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IV

FERGUS MILLAR

The Imperial Cult and the Persecutions

THE IMPERIAL CULT AND THE PERSECUTIONS

To pose the problem of the relevance of the Imperial cult to the persecutions, we may begin with a well-known passage from the *Apocalypse*: "And I saw ... the spirits of those who had been executed for their witness to Jesus and for the word of God, and who did not bow down to worship the beast nor the image of him..."¹. The "beast" is Nero, but we, like Cyprian, may understand this as a more general reference to persecution, and to the significance for persecution of the Imperial cult. For Cyprian takes up this passage in his *Ad Fortunatum* 12: *vivere omnes dicit* (St. John) *et regnare cum Christo non tantum qui occisi fuerint, sed quique in fidei suae firmitate et Dei timore perstantes, imaginem bestiae non adoraverint, neque ad funesta eius et sacrilega edicta consenserint*.

We have now reached a moment when we can begin to understand some of the long-debated problems of the nature of persecution. The basis of that understanding, I believe, must be the article by T. D. Barnes in the *Journal of Roman Studies* 1968 (Legislation against the Christians), and the chapter on persecution in his book on Tertullian². We should now accept that there is no good evidence for any general law or edict against Christianity before the reign of Decius. But we also need no longer believe that each cult in the Empire was either a *religio licita* or a *religio illicita*; neither expression, I believe, appears in any ancient source. Nor need we assume that there were *di publici populi Romani*, whom all citizens were supposed to worship; for this expres-

¹ *Apoc.* 20, 4.

² T. D. BARNES, Legislation Against the Christians, *JRS* 58 (1968), 32; *Tertullian: A Historical and Literary Study* (1971), ch. XI.

sion too does not appear in any ancient writer. In short, we can now devote ourselves to the specific evidence as to when, by whom and for what reasons Christians were persecuted. And only now, when misleading assumptions about nature of persecution are beginning to be cleared away, does it become profitable to ask what was the significance and the function of the Imperial cult in the persecution of the Christians. For it is tempting to suppose, at first, that the Imperial Cult might supply that general, so to speak "political", explanation of persecution which scholars have often considered necessary. But the answer to the question about the role of the Imperial cult in persecution may cast some light also on the wider question of its role within paganism.

But we cannot simply ask, what was the significance of the Imperial cult in the persecutions? For the question has no meaning unless we say "significance to whom, and under what circumstances". At least three different groups are involved: the people in the provinces, who actually initiated the prosecution of Christians; the provincial governors, who heard the cases and were prepared to condemn Christians as such; and the Emperors themselves.

If we look first at the pagan population of the provinces, there is ever-increasing evidence that the Emperor-cult had an important place in public religious life, and in private life; and that this place was established very early. An Oxyrhynchus papyrus shows lamplighters swearing by *Καίσαρα θεὸν ἐκ θεοῦ* in the "first year of Caesar", 30/29 B.C.¹ In 3 B.C. all the people of Gangra and Phazimon-Neapolis swear loyalty by Augustus himself along with other gods². From the Flavian period onwards the oath was normally taken

¹ POxy 1453; see E. SEIDL, *Der Eid im römischägyptischen Provinzialrecht* (1933), 10.

² For the text, see P. HERRMANN, *Der römische Kaisereid* (1968), 123-4.

by the *Genius* or τύχη of the living Emperor. It is exceptionally interesting for us to see among the Greek papyri from the Judaean desert a document of A.D. 127 in which a Jewish woman swears by the *Tyche* of the Emperor (ὁμνυμι τύχην κυρίου Καίσαρος καλῇ πίστει ἀπογεγράφθαι)¹. By the early third century the *Tyche* can serve as the personification of the Emperor himself: an inscription from Euhippe in Caria records that the city addressed itself in a petition to the *Tyche* of Caracalla—τῇ μεγάλῃ τύχῃ τοῦ κυρίου ἡμῶν αὐτοκράτορος Ἀντωνεῖνου².

Statues of the Emperor were everywhere, and were the focus of a wide variety of religious, ceremonial and even legal functions³. Oxyrhynchus papyri from the reign of Caracalla, and again from the end of the reign of Constantine, show "bearers of the divine busts and of the *Nike* which precedes them"⁴. The accounts of a temple at Arsinoe in A.D. 215 include a whole range of items such as the celebration of imperial dates, the care of a new statue of Caracalla, or payment to a *rhetor* for an address before the Prefect celebrating an Imperial victory⁵. What is most noticeable in all these papyri, however, is the way in which the Emperor takes his place among the other gods. Moreover, recent articles by L. Robert and H. W. Pleket show that at least a large proportion of the cult acts directed towards the pagan gods were addressed also to the Emperor. Prayers and sacrifices were offered; a μυστικὸς ἄγών was performed for

¹ H. J. POLOTSKY, The Greek Papyri from the Cave of Letters, *IEJ* 12 (1962), 258-62 (260).

