The term superstitio is of fundamental importance for scholars of Roman religion and history, for it addresses a question of vital importance to the Roman state: how does the state deal with religious beliefs and practices—either Roman or alien—which are not part of the state religion and are not easily susceptible to state control? Given its importance, the term superstitio has deservedly been the subject of several scholarly studies. These studies have, by and large, examined this term in the texts from antiquity; but the wide range of its meaning and its changing associations in the eight centuries of its usage necessitate that we discuss this term as closely as possible within its historical and literary context. This is especially true for the subject of this paper, the meaning and usage of superstitio in the Codex Theodosianus, for this special context has thus far been either overlooked or misunderstood in general studies of superstitio.

In the course of the fourth century, as Christianity gradually replaced paganism as the religion of the Roman state, a series of laws were passed against paganism, many of which survive in the Codex Theodosianus. In these laws, the term superstitio recurs in contexts which have created certain problems of interpretation for scholars of late Roman religion and history. By focussing on the term superstitio in the Codex, I hope to show that superstitio was a basically ambiguous term in these fourth century legal codes (reflecting earlier ambiguities in legal and general usage) which could have different interpretations in different circumstances; it could imply divination (outside the framework of Roman religion), magic, excessive religious fear, paganism or Christianity. Hence it could be particularly viable as a legal term in areas where christians were not yet strong enough to stamp out their pagan opponents. Such was the case in Rome in the middle decades of the fourth century.

Although this paper is in many ways a first step toward better understanding the language and intent of the anti-pagan policy attested in the
Codex Theodosianus, it is taken nevertheless in the hope that it will make more real the fascinating but all too complex and impersonal process known as the Christianisation of the Roman state; for the complexities and fluidities of fourth century religion and society are reflected in the ambiguities of meaning and usage of superstitio in the Codex.

1. 'Superstitio' in general Latin usage

To provide a general historical context for this study, it seems best to include a brief discussion of the meaning and usage of the term superstitio as attested in Latin literature and law in the period prior to the fourth century codes in the Codex Theodosianus.

The original meaning of superstitio is uncertain. In his pioneering study, W. F. Otto argued for an original meaning of superstitio as a sort of lifting of the soul out of oneself toward the divine and for associating superstitio with the Greek ekstasis. This etymological definition appears in the Oxford Latin Dictionary which notes that the original sense of superstitio was "perhaps a state of religious exaltation". Recently, the view of Linkomies has gained ground. He argued that superstitio originally meant "superiority", literally to "stand in combat over a prostrate opponent", the image inherent in its root super-stare. (From this meaning it later came to be used for superhuman power, then soothsaying or divination and even magic force.) However, this etymology and original meaning were rejected by E. Benveniste who, following Cicero, argued that superstitio be derived from superstes that is, from one who has survived an event and has become a witness. Benveniste hypothesized that superstitio evolved from this original meaning to refer to divination, for one can be a witness of things past and future.

Whatever its original meaning and etymology, the earliest Latin texts, beginning in the 3rd century B.C., indicate that superstitio—or more precisely the adjective superstitiosus derived from the noun—was used to refer to divination, soothsaying and divinatory practices associated with religions originating outside Italy. (Divinatory practices and divination within the framework of Roman religion are not included in this term.) In the works of Plautus and Ennius, the adjective superstitiosus, has the meaning of someone "who divines hidden realities or truths". So Curculio exclaims: superstitiosus hic quidem est; vera praedicat. In the Rudens, Palaestra pretends to divine what is contained in a closed chest. In the works of Plautus and Ennius, superstitiosus is already used to refer to divination and to the foretelling