman law; here he illustrates how the principles of Roman law and Christian community coincide. In Roman law admissions of guilt had circumscribed value. Simple admission was not to be taken as evidence of a crime in the absence of corroborating evidence.<sup>51</sup> A person might admit to a crime out of fear or for some other reason, vitiating the admission.<sup>52</sup> It is in view of such principles that Cyprian made bold to say that freely offered admissions "would be disagreeable to your careful investigation" (*tuae quoque censurae hoc displiceat*).<sup>53</sup> Perhaps Cyprian's phrasing has a chancery flavor: *displiceo*, at any rate, commonly expresses not a broad dislike (like *fastidio*), but disapproval of a principle or policy (the opposite of the *placuit* regular of senatorial decrees).<sup>54</sup> At any rate, the Christian ban against self-reporting is, as Cyprian points out, coincident with that of Roman law. This is, for all its subtlety, a very bold defense of *libertas* and a critique of current Roman practice:

<sup>51</sup> *Divus Severus rescipit confessiones reorum pro exploratis facinoribus haberi non oportere, si nulla probatio religionem cognoscentis instruat* (Ulp. De off. procons. = Dig. 48, 18, 1, 17). Cf. Tertullian's remarks, above n. 10.

<sup>52</sup> *Si quis ultro de maleficio fateatur, non semper ei fides habenda est: nonnumquam enim aut metu aut qua alia de causa in se confitentur* (Ulp. De off. procons. = Dig. 48, 18, 1, 27).

<sup>53</sup> For this sense of *censura*, which is properly a magistracy, cf. TLL 3, 804, 54/55 *iudicium, aestimatio, examinatio, inspectio, sententia*. Dahm, *Lateinische Märtyrerakten*, Bd. 2, 154 notes "'auch deinem Zensorenamt', d. h. 'dir als demjenigen, der hier die höchste richterliche Befugnis besitzt'."

<sup>54</sup> Cf. e. g. *placet Stoicis omnia peccata esse paria; at hoc Antiocho vehementissime displicet*, "The Stoics take the position that all sins are equal; but Antiochus objected to that view strongly" (Cic. Luc. 133); *quod Nerva diceret latiore culpam dolum esse, Proculo displicebat, mihi verissimum videtur* "Proculus disagreed with Nerva's view that 'fraud' was a wider form of liability, but that seems quite correct to me" (Celsus Dig. 16, 3, 32). The TLL article for *displiceo* is arranged not by semantic sets but by grammatical constructions.

Christians were, of course, regularly damned solely for admissions of belief, thanks to an imperial rescript – a sore point for Tertullian.<sup>55</sup>

In short, Cyprian resolves a legal ambiguity – and, in a sense, even a social ambiguity, by treating the fiction of the senate’s independence as if it were true. The irony is rich: Cyprian, who has just become a *relegatus*, knowledgeably explicates the law of the political system that has just marginalized him.<sup>56</sup> There is one last flourish in Cyprian’s counter-thrust. If as *civis Romanus* he was now marginalized, as *episcopus* he retained his power. He gestures to that position in the phrase *in civitatibus suis* “in their own communities.” Paternus had asked Cyprian only for the names of the priests settled in Carthage, or perhaps in Cyprian’s diocese (*qui sint presbyteri, qui in hac civitate consistunt*); but Cyprian replies for the whole province (*in civitatibus*). His episcopal rank shows through: he knows where all Christian priests are, and they are not confined to Carthage. He is more important than Paternus’ question had given him credit for. But if Paternus, with his *dignati sunt*, aimed to transfer political pressure downwards from himself onto Cyprian, Cyprian does not respond: he will not pressure his own subordinates, whom he leaves to confess, as he did, only if they happen to be apprehended.

Paternus does not press the issue of *delatio*. He does not need to. His reply shows he well understood the implications of Cyprian’s last sentence: *Paternus proconsul dixit: Ego hodie in hoc coetu exquiro* “Paternus the proconsul said: ‘I will start looking for them. In this assembly. Today.’” (1, 6). *In hoc coetu* is a phrase just as pregnant as Cyprian’s *in civitatibus suis*: Paternus happens to be in Carthage now, so naturally he will start *hodie in hoc coetu*; but that implies he will be in other places on other days. His meaning is clear: Cyprian may be silent if he so wishes, but proconsular assizes will follow soon, scouring the other *civitates* of the province. *Exquiro* contributes to that effect. Properly ‘examine with care, look into closely’, it is an apt word for a magistrate’s investigation<sup>57</sup> – and the word Paternus had used before to describe his research into Cyprian (*exquisivi de tuo nomine*).