² L. and J. ROBERT, La ville d'Euhippé en Carie, *CRAI* 1952, 589; *AE* 1953, 90.

³ For the literary evidence, primarily, see H. KRUSE, *Studien zur offiziellen Geltung des Kaiserbildes im römischen Reiche* (1934).

⁴ *POxy* 1449, line 2; 1265. Cf. L. ROBERT, *Recherches Epigraphiques: Inscription d'Athènes*, *REA* 62 (1960), 316.

⁵ *BGU* 362; cf. F. BLUMENTHAL, Der ägyptische Kaiserkult, *Archiv für Papyrusforschung* 5 (1909/13), 317.

Dionysus and Hadrian at Ankyra ; μυστήρια were performed at the temple of Rome and Augustus at Pergamon ; the σεβαστοφάντης who appears in Bithynian inscriptions will probably have displayed the image of the Emperor at the climax of a mystery-celebration ¹. Unless we deny the name of "religion" to all pagan cults, our evidence compels us to grant it also to the Imperial cult.

But the Imperial statue could also receive petitions. In A. D. 267 a man refusing a liturgy writes to the gymnasiarchs of Oxyrhynchus, "I immediately presented to you a petition of appeal to his excellency the *epistrategus* Aelius Faustus, *ducenarius*, and since it was not accepted, I deposited it at the *Sebasteion* there πρὸς τοῖς θεοῖς ἔχνεσι τοῦ κυρίου ἡμῶν αὐτοκράτορος Γαλλιανοῦ Σεβαστοῦ to be sent by the guard to the most distinguished Prefect" ². The expression πρὸς τοῖς θεοῖς ἔχνεσι gives immediate point to a passage in the *Acta* of Dasius, which relate to the Great Persecution ; the *legatus* says to Dasius δεήθητι τοῖς ἔχνεσι τῶν δεσποτῶν ἡμῶν τῶν βασιλέων τῶν τὴν εἰρήνην παρεχόντων ³.

Thus both the name of the Emperor and the actual statues and images of him played a real part in the life of a provincial pagan community. How did this influence their reactions to the spread of Christianity?

Before we look at the persecutions themselves, two episodes from the reign of Gaius will show how the Imperial cult *might* have been used by a pagan community against a dissident group. In Jamnia in Judaea the pagans erected an altar (evidently of Gaius himself) expressly to provoke the Jewish population, who promptly destroyed it. It was

¹ L. ROBERT, *op. cit.* ; H. W. PLEKET, *An Aspect of the Emperor Cult : Imperial Mysteries*, *HTbR* 58 (1965), 331.

² *POxy* 2130. Other parallels are noted in the commentary.

³ R. KNOPF - G. KRÜGER - G. RUHBACH, *Ausgewählte Martyr-Akten* ⁴ (1965), No. 23 ; cf. H. MUSURILLO, *Acts of the Christian Martyrs* (1972), No. 21, where ἔχνεσι, as given by the only manuscript, is corrected to εἴκοσι.

the report of this incident, says Philo, which in turn provoked Gaius' plan to set a golden statue of himself in the Temple ¹. It is also Philo who reports that amid the other outrages in Alexandria in 38, the pagans placed εἰκόνας of Gaius in the synagogues, and in the largest of them a bronze statue of him in a four-horse chariot ².

The reign of Gaius of course created quite exceptional circumstances. In general it was accepted that the Jews would not tolerate images, and would not be asked to do more than make sacrifices *for* the Emperor in the Temple. But when gentiles began to convert to Christianity, might we not expect that the pagan communities in which they lived would begin to use against them the accusation of not observing the Imperial cult? We do at least have in *Acts* 17, 7 a mention of one popular accusation of disloyalty: in Thessalonica the crowd accuses Paul and Silas before the *politarchoi*, declaring "All these (the Christians) act against the decrees of Caesar, saying that there is another King, Jesus".

After that, it is remarkable how *little* evidence we have of the exact form of the accusations against Christians. We can assume that they were very often accused simply as Christians (see *I Petr.* 4, 15-16). But was a reference to the Imperial cult never brought in by their accusers? We must confine ourselves here strictly to attested instances of accusations of Christians; the general treatments of the position of Christianity in the apologists are another matter, which we have already discussed.

