Cyprian, Epistle to Donatus X

The criminality that pervades Roman law

Name of the author: Cyprian of Carthage  
Date: 246 CE  
Place: Carthage  
Language: Latin

Category: Christian  
Literary genre: Letter

Title of work: Epistle to Donatus  
Reference: X  
Commentary: For a general introduction to Cyprian, please see the commentary on his Epistle LXXI.

Cyprian composed his so-called Epistle to Donatus, supposedly written to his friend while sitting in a garden, not long after he was baptised (around 246 CE). While sometimes placed among his treatises, due to the nature of the work being more in the style of a didactic monologue than a letter, the influential Ante-Nicene Fathers collection, from which the above translation is taken, place it first among Cyprian’s epistles. The work essentially promotes the power of God’s grace to redeem humans from their sinful state, which is exemplified through the superiority of Christianity to the immoralities and superficialities of the pagan society in which it had grown. The present extract, for instance, condemns the various sins which Cyprian identifies in and around the Forum, and asserts that Roman law is both corrupt and ineffective.

Cyprian lists various sordid elements of Roman society, namely prostitution and the violence of wars waged the world over. The Forum, Cyprian posits, with the full force of his rhetoric in motion, ought to be one place that is free from these and other crimes, yet is in fact one of the worst affected. In order to emphasise this hypocrisy, Cyprian makes reference to the law of the Twelve Tables (lex duodecim tabularum), which Roman tradition understood to be based on the foundations of Roman law. It was believed that after the fall of the last Roman king, Tarquinius Superbus, the Republic was run by magistrates, and because these magistrates were drawn from the patrician class, the plebeian class wished for more recognition (they were after all Rome’s principal labourers). As a result of this discontent, the Twelve Tables were formulated to outline basic rights of all Roman citizens. Livy, for instance, describes in his History of Rome III.34.5-6 the completion of the first ten tables in 450 BCE, with the final two being completed the following year (for an overview of the Twelve Tables and their history, see Gary Forsyth, Early Rome, chapter 7). Cyprian emphasises this legal tradition, and in particular its very public nature, in order to highlight the insincerity of a society which prides itself on its laws and statutes, and displays them on bronze tablets in the centre of the city, yet openly defies them: “wickedness is committed in the very face of the statutes.”

The violence which erupts in the Forum is also vividly described, both in terms of fighting amongst members of the public—“peace is broken among the togas”—and the horrors of criminals being tortured and executed. Even judges, who represent the upkeep of the laws, Cyprian claims are subject to bribery, and are therefore no more than criminals themselves. Moreover, fraud is rife, with inheritance being unlawfully stolen from its rightful heirs, and false accusations made against the innocent. The laws, as a result, are ultimately useless in Cyprian’s eyes, as they are disregarded by judges and the wider citizen body alike. Indeed, he argues that it is so rare for a man not to be guilty of some sort of crime that his peers are suspicious of those who are thought to be innocent: “whoever does not imitate the wicked is an offence to them.”

For the recently converted Cyprian, every aspect of society which was not infiltrated by Christianity was both dysfunctional and shameful—his critique is very much one of an enthusiastic new convert eager to shun all elements of his pre-Christian life. In this case, Roman law is shown to be a casualty of the God-forsaken society which gave birth to it, unable to control its unruly and unashamed subjects.
Keywords in the original language:

- crimen
- delinquo
- discordo
- duodecim tabularum
- forum
- fraus
- immunis
- iniuria
- insidiosus
- iudex
- iuro
- lex
- malum
- pax
- polluo
- proscribo
- toga

Thematic keywords in English:

- bribery
- execution
- false accusation
- forum
- fraud
- Law of the Twelve Tables
- Roman criminality
- Roman law
- Roman violence
- torture


Realized by:

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