<sup>55</sup> Cf. above n. 10.

<sup>56</sup> Cf. Ciccolini, *Legis*, 4/5: “De même, dans les Acta Cypriani qui relatent une confrontation directe entre Cyprien et l’autorité païenne incarnée par le proconsul Aspasius Paternus, Cyprien se réfère conjointement aux *leges* de l’Empire et à la *disciplina* chrétienne pour justifier son refus de livrer les noms des membres du clergé et l’interdiction qui leur est faite de se livrer au magistrat.”

<sup>57</sup> Cf. above n. 9. Dahm, *Lateinische Märtyrerakten*, Bd. 2, 154 renders “Nachforschungen anstellen lassen”.

In short, as Cyprian had gestured to his position, so Paternus gestures to his. His determination in that position is also clear: at least the cluster of demonstratives, in which *ego* can certainly be included (= ‘hic qui loquor’), seems to me to reflect resolve: *ego hodie in hoc coetu* ‘I, on this day, in this assembly.’ Certainly the phrase or its iterations are difficult to parallel.<sup>58</sup>

In response, Cyprian repeats his gloss: *ipsi a te requisiti invenientur*. Paternus is, if not satisfied, at least stymied, and turns to a different point:

*Et adiecit: Praeceperunt etiam, ne in aliquibus locis conciliabula faciant, nec cimiteria ingrediantur. Si quis itaque hoc tam salubre praeceptum non observaverit, capite plectetur. Cyprianus episcopus dixit: Praecepisti.*

“And [Paternus] added: ‘They have also instructed that they not assemble in any place at all and that they not enter the cemeteries. Accordingly, if anyone does not observe this most beneficial instruction, he will be executed.’ Cyprian the bishop replied: ‘Understood’” (1, 7).

Paternus seems to me here to be deliberately parodying Cyprian. Like Cyprian in his explication of *delatores*, Paternus begins with the abstract principle (*praeceperunt ... ingrediantur*) and draws out a consequence (*si quis ... plectetur*) introduced with *itaque*. But here, of course, Paternus is not disambiguating law: he is spelling out an edict. His reasoning is not a defense of *libertas* but a grim assertion of *imperium*. *Salubre* perfectly captures the point. Properly ‘healthful’ or ‘beneficial’, it could include, like the English ‘what’s good for you’, harsh practices meant to correct a problem in the long run, as in Livy’s *triste exemplum sed in posterum salubre*.<sup>59</sup>

There is an element of rejoinder here, too. Cyprian had raised the issue of the validity of voluntary admissions. Paternus ignores that issue and replies by stressing the penalty attached to actual criminal offenses, admissions or no. That is a rejoinder to Cyprian’s implicit assertion of his episcopal status: Paternus has given Cyprian due, and very clear, notice of the relevant precepts; Cyprian may not wish to unmask his priests, but if he fails to inform them duly of the precise character of the new prohibitions, then he will be responsible for their deaths.

Cyprian does nothing to reply to Paternus’ stern injunction other than to recognize the command. Some versions of the text have *fac quod tibi*

<sup>58</sup> That particular phrase is unparalleled in the LLT-A or LLT-B Brepols databases. Plautus has a near-parallel, also an expression of determination or confidence: *Di me servant atque amant: | Nam haec mihi incus est: procudam ego hodie hinc multos dolos* “As the gods protect me and love me, this is my anvil – and on it I today will hammer out many a trick!” (Ps. 612/613).

<sup>59</sup> Cf. *tam salubri admonitioni paruisse non dubito*, CIL 9, 5420, 25.

*praeceptum est* “Do as you have been commanded” – another element of the protocol, as it were, of Christians under interrogation.<sup>60</sup> Other martyr acts have similar expressions, and the attitude, if not the phrasing, goes back to Jesus himself on the verge of his own martyrdom.<sup>61</sup> We hear no more from Paternus or Cyprian. In some versions of the text, the proconsul orders the bishop to be sent into exile (*tunc Paternus proconsul iussit beatum Cyprianum episcopum in exsilium deportari*, 1, 7). But the theme of submission to authority returns in the third movement of the *acta*, where it is the dominant theme.