So if we take the instances attested in reliable sources ³, the motif of loyalty to the Emperor, or specifically of the

¹ Philo, *Leg. ad Gaium* 200-3.

² *Ibid.* 132-5.

³ For the criteria of authenticity in martyr-acts see most recently T. D. BARNES, *Pre-Decian Acta Martyrum*, *JThS* 19 (1968), 509; cf. my review of H. MUSURILLO, *op. cit.*, in *JThS* 24 (1973), 239.

Imperial cult, is brought in *by the accuser*, or by local, as opposed to Roman, officials on only one occasion in the period before the persecution of Decius. In the *Acta Polycarpi* 8, 2 the *eirenarch* and his father try to persuade Polycarp on the way to his trial, "What harm is there for you to say Κύριος Καῖσαρ, to perform the sacrifices and so forth, and to be saved?"

With the persecutions of Decius, Valerian and the Tetrarchy the situation changes; for, as we shall see, it is now, for the first time, that Imperial commands play an active role in persecution. But in this period we may still ask whether either the accusers of Christians, or local magistrates conducting cases, refer to the Imperial cult. One case is the *Acta Pionii* 8; here the νεωκόρος, Polemon, says to Pionius ἐπίθυσον. When Pionius refuses, he says ἐπίθυσον οὖν καὶ τῷ αὐτοκράτορι. It is noticeable that the reference to sacrifice to the Emperor is *secondary* to that to the gods in general. In the *Acta Pionii* 18, it is revealed that local pressure *had* made one Christian recant: he had made an offering at the *Nemeseion* at Smyrna and ὤμοσε τὴν τοῦ αὐτοκράτορος τύχην καὶ τὰς Νεμέσεις μὴ εἶναι χριστιανός.

After that we have a case concerning a soldier. From Eusebius (*H.E.* VII 15) we have the case of Marinus in Caesarea in the early 260's. When he was about to be promoted to the centurionate, a rival accused him, saying "It is forbidden by the ancient laws for him to enjoy a Roman rank since he is a Christian and does not sacrifice to the Emperors".

So far as I can discover, that is all the evidence we have which concerns either popular accusations of refusing the Imperial cult, or action by *local* magistrates on the same issue. Moreover, the question of the Imperial cult does not seem to be brought up at all in accusations of Christians during the Great Persecution under the Tetrarchy. The scarcity of this evidence is partly the result of the form of much of the

literary evidence. Detailed descriptions of martyrdoms tend to concentrate on dialogues between martyrs and provincial governors, not on the background to them. But, none the less, the evidence of popular concern about non-observance of the Imperial cult is far outweighed by the evidence for popular concern about abandonment of the pagan cults as such, especially local cults. This theme is frequent in the *Acts of the Apostles*, culminating in the great scene about Artemis of Ephesus. In Smyrna a century later what the crowd shouts against Polycarp is, "This is the teacher of Asia, the father of the Christians, *the destroyer of our gods*, the man who instructs many not to sacrifice or do reverence!" And in the anti-Christian movement in Alexandria in 249 a woman named Quinta is dragged ἐπὶ τὸ εἰδωλεῖον and forced to do reverence (Eus. *H.E.* VI 41, 4).

The context in which the question of the Imperial cult *does* frequently appear, is that of the examination of accused Christians by a Roman provincial governor. But even here it often appears in close conjunction with the wider question of pagan worship in general.

Before we look at the evidence, we may stop to ask what part a provincial governor played in the cults of a province, or in its cult of the Emperor in particular. The evidence, which is extremely important for the whole question of what the functions of a governor really were, has never been assembled. But a few items can be mentioned. We may recall first what I mentioned earlier, the orator hired by the temple at Arsinoe to make a speech on the Imperial *Nike* before the Prefect. Then the great inscription from Acraephia in Boeotia shows that the governor was present when the league of Achaeans and Panhellenes took the oath of loyalty to Gaius in 37¹. More revealing is the letter of a proconsul of Asia to Aphrodisias congratulating the city on

¹ *IG* VII 2711, l. 6.

the confirmation and extension of its privileges by Severus Alexander. If it is legally possible, he says, "I will gladly come to you and stay in your most splendid city, and sacrifice to your ancestral goddess for the safety and eternal preservation of our lord the Emperor Alexander and of our lady the Augusta Mammaea, mother of our lord and of the camps". But, if not, "sacrificing, as is my custom, to the other gods for the Fortune and Safety and eternal preservation" of Alexander and Mammaea, "I will also call upon your ancestral goddess" ¹. But most striking of all is the recently-published inscription from Messene showing P. Cornelius Scipio, *quaestor pro praetore* of Achaia in perhaps 1-2 A.D., carrying out the *Caesarea*, sacrificing for (or to?) Augustus, and causing the cities to do likewise, sacrificing an ox for the safety of Gaius on his Eastern campaign, and giving orders for celebrations and sacrifices in the cities ².

