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Control and Repression of Magic in the Late Ancient Age

Abstract

Magic is all that is before the law. The regulating forces of the very first human societies were imbued with magic. In fact, the only tool that man had in the timeless past as a link between the community and phenomena was magic. The law itself was magical.

- In Roman society for the duration of its existence magic was an element perhaps nocturnal but constantly present. In the archaic age magic was the immediate religion. The King himself was indeed a priest but also a magician, a tradition that would remain until the Middle Ages with the healing kings, the Wizarding Or Magi Kings.
- Since the twelfth tables we speak of magic (VII Iqui *fruges excantassit*) that is, those who appropriated themselves with the magic of a neighbor's crop were punished. However, a white magic was distinguished from a black magic. The first was and was admitted for a long time, the second had always been condemned.
- The aim of the thesis was to understand through the lens of magic the evolution of Roman society but above all of Roman law. That after a strongly religious archaic phase, it became secularized during the republic, finally returning to being a strongly religious right in the twilight of experience.
- Magic, the repression of the same is an excellent litmus test.
- The thesis is organized in 4 parts
 - Origins, with XII tables and Lex Cornelia de Sicariis et veneficis (Silla 81 ac)
 - Some Trials: Matron, Libone (cognitio extra ordinem;quoted by Tacitus:Libone noble Pompeian almost symbol of the republican resistance against the imperial power – he had questioned a necromancer to know the future of the emperor – he claimed suicide and suffered the damnatio memoriae),Apuleius
 - Christianity and Magic Culture (heresy and magic and Constantine)

- Constantine "Bishop of Non-Christians" attacked magic to destabilize paganism. He tried to maintain a balance that was more substantial than formal. Magic = Superstition. C.Th. 9.16.1 and 9.16.2, two constitutions that punished private haruspicking. Nor could one take auspices at the time of installing a public office. It rehabilitates the figure of the whistleblower who in general had often been superimposed on that of the slanderer in Roman law. "almost" agentes in rebus, who to earn rewards made delation almost a profession. This drift of 'amateur' spies, evidently escaped from state control, will then be effectively crushed by a constitution of 380 (C.Th. 10.10.13), which provided that the whistleblower after three accusations, even founded (!), was beheaded. In the second constitution the tones are more tenuous, the recipient is not the senate but the Roman people.
- C.Th. 16. 10.1 Request for haruspicin for lightning that had struck the imperial palace. The constitutions just analyzed seem to reveal a contradictory, pernicious, often illogical vision of Constantinian power over haruspicin²⁸⁷. If in some ways, in fact, such activity is denigrated as superstitio (C.Th. 9.16.1), as a legacy of old practices (C.Th. 9.16.2), and in this sense punished even harshly if officiated in private, on the other hand it remains admitted when it is public. Even ordered as necessary in the case of the electrocuted palace
 - C.Th. 9.16.3 only negative magic is punished
- Repression in the late antique West with the constitutions collected in the Theodosian and Justinian.

The thesis therefore has as its object to demonstrate how in Roman law, accepting the historical, social and religious differences, it has elastically disciplined magic in a very different way over the centuries. In addition, an attempt has been made to bring together in a reasoned way the Roman normative production on the theme of magic; from the origins to the twilight of Roman history.