#### 4. Third Movement: Galerius and the *interpretatio spiritualis*

While Cyprian was in exile, Aspasius Paternus was succeeded as proconsul by Galerius Maximus. The imperial edict under which Cyprian had been exiled had been amended to allow the execution of Christian clerics without trial. Thus Galerius summoned Cyprian. Cyprian, as his letters show,<sup>62</sup> knows what is coming. In this encounter there is no thrust and parry. *Tu es Tascius Cyprianus*, asks the proconsul: “Are you Thascius Cyprian?” Cyprian replies tersely: *Ego* “The same” (3, 2).<sup>63</sup>

At this point the recensions differ significantly. The second has the proconsul reminding Cyprian of the imperial command and Cyprian refusing

<sup>60</sup> Dahm, *Lateinische Märtyrerakten*, Bd. 2, 155 remarks: “Mit [diesen] Worten ... überläßt Cyprian dem Prokonsul die Entscheidung in seiner Angelegenheit”; Cyprian does, to be sure, grant the consul his due but also, it seems to me, readily accepts chastisement.

<sup>61</sup> There may be a direct precedent in Mt 26, 50 ὁ δὲ Ἰησοῦς εἶπεν αὐτῷ, ἐταίρε, ἐφ’ ὃ πάρει, if τὸ ποιήσον *vel sim.* is understood (‘do what you have come here for’); so some modern translations, though the Vulgate takes ὃ as interrogative, not relative (*dixitque illi Iesus, amice ad quid venisti?* Vulg.). But acquiescence is certainly a hallmark of the scene: cf. *sed ut impleantur scripturae ...* (Mk 14, 49, with aposiopesis, unless a wish); *calicem, quem dedit mihi Pater, non bibam illum?* (Jn 18, 11).

<sup>62</sup> Epist. 80 recounts what Cyprian has learned from informants in Rome of Valerian’s rescript and encourages that the brethren “be made ready for the spiritual contest, so that every one of our charges thinks not of death but of immortality” (*ad agonem spiritalem praeparari, ut singuli ex nostris non magis mortem cogitent quam immortalitatem*). Epist. 81 describes Cyprian’s avoidance of arrest at Curubis: had he been arrested, he would have been executed at Utica, but he wanted to die before his people in Carthage.

<sup>63</sup> First recension: *quo oblato, idem Galerius Maximus proconsul clarissimus vir Cypriano dixit: Tu es Tascius Cyprianus? Cyprianus dixit: Ego.* Second recension: *cumque oblatus fuisset, Galerius Maximus proconsul Cypriano episcopo dixit: Tu es Tascius Cyprianus? Cyprianus episcopus dixit: Ego.*

to sacrifice.<sup>64</sup> The first has Galerius Maximus asking another question: *Tu te papatem sacrilegae mentis hominibus exhibuisti?* “The one who served as the ‘daddy’ of persons of sacrilegious inclination?” (3,3). Cyprian again replies tersely: *Ego*, “The same.” In this version, doubleness of language also plays a role, and again the idea of Christian citizenship is the theme. Cyprian would have been struck by the difference between the connotations he and Galerius assigned to *papas*, as Galerius calls him. Cyprian doubtless took pleasure in the title: that is an affectionate term for ‘bishop’ frequent in Christian writers. But properly the word meant ‘daddy’ (~ Gk. *πάππας*), and it does not strike me as the sort of title that would have impressed a Roman magistrate (whence my translation above). Thus, if Galerius uses the term technically, as if that were the title he found in Cyprian’s file, so to speak, he probably also uses it sneeringly (whence my “scare quotes”). After all, Galerius does not use the word *episcopus* of the imperial decree – and a more respectable name, with meanings independent of the church (‘over-seer’, ‘superintendent’).

In short, Galerius’ *papas* would have had two valences, one for him and one for Cyprian. That doubleness continues as the encounter goes on. Hereafter the recensions again broadly agree. Galerius, in the usual fashion, consults with his *consilium* or body of advisers,<sup>65</sup> and, having described the charges against Cyprian – his sacrilegious attitude, his leadership role, his hostility to Roman religion, his unresponsiveness to the imperial decree – declares his intention to make an example of him. Here is the version of the second recension:

*Diu sacrilega mente vixisti, et nefariae tibi conspirationis homines adgregasti, et inimicum te diis Romanis et sacris legibus constituisti, nec te pii et sanctissimi principes Valerianus et Gallienus et Valerianus nobilissimus Caesar ad sectam cerimoniarum suarum revocare potuerunt. et ideo, cum sis*