Such evidence does give some indication that governors did take part in the cults and festivals of their provinces (indeed the rhetor "Menander" gives the formula specifically for a speech inviting a proconsul to a festival). Moreover, they also took part in the ceremonials of the Imperial cult, and in this too participated in the existing local cults.

The governor's close involvement with the cults of the provincial cities comes out most clearly in Pliny's correspondence with Trajan about the Christians (*Epist.* X 96-7). The issue of the Imperial cult does play a role, namely in Pliny's test of those accused who claimed never to have been Christians: *cum praeunte me deos appellarent et imagini tuae, quam propter hoc iusseram cum simulacris numinum adferri, ture ac vino supplicarent*. Similarly, the lapsed Christians *omnes*

¹ *REG* 19 (1906), 86; F. F. ABBOTT and A. C. JOHNSON, *Municipal Administration in the Roman Empire* (1926), No. 137.

² *SEG* XXIII (1968), No. 206; *AE* 1967, No. 458; see J. E. G. ZETZEL, *New Light on Gaius Caesar's Eastern Campaigns*, *GRBS* 11 (1970), 259.

et imaginem tuam deorumque simulacra venerati sunt. Trajan's statue is distinguished from the *simulacra numinum*; but yet it is the object of precisely the same ritual observances.

However, it is more important to note that the main point of Pliny's letter concerns *lapsed* Christians; and that the concluding argument of his letter points to the large numbers who were currently lapsing: *satis constat prope iam desolata templa coepisse celebrari et sacra sollemnia diu intermissa repeti . . . ex quo facile est opinari, quae turba hominum emendari possit, si sit paenitentiae locus.* Pliny does not identify the temples concerned. There is nothing to indicate that they are those of *Roman* gods, or still less, of the Imperial cult. It is evident in fact that they are the local temples of the Pontic cities. That they should be filled with worshippers is important to Pliny, and by implication important to Trajan.

The Imperial cult thus plays a minor part in this episode. None the less this is the earliest detailed evidence of the use of the Imperial cult as a means either of compelling the submission or of justifying the punishment of Christians. We may note, however, that there is some precedent in what Josephus says of the Jewish *sicarii* who were taken prisoner in the early 70's: in spite of the most extreme tortures, he says, not one would acknowledge Caesar as δεσπότης¹. This is precisely the context in which different aspects of the Imperial cult appear in the majority of surviving authentic martyr-acts.

So, for instance, the proconsul of Asia says repeatedly to Polycarp ὁμοσον τὴν Καίσαρος τύχην. But in the *Acts of Justin* the Imperial cult is not mentioned; and in the martyrdoms at Lyon under Marcus Aurelius reported by Eusebius (*H.E.* V 1) what the slaves of the Christians relate under torture is cannibalism and incest; and what the martyrs are urged to do is "to swear by the idols". The Imperial cult

¹ Jos. *BJ* VII 10, 1 (418-19).

plays no part. In the *Acts of the Scillitan martyrs*, however, the test is again to swear by the *Genius* of the Emperor. Saturninus the proconsul says *et nos religiosi sumus, et simplex est religio nostra, et iuramus per genium domini nostri imperatoris et pro salute eius supplicamus, quod et vos quoque facere debetis*. The *Acts of Apollon* (or Apollonius) as we have them are not authentic; for they are inconsistent with what Eusebius reports of the trial in *H.E.* V 21. But here too the supposed *proconsul* Perennius says (3), "Swear by the *Tyche* of our lord Commodus", and later (7), "Sacrifice to the gods and to the image of the Emperor Commodus". In the certainly authentic *Acts of Perpetua and Felicitas*, the procurator acting *vice proconsulis* says *fac sacrum pro salute imperatorum*. But here we reach a different, and far more important, theme — that of the protection of the Emperor by the gods.