<sup>64</sup> *Galerius Maximus proconsul dixit: Iusserunt te sacratissimi imperatores cerimoniari. Cyprianus episcopus dixit: Non facio. Galerius Maximus dixit: consule tibi. Cyprianus episcopus dixit: Fac quod tibi praeceptum est; in re tam iniusta nulla est consultatio* “Galerius Maximus the proconsul said: ‘The most holy emperors have ordered you to worship.’ Cyprian the bishop said: ‘I cannot do so.’ Galerius Maximus said: ‘Stop and think.’ Cyprian the bishop replied: ‘Do as you have been ordered. In a matter so unjust there is no need to stop and think.’” The account depends on Augustine, Sermones 309,3,5. Cf. below n. 69.

<sup>65</sup> First recension: *Galerius Maximus proconsul clarissimus vir collocutus cum consilio sententiam vix et aegre dixit verbis huiusmodi.* Second recension: *Galerius Maximus proconsul locutus cum consilio dixit.*



*nequissimi criminis auctor et signifer deprehensus, eris ipse documento his quos scelere tuo tecum adgregasti: sanguine tuo sancietur disciplina. et decretum ex tabella recitavit: Tascium Cyprianum gladio animadverti placet.*<sup>66</sup>

“For a long time now you have lived with sacrilegious inclinations, and you have gathered around yourself persons in a wicked conspiracy, and you have set yourself up as an enemy to the Roman gods and the imperial (‘holy’) laws; nor could the holy and most blessed emperors Valerianus and Gallienus and the most noble Valerianus Caesar recall you to the practice of their ceremonies. And thus, since you have been arrested as the leader and standard bearer of a wicked crime, you will serve as a sign to those whom you have gathered with you in your misdeed: by your blood order will be maintained.” And he read a decree from a tablet: “Thascius Cyprianus is hereby sentenced to death by the sword” (3,4–6).

The doubleness of language in this passage is quite striking: as with *papas*, a Christian could hardly have failed to take in a positive sense words that Galerius meant negatively. Cyprian’s deacon, Pontius, who evidently had a very similar text of this part of the *Acta* near to hand,<sup>67</sup> provides a reading of Galerius that, I venture to suggest, must broadly resemble what Cyprian felt at the moment:

*Legit itaque de tabula iam sententiam iudex quam nuper in visione non legerat, sententiam spiritalem non temere dicendam, sententiam episcopo tali et tali teste condignam, sententiam gloriosam, in qua dictus est ‘sectae suae signifer’ et ‘inimicus deorum’ et ‘qui suis futurus esset ipse documento’ et ‘quod sanguine eius inciperet disciplina sanciri’. Nihil hac sententia plenius, nihil verius: omnia quippe quae dicta sunt, licet a gentili dicta, divina sunt. Nec mirum utique, cum soleant de passione pontifices etiam prophettare. Signifer fuerat, qui de ferendo signo Christi docebat; inimicus deorum, qui idola destruenda mandabat; documento autem suis fuit, qui multis pari genere secuturis prior in provincia martyrii primitias dedicavit; sanciri etiam coepit eius sanguine disciplina, sed martyrum, qui doctorem suum*

<sup>66</sup> The first recension, in which the details here analyzed are identical, is as follows: *diu sacrilega mente vixisti, et plurimos tibi nefariae conspirationis homines congregasti, et inimicum te constituisti diis romanis et religionibus sacris, nec te pii et sanctissimi principes nostri Valerianus et Gallienus Augusti et Valerianus nobilissimus Caesar ad sacra felicissimorum temporum suorum † obdurati furoris † et ad cerimonias percolendas bonamque mentem habendam tanto tempore potuerunt revocare. Et ideo, cum sis nequissimi criminis auctor et signifer deprehensus, † et quia hostili more a romana mente desciveris, cum his etiam quos tuo scelere docuisti ipso documento, et † quoniam tuo adnutu duravit sacrilega contumacia, tuo sanguine sancietur disciplina. Et decretum ex tabella recitavit: Tascium Cyprianum gladio animadverti placet (3,4–6).*

<sup>67</sup> Cf. above n. 3.



*imitatione gloriae consimilis aemulati ipsi quoque disciplinam exempli sui proprio cruore sanxerunt* (Vit. Cypr. 17, 1–3).

“Then the judge read from the tablet the sentence which, in [Cyprian’s recent] dream [of a trial] he had not read – a sentence that may confidently be called spiritual, a sentence worthy of such a bishop and such a martyr, a glorious sentence, with the phrases ‘standard-bearer of his sect’ and ‘enemy of the gods’ and ‘that he might himself be an example for his people’ and ‘that order (*disciplina*) might begin to be established by his blood’. Nothing could be richer or truer than this sentence: everything said, though said by a gentile, is prophetic – which is no surprise, since even priests often prophesy about the passion.<sup>68</sup> He was a ‘standard bearer’: he taught about bearing the standard of Christ. He was ‘the enemy of the gods’: he ordered the destruction of idols. He was ‘a sign to his people’: he was the first in the province to offer up the first fruits of martyrdom for the many who would follow him in a similar fashion. And a ‘discipline’ (*disciplina*) also began to be established by his blood – the discipline of the martyrs, that is, who, emulating their teacher in imitation of like glory, themselves established discipline by their own blood, their own example.”

Pontius signals his hermeneutics in the phrase *sententiam spiritalem*: the words of the proconsul have, in addition to their contextually determined meanings, a hidden dimension revealed only in Cyprian’s life or the life of the Christian community after Cyprian’s death – roughly, the “spiritual” sense of Origenic, and of course much subsequent, exegesis. The mechanics that make such an interpretation possible Pontius also makes clear enough: God moved Galerius to speak as he did (*dicta ... divina*), making Galerius’ words prophetic, even if he didn’t realize it.<sup>69</sup> In the moment of a bishop’s

<sup>68</sup> Caiaphas, the high priest, who called Jesus “Christ the Son of God” (*et princeps sacerdotum ait illi: Adjuro te per Deum vivum, ut dicas nobis si tu es Christus Filius Dei. Dicit illi Jesus: Tu dixisti, Mt 26, 63/64*).

<sup>69</sup> Augustine serm. 309 applies the same hermeneutics to Galerius’ phrase *consule tibi: cum enim eius immobilem mentem videret, quando ei dixit: ‘Iusserunt te principes caerimoniari’, responditque ille ‘Non facio’, adiecit et ait ‘Consule tibi’. Ipsa est lingua subdola diaboli, etsi non huius qui nesciebat quid loqueretur, illius tamen qui per eum loquebatur. Loquebatur enim proconsul, non tam secundum principes homines, quorum iussa sibimet iniuncta iactabat, quam secundum principem potestatis aeris de quo Apostolus dicit: ‘Qui operatur in filiis diffidentiae’ (Eph 2, 2); quem per huius quoque linguam operari Cyprianus noverat, quod ipse non noverat. Noverat, inquam, Cyprianus, cum a proconsule audiret: ‘Consule tibi’ quod caro et sanguis diceret stolidè, hoc diabolus dicere subdole: atque intuebatur in uno opere duos; istum oculis, illum fide* “For after Galerius said to him, ‘The emperors have ordered you to worship’, and he replied, ‘I cannot do so’, Galerius saw that his disposition was unwavering, and so added: ‘Stop and think.’ That is the deceitful language of the devil – even if not the language of Galerius, who knew not what he was saying, still, the language of the one who was speaking through him. For the proconsul was speaking, not so much in accord with human lords, whose commands he kept claiming were binding on him, but in accord with the Lord of the power of air, of

interrogation, according to Cyprian in a letter, the words come from God;<sup>70</sup> Pontius has in a sense extended the same principle to the interrogator.

In short, Pontius has performed on Galerius' words something very much like spiritual exegesis. One particular phrase deserves attention. In the case of *documento* 'sign, example' and *signifer* 'standard-bearer' there is no real difference between the semantics of the words as meant by Galerius and reinterpreted by Pontius; the only difference is the connotation (positive or negative). The same is not true for *sanguine tuo sancietur disciplina* (or, in Pontius' version, *quod sanguine eius inciperet disciplina sanciri*).<sup>71</sup> By *disciplina* Galerius obviously meant *disciplina Romana*, the 'Roman way' – the social and political culture of the Roman state, with its sense of hierarchy and ritual. With *sancietur* Galerius had in mind the use of *sancio* regular with *legem, ius, foedus* and the like: 'ratify', 'solemnize', 'make an object of scrupulous treatment' – in other words, *facere sanctum*, where *sanctus* means 'regarded conscientiously', a usual non-Christian sense (OLD 1).