We may leave for a moment the proceedings before Roman governors in the persecutions of Decius, Valerian and the Tetrarchy. For here, unlike the previous occasions, the governor was acting within the terms of immediate imperial instructions. But we can see that up to 249, firstly, Christians were accused simply of being Christians. If other charges were added, they were *flagitia*, cannibalism or incest, rather than non-observance of the Imperial cult. But the Imperial cult does appear in the tests applied by the provincial governor. It was natural that it should. The letters of Pliny show that the governor took part in and supervised *vota pro incolumitate principis* on Imperial anniversaries (Plin. *Epist.* X 35-6, 52-3, 100-1); a passage from the *Apology* of Apuleius indicates that statues of the Emperor or Emperors were placed on the governor's tribunal¹. Thus a governor could order a Christian directly to sacrifice to the imperial statue; alternatively, he could demand that the Christian sacrifice, as he did himself, to other gods *for*

¹ Apul. *Apol.* 85. Cf. H. KRUSE, *op. cit.*, 79-89.

the Emperor; or he could demand an oath by the *Genius* or *Tyche* of the Emperor, a formula which was in daily use in provincial life.

But what of the Emperor himself? How significant for him was the Christian's refusal to sacrifice to or for him, or to swear by him? Before we try to answer the question, it is necessary to say something about the nature of Imperial government. The Emperor was an individual, with a relatively small staff to assist him. Many Emperors travelled extensively either in Italy or the provinces or, most frequently, on campaign; the amount of documents taken with them cannot have been large. It is not surprising therefore that the Emperor was dependent for information on reports sent to him, or questions brought for decision. He might on occasion initiate *leges* or *senatus consulta*, or issue general edicts; but it is essential to emphasise that his pronouncements were far more often made as *responses* to issues brought before him. Most Emperors would make these responses in the light of some coherent general principles or policies. But it is necessary to the understanding of the function of an Emperor, and indeed of the nature of the Roman Empire, that the *application* of any such general principles by an Emperor normally depended on the form, nature and occasion of communications to him by his officials or his subjects.

So, to take the Imperial cult, we may read in Suetonius, *Aug.* 52: *templa ... in nulla tamen provincia nisi communi suo Romaeque nomine recepit*. But what this means is what M. P. Charlesworth in a classic article called *An Augustan formula, the refusal of divine honours*¹; namely that if a temple or other divine honours were formally *offered* by an embassy, as by Gytheum to Tiberius, or the Alexandrians to Claudius, the offer was refused, or accepted in modified terms. To

¹ M. P. CHARLESWORTH, *PBSR* 15 (1939), 1.

the examples which M. P. Charlesworth could quote we can now add the letter of Claudius to Thasos¹: τὸν δὲ ναὸν μ[ό]ν[οις] εἰ[ναι] τοῖς θεοῖς κρείνων παραιτοῦμαι. But suppose that no formal offer of a temple or honours were made by such an embassy? Then not only private documents and dedications referred to Augustus as a god, but altars and temples of Augustus appeared too; as we have seen, both Greeks and Romans in Gangra and Phazimon-Neapolis in 3 B.C. swore by the gods and Augustus in the *Sebastaeia* at the altars of Augustus. Similarly, the inscription of Pontius Pilatus shows a *Tiberieum* at Caesarea²; I do not know what a *Tiberieum* can be, if not a temple of Tiberius. Under Augustus, probably in 5 B.C., the city of Samos chose, as ambassadors to the Emperor, Gaius Iulius Amyntas who was priest of Augustus, Gaius and Marcus Agrippa, and also several other men described as νεωποιοί of Augustus³. There is no reason to suppose that they would have been rebuked if the offices they held had been revealed. An unpublished Oxyrhynchus papyrus (3020) shows an Alexandrian delegation, probably in 10/9 B.C., addressing Augustus as Καῖσαρ ἀνείκητε ἥρωες. And when a delegation from Tarraco reported to Augustus that a palm-tree had grown on his altar there, his only reply was to say, *apparet quam saepe accendatis*⁴.

Thus the actual *application* of what we call imperial policy cannot be understood without attending to the real forms of communication to the Emperor from his subjects. The same rule applies to the persecutions, and specifically to the

¹ Chr. DUNANT et J. POUILLOUX, *Recherches sur l'histoire et les cultes de Thasos* II (1958), No. 179.

² See *Scavi di Cesarea Maritima* (1966), 217-20.

³ P. HERRMANN, *Inschriften römischer Zeit aus dem Heraion von Samos*, *MDAI(A)* 75 (1960), 68, No. 1; the text also in P. HERRMANN, *Der römische Kaisereid* (1968), 125-6.

⁴ Quint. *Inst.* VI 3, 77.

question of the significance of the Imperial cult in the persecutions.