*Disciplina sancietur* is thus, it may be said, a perfectly Roman expression for the preservation of social order, which it was the ostensible object of the second decree to maintain.<sup>72</sup> Indeed, even the addition of *sanguine*, while it certainly makes for a dramatic phrase, has precedents in situations similar to that of Cyprian and Galerius. The closest parallel is in Livy. When T. Manlius put his own son to death for disobeying his order not to break rank, he starkly observed that "The commands of consuls must either be confirmed (*sancienda*) by your dying or voided forever by your going unpunished" (*aut morte tua sancienda sint consulum imperia, aut impunitate in perpetuum abroganda*, Liv. 8, 7, 18).<sup>73</sup> That was certainly the sentiment (and

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whom the apostle says: 'He works through the sons of unbelief'. And he is the one Cyprian recognized was working through Galerius' language, which Galerius himself did not recognize. When Cyprian heard from the proconsul, 'Stop and think', he knew, I say, that the devil uses the same words deceptively that flesh and blood use sensibly; in one action he recognized two agents, the one with his eyes, the other through his faith."

<sup>70</sup> *Quodcumque enim sub ipso confessionis momento confessor episcopus loquitur, aspirante Deo, ore omnium loquitur* (epist. 81, 2).

<sup>71</sup> Pontius may have substituted *inciperet ... sanciri* for *sancietur* for the sake of prose rhythm (*dīscīplīnā sāncīrī*) (H. Müller, personal communication).

<sup>72</sup> Thus Dahm, *Lateinische Märtyrerakten*, Bd. 2, 170: "Dein Blut wird es sein, das unsere staatliche Ordnung als heilig und unantastbar erweist."

<sup>73</sup> Cicero's Torquatus, scion of the famous family, reflects on the episode in similar language: *Si sine causa, nollem me ab eo ortum, tam inopportuno tamque crudeli; sin, ut dolore suo sanciret militaris imperii disciplinam exercitumque in gravissimo bello animadversionis metu contineret, saluti prospexit civium, qua intellegebat contineri suam* "If [Torquatus killed his son] for no reason, I would not have wanted to

the very passage?)<sup>74</sup> in Galerius' mind. Even the word 'blood' occurs: Cicero, in a bitterly ironic image, described his exile as the blood that made possible various political deals: *cum omnium provinciarum pactiones, cum omnia cum omnibus foedera (de) reconciliatione gratiarum sanguine meo sancirentur* (p. red. ad Quir. 13).<sup>75</sup>

*Disciplina sancietur*, as taken by Pontius and doubtless by Cyprian, has different connotations. Viewed through the lens of Scripture and Christian social practice, *disciplina* acquired a set of senses that, while they grew out of earlier senses, are palpably distinct: behavior that reflects obedience to the law of God; tutelage by an ecclesial superior<sup>76</sup> (there rendering the Greek σύνταξις);<sup>77</sup> and even the chastisements of God.<sup>78</sup> All these overtones happen to be captured in one passage from Cyprian himself:

*Disciplina, custos spei, retinaculum fidei, dux itineris salutaris, fomes ac nutrimentum bonae indolis, magistra virtutis, facit in Christo manere semper ac iugiter Deo vivere, ad promissa caelestia et divina praemia pervenire. hanc et sectari salubre est, et aversari ac neglegere letale. In Psalmis loquitur Spiritus Sanctus 'Continete disciplinam, ne forte irascatur Dominus, et pereatis a via recta, cum exarserit cito ira eius super vos' (Ps 2, 12/13).<sup>79</sup> Et denuo legimus 'Disciplinam qui abicit infelix est' (Sap 3,*

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have such a harsh and cruel father; but if [he did so] to establish the discipline of military commands by his own suffering and, during a very serious war, to keep the army in line by fear of punishment, then he was thinking of the safety of citizens, with which he knew his own was bound up" (fin. 1,35). Cf. also *Iam ego, inquit, sanguine Hannibalis sanciam Romanum foedus* "I aim to ratify a treaty with the Romans by the blood of Hannibal, he said" (Liv. 23,8,11) – the promise of a Campanian to redeem the honor of Capua, which had defected from the Romans to Hannibal; *ipsi tela regent per viscera Caesaris, ipsi | Romanas sancire volent hoc sanguine leges* "They [= the gods] will guide [your] weapons through Caesar's guts, they will be glad by that blood to ratify Roman laws" (Luc. bell. civ. 7,350/351).

<sup>74</sup> The parallelism of structure suggests this possibility to me: ablative, adjective, verb, subject (*morte tua sancienda sint consulum imperia ~ sanguine tuo sancietur disciplina*). If Galerius were Ovid and Livy were Vergil, I would feel sure.

<sup>75</sup> Cf. similarly *id autem foedus meo sanguine ictum sanciri posse dicebant*, Cic. *Sest.* 25.

<sup>76</sup> A mosaic tomb cover from Tabarka, for example, commemorates *Privatus, pr(es)b(yster), disciplin(a)e custos, pietatis magister*. See Downs, *Christian Tomb Mosaics*, 248–250, 508/509.

<sup>77</sup> *Mart. Ly.* 43.

<sup>78</sup> Cf. TLL 5,1,1323,7–9 *generatim i. q. severitas, severa morum educatio, παιδεία, imprimis apud Tert. et Vulg.*

<sup>79</sup> The Vulgate has *adprehendite disciplinam, nequando irascatur Dominus et pereatis de via iusta; cum exarserit in brevi ira eius, beati omnes qui confidunt in eo*, a version which

11).<sup>80</sup> *Et de Salomone mandata Sapientiae monentis accepimus: 'Fili, ne neglexeris disciplinam Dei, nec defeceris ab eo correptus; quem enim diligit Deus corripit'* (Prov 3, 11/12).<sup>81</sup> *Si autem Deus quem diligit corripit, et corripit ut emendet, fratres quoque, et maxime sacerdotes, non oderunt sed diligunt eos quos corripunt ut emendent; quando et Deus per Hieremiam ante praedixerit et tempora nostra significaverit dicens 'Et dabo vobis pastores secundum cor meum, et pascent vos pascentes cum disciplina'* (Jer 3, 15)<sup>82</sup> (hab. virg. 1).

“*Disciplina*, guardian of hope, anchor of faith, guide on the path to salvation, tinder and nourishment of good character, mistress of virtue, makes us remain in Christ always and live continually for God and arrive at the heavenly promises and divine rewards. To follow her means safety, to turn away from her and neglect her means death. In the Psalms the Holy Spirit says: ‘Maintain *disciplina*, lest the Lord grow wroth, and you perish from the just path, when his anger flares quickly over you.’ And again we read: ‘Who casts aside *disciplina* is wretched.’ And from Solomon warning us of the mandates of Wisdom we have heard: ‘Son, neglect not the *disciplina* of the Lord, and if chastised turn not away from Him; for whom God loves, him also He chastises.’ If God chastises the one He loves, and does so in order to correct him, then brothers [in faith], too, and in particular priests, do not hate but love those whom they chastise in order to correct; after all, God, through Jeremiah, prefigured this before and meant our times when he said ‘I shall give you shepherds after my own heart, and they shall feed you, feeding with *disciplina*.’”

These are the very senses of *disciplina* that Pontius has in mind: the martyrs take Cyprian, an ecclesial superior, as their *doctor* and become teachers in their turn, establishing firmly (*sanxerunt*) what Cyprian had begun: a *disciplina*, a way of manifesting obedience to God, a refusal to resist his chastisement. Pontius certainly felt the difference between the Christian and non-Christian senses: that is made clear by the disjunctive (*disciplina, s e d martyrurum*).

Pontius (and Cyprian) probably felt *sancietur* in a different sense as well. In Christian authors *sancio* mostly keeps the same sense it had before, ‘ratify’ etc. But, doubtless because of its association with *sanctus*, it also

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follows the Old Greek closely. RSV: “Serve the Lord with fear, with trembling kiss his feet, lest he be angry, and you perish in the way; for his wrath is quickly kindled. Blessed are all who take refuge in him.”

<sup>80</sup> RSV: “For whoever despises wisdom and instruction is miserable.”

<sup>81</sup> RSV: “My son, do not despise the Lord or be weary of his reproof, for the Lord reproves him whom he loves, as a father the son in whom he delights.”