Various different attitudes might have been adopted by Emperors. On the one hand they *might* have insisted positively on the observance of the Imperial cult. We may recall the words of Gaius to the Alexandrian Jewish embassy: "So you are the god-haters, the people who do not believe that I am a god—I, who am acknowledged as a god among all other nations by this time, but am denied that title by you"¹. But such an attitude was very rare; of later Emperors only Domitian is positively attested as applying the word *deus* to himself². On the other hand, as I have just mentioned, the *fact* of the Imperial cult in its very varied forms was accepted by all Emperors. It is noticeable that Trajan accepts without comment Pliny's report of supplications to his *imago*; just as earlier he had accepted Pliny's request to be allowed to put a statue of him, with those of earlier Emperors, in a *templum* which he was constructing, *quamquam eius modi honorum parcissimus* (X 8-9). There is no evidence that any Emperors attempted to *prevent* the use of the Imperial cult as a test for Christians. Yet they could certainly have done so. It is Trajan, again, who rebukes Pliny for asking if he should hear an accusation of *maiestas* against Dio of Prusa for placing a statue of the Emperor near the graves of his son and wife—*cum propositum meum optime nosset non ex metu nec terrore hominum aut criminibus maiestatis reverentiam nomini meo adquiri* (Epist. X 81-2).

Thirdly the Emperors, in so far as they took positive attitudes to persecution, or issued orders for it, might have emphasised other factors, and given the reasons for their actions. To find the answer, we must, as I said, determine

¹ Philo, *Leg. ad Gaium* 353, trans. E. M. SMALLWOOD.

² Suet. *Dom.* 13; cf. Mart. V 8, and D. Chr. XLV 1.

in what precise ways the issue of persecution came before the Emperors, and what pronouncements they issued about it. We may now, I hope, accept that there is no good evidence that any Emperor before Decius issued a general edict against Christians; Tertullian's expression *institutum Neronianum* refers not to some sort of legal pronouncement, but to persecution itself. Tacitus, our only detailed account of the events of 64, leaves everything obscure except that Nero's actions depended on the existing hatred of the masses for the Christians, an attitude which both Tacitus himself and Suetonius shared (Tac. *Ann.* XV 44; Suet. *Nero* 16).

On this occasion Nero was certainly involved personally, though precisely in what way Tacitus does not tell us. After that, up to the Decian persecution, there is no authentic and concrete evidence of Imperial pronouncements about the Christians *except* in the form of letters—Trajan to Pliny, Hadrian to Minucius Fundanus, proconsul of Asia (Just. *I Apol.* 68; Eus. *H.E.* IV 9), Antoninus Pius to Larissa, Thessalonica, Athens and "all the Greeks" (Melito, *Fr.* ap. Eus. *H.E.* IV 26, 10); possibly Antoninus Pius or Marcus Aurelius to the *koinon* of Asia¹; and Marcus Aurelius to the *legatus* of Lugdunensis (*H.E.* V 1, 44 and 47). Of these letters all of those addressed to provincial governors were certainly responses; and, in the light of other evidence, those to cities or the *koinon* almost certainly were also.

On the other hand, the alleged "persecutions" of Septimius Severus² and Maximin the Thracian³ do *not* provide any evidence of any specific action by the Emperor himself.

¹ Eus. *H.E.* IV 13. An alternative text of this letter, which is (in either form) certainly at least partly spurious, in *Cod. Par. Gr.* 450 (*GCS* IX 1, p. 328). For this and what follows see T. D. BARNES, *op. cit.* (p. 145, n. 1), 37-43.

² See K. H. SCHWARTE, *Das angebliche Christengesetz des Septimius Severus*, *Historia* 12 (1963), 185.

³ See G. W. CLARKE, *some Victims of the Persecution of Maximinus Thrax*, *Historia* 15 (1966), 445.

If one surveys this evidence, one sees that what Lactantius says about the collection of Imperial pronouncements concerning the Christians made by Ulpian in the seventh book of his *De officio proconsulis* is extremely important: *rescripta principum nefaria collegit, ut doceret quibus poenis adfici oporteret eos qui se cultores dei confiterentur* (Inst. V 11, 19). I would suggest that in Ulpian's time there had been *no* imperial pronouncements on the Christians other than *rescripta*—i.e. answers to governors, or cities or *koina*.

It is therefore not very significant that our evidence about imperial pronouncements on Christianity up to 249 contains nothing relating to the Imperial cult. It is more important to examine the period of positive Imperial orders—and of more explicit evidence—from A.D. 249 to 313. The surviving *libelli* of the Decian persecution show that the Imperial order was for sacrifice τοῖς θεοῖς, to the gods as such¹. The best martyr-act of this period, the *Acta of Pionius*, confirms this: Polemon the νεωκόρος says to Pionius, "You certainly know that the edict of the Emperor commands you to sacrifice to the gods". It is only after the refusal of this that he suggests that Pionius sacrifice at least to the Emperor. Other less certainly authentic evidence confirms the terms of the order of Decius². So does a letter of Cyprian from 252, which *may*, however, refer to a renewed persecution under Gallus: he refers to *sacrificia quae edicto proposito celebrare populus iuebatur*³.

¹ See H. KNIPFING, The Libelli of the Decian Persecution, *HThR* 16 (1923), 345.

The Latin recension of the *Acts of Carpus, Papyrus and Agathonice* (R. KNOPF-G. KRÜGER-G. RUHBACH, *op. cit.*, No. 2; H. MUSURILLO, *op. cit.*, No. 2) is dated specifically to the reign of Decius (1 and 7), and has (2), *sacrificate diis secundum praeceptum imperatoris*. Cf. the *Acts of Maximus* (R. KNOPF-G. KRÜGER-G. RUHBACH, *op. cit.*, No. 12), *decreta constituit per universum orbem, ut omnes Christiani recedentes a deo vivo et vero daemoniis sacrificarent*; cf. Gregory of Nyssa, *V. Gr. Thaum.* (PG XLVI, cols. 893-958), in col. 944.

³ *Epist.* 59, 6. Cf. *Epist.* 57, 1 of the same year forecasting a new persecution, and Eus. *H.E.* VII, 1 (Dionysius' letter to Hermammon).

It is essential to emphasise that what was ordered was sacrifice "to the gods". For A. Alföldi, for instance, has asserted that the Imperial cult was important in the persecution of Decius¹; and it has often been assumed that the gods in question were the "gods of the State" or even the *di publici populi Romani*². But to understand our evidence in that way is to impose a semi-political interpretation of these events; the essential thing, however, is precisely that the terms used are religious and not political.

From the persecution under Valerian we have three excellent sources of evidence, the letters of Cyprian (*Epist.* 76-81), the *Acta Proconsularia* of his two trials, and the letters of Dionysius of Alexandria, preserved by Eusebius (*H.E.* VII 10-11). Between them they show that there were Imperial orders for the banning of Christian meetings, the exclusion of Christians from their cemeteries, and the punishment of bishops and presbyters; and also for the punishment of *senatores*, *equites* and *Caesariani* who were Christians. But what of the orders for sacrifice? In the *Acta Proconsularia* we find the proconsul of Africa in 257 saying to Cyprian something for which no other source offers a true parallel: *sacratissimi imperatores Valerianus et Gallienus litteras ad me dare dignati sunt, quibus praeceperunt eos qui Romanam religionem non colunt, debere Romanas caerimonias recognoscere*. After Cyprian's exile, the proconsul of the next year again orders him to *caerimoniari*, and on his refusal condemns him as *inimicum ... diis Romanis et sacris religionibus*; nor, he says, have the Emperors been able *te... ad sectam caerimoniarum suarum revocare*.

¹ A. ALFÖLDI, Zu den Christenverfolgungen in der Mitte des 3. Jahrhunderts, *Klio* 31 (1938), 323-348 (334); *Studien zur Geschichte der Weltkrise des 3. Jahrhunderts nach Christus* (1967), 285.

² Most recently by J. MOLTHAGEN, *Der römische Staat und die Christen im zweiten und dritten Jahrhundert* (1970), 63, 79, 93-8.

I must confess that I do not fully understand the significance of these expressions. But what is clear is that they contain no explicit reference to the Imperial cult as such. Even clearer is the verbatim record of the trial of Dionysius bishop of Alexandria before Aemilianus, who tells Dionysius and his companions that the Emperors have given them the chance to save themselves, εἰ βούλοισθε ἐπὶ τὸ κατὰ φύσιν τρέπεσθαι καὶ θεοὺς τοὺς σφύζοντας αὐτῶν τὴν βασιλείαν προσκυνεῖν. This is explicitly a documentary record, and it is as clear as possible that the Imperial order commanded sacrifice to the gods as such¹. The Imperial cult finds no place here. The concept which *is* present is a quite different one, the protection of the Emperors by the gods.

Finally, the connection between the worship of the gods and of the Emperors appears in a different form in the martyrdom of Fructuosus and others in 259. Here, again, the *legatus* of *Tarraconnensis* says that the Emperors *praeceperunt deos coli*, but continues later *hi* (the gods) *audiuntur*, *hi timentur*, *hi adorantur*; *si dii non coluntur*, *nec imperatorum vultus adorantur*. If I understand this passage, it exhibits the worship of the Emperors as one facet of the worship of the gods in general.