<sup>82</sup> The Vulgate has *et dabo vobis pastores iuxta cor meum et pascent vos scientia et doctrina*. RSV: “And I will give you shepherds after my own heart, who will feed you with knowledge and understanding.”

acquired the sense ‘sanctify’, ‘render holy’, ‘dedicate’. Indeed, that sense is also present in Statius in a few passages.<sup>83</sup> But the clearest examples come from Christian authors. *Anima enim*, observes Tertullian, *non lavatione sed responsione sancitur* “The soul becomes holy [in baptism] not by the act of washing but by the response” (resurr. 48). Marius Victorinus notes that *ipse vero spiritus sanctus dictus, quod sanciat sanctos, id est sanctos faciat* (adv. Arium 3, 15). The association of *sanctus*, *dedicare* and *sancire* in the following passage is noteworthy:

*Qui et in prima primus omnium templum Dei dedicavit: ‘non scitis vos templum Dei esse et in vobis Dominum habitare?’ qui et templo sanciendo purificandoque aeditualem legem scripsit: ‘si quis templum Dei vitiaverit, vitiabit illum Deus; templum enim Dei sanctum est, quod estis vos’* (Tert. pudic. 16).

“For he [= Paul] in the first [epistle to the Corinthians] was the first of all to dedicate a temple to God: ‘Do you not know that you are the temple of God and that the Lord dwells in you?’ And in order to sanctify and cleanse this temple wrote a law for maintaining it: ‘Whoever defiles the temple of God, God shall defile him; for the temple of God, which you are, is holy.’”

Such a reading of *sancietur* would have been quickened by Galerius’ use of *sanguine*: that the blood of the martyrs was a sanctifying agent was not an unusual idea in developing Christianity and especially developing North African Christianity. Cyprian’s own martyrdom shows as much: as he was about to be executed, the faithful laid cloths before him, in order to have relics.<sup>84</sup>

In short, the same phrase, *disciplina tuo sanguine sancietur*, would have had two meanings: on Galerius’ lips, ‘Orderly conduct shall be ratified by your blood’ – that is, the power of the law would be proven by Cyprian’s execution; in Pontius’ way of reading, and surely in Cyprian’s interpretation at the time, there would have been an additional sense: ‘Your collective practices in submission to the will of God (*disciplina*) will be made holy by your blood’. The ambiguities of the phrase are a perfect symbol of the perspective of the Christian martyr: the attempts of the Roman authorities to impose discipline are, unbeknownst to them, the working out of the will of God. But of that hidden intention marks will appear on the surface, in the words of the authorities, just as, in a spiritual interpretation, the words of an Old Testament narrative harbor deeper meanings.

<sup>83</sup> OLD s. v. 6; for example, Statius describes Domitian’s deification of his relatives thus: *qui genti patriae futura semper | sancit lumina Flaviumque caelum* “who has sanctified for his father’s line lights that will always sign and a Flavian sky”.

<sup>84</sup> *Lintamina vero et manualia a fratribus ante eum mittebantur* (4, 2).

## 5. Conclusion

Each of the movements of the *Acta Cypriani* is thus distinguished by a different version of the motif of ambiguity and by a different version of the theme of the relation of the Christian citizen to Roman authority. Together, they produce a very precise picture of the difficulties facing a Christian citizen. The implication of the first movement, in which Cyprian talks past Aspasius Paternus, is that such genuine compatibility as there is – for the Christian, no less than the non-Christian, prays for the health of the emperors – cannot be understood by non-Christians because of differences in the meaning of words. In the second movement, where Cyprian glosses his own language in lawyerly fashion, the points of correspondence between Christianity and Roman legal principles are genuine, but here a different danger is clear: that, clear argument or no, *libertas* must, as it were, always face *imperium*. In the third movement, in which Galerius' language must have seemed portentous to Christians, the victory of power is conceded,<sup>85</sup> since its exercise is a manifestation of the will of God, testing the martyrs and working through the punishers unbeknownst to themselves.

But all this does not mean that the *acta* are merely a clever literary exercise. As I suggested at the beginning, these *acta* seem to reflect real exchanges. But be that as it may, their verbal ambiguities certainly reflect social realities. Christians really did practice spiritual interpretation: that drives the drama of the third “movement.” Christians really did develop a special vocabulary, strongly influenced by Biblical translations: those habits of thought and language create the tension of the first “movement”. And some Christians, like Cyprian, were learned enough to engage in deft verbal swordplay and to use the categories of the dominant culture against it: that underlies the second “movement”. In the case of Cyprian's *Acta*, the verbal ambiguities reflect in particular the difficulties facing a Christian citizen. It is not too much to say that a kind of theology of Christian martyrdom is worked out through the interrogations and their ambiguities. But a discussion of that theology lies well beyond the limits of this paper.

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<sup>85</sup> And even welcomed: the second recension, after the pronouncement of the death sentence, has Cyprian respond *Deo gratias* (3, 6).

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