When we come to the "Great" Persecution all our reliable evidence shows that the first Imperial order which explicitly commanded a general sacrifice was in the Fourth Edict, of 304, repeated by Maximin in 305-6 and 308-9². So far as our evidence goes, it contained no reference to sacrifice to the Emperors.

None the less, even before the Fourth Edict, the test of sacrifice, to the gods, and rarely to the Emperors, continued to be applied by provincial governors. So in 303 Procopius

¹ Eus. *H.E.* VII 11, 6-11.

² For the details see G.E.M. de SAINTE CROIX, *Aspects of the "Great" Persecution*, *HTbR* 47 (1954), 75.

of Scythopolis is ordered first to sacrifice to the gods, and then, when he refuses, to pour a libation to the four Emperors (Eus. *M.P.* I 1). That is, however, the *only* reference to the Imperial cult in the short recension of the *Martyrs of Palestine*. In the long recension, preserved in Syriac, there is one other case, also from 303: Alphaeus, a reader and exorcist in the church at Caesarea, is ordered by the governor to sacrifice to the Emperors (I 54).

The Emperors are mentioned again in the *Acts of S. Crispina*, when the proconsul explains that it has been ordered by the Emperors *ut omnibus diis nostris pro salute principum sacrifices*. The theme is thus exactly the same as that in the trials of Perpetua and Felicitas and of Dionysius of Alexandria. But here also, as in the *Acta Proconsularia* of Cyprian, the proconsul refers explicitly to the Roman gods—*subiunga caput tuum ad sacra deorum Romanorum*; and later says *quaerimus, ut in templis sacris flexo capite diis Romanorum tura immoles*. Does *dei Romanorum* here mean specifically the gods of the city of Rome? Or does it mean simply the pagan gods?

What is important about the Great Persecution is that we have a great deal of very explicit evidence about it: for instance, the arguments of a pagan philosopher for persecution, reported by Lactantius (*Inst.* V 2); the background of traditional piety expressed by Diocletian and Maximin in their constitutions on incest and on Manicheism¹; some details of the successive edicts on persecution; the petition of Lycia-Pamphylia to Maximin (*TAM* II 3, 785), and the letter of Maximin to the city of Tyre; and the pronouncements of Galerius, Maximin, Constantine and Licinius by which persecution was ended. In all this, and in Lactantius' extensive discussion of persecution in the

¹ *Mos. et Rom. legum collatio* VI 4, 1; XV 3. See J. VOGT, *Zur Religiosität der Christenverfolger im römischen Reich* (1962), 25.

Divine Institutes (IV 27; V 11; 13-14; 19-24), the Imperial cult plays no part at all. Unless we are to reject all our evidence, we must conclude that the Tetrarchic persecutions, like those of the mid-third century, were concerned with the preservation of the pagan cults as such. So Lactantius reports the proclamation of the anonymous pagan philosopher (*Inst.* V 2): *ante omnia philosophi officium esse erroribus hominum subvenire atque illos ad veram viam revocare, id est ad cultus deorum, quorum numine ac maiestate mundus gubernetur.*

The evidence for the persecutions is of some importance precisely because it was so rare for the Emperor to institute measures which directly and positively affected, or were intended to affect, the whole population of the Empire (even so, of course, the actual carrying-out of all the major persecutions was partial and episodic). It had also been very rare, up to this period, for an Emperor to express so elaborately and in such detail the reasons for his actions and the attitude to the world which lay behind them. We can see as the culmination of this development the exposition of paganism in Maximin's letter to Tyre in 312¹. If the Imperial cult does not appear prominently in our evidence for the major persecutions we cannot say it is because our evidence itself is too limited.

Must we then conclude, on the evidence of the persecutions of Christians, that the Imperial cult was not of any real significance; that, as has been argued so many times, and even in major works on ancient religion², it was a set of formalities, empty of all truly religious content or feeling?

Of course we shall never know or understand fully the religious experience of pagans in antiquity. By its very nature, our evidence can only tell us about their rituals

¹ Eus. *H.E.* IX 7, 3-14.

² E.g. K. LATTE, *Römische Religionsgeschichte* (1960), 312-26; M. NILSSON, *Geschichte der griechischen Religion* II² (1961), 384-95.

and cults, about the language they used in literature or private life, or about how they actually behaved in different situations. All that we can say, therefore, is firstly that the conception of a human attaining divine status had already long been integral to ancient paganism¹; and secondly that the Imperial cult was fully and extensively integrated into the local cults of the provinces, with the consequence that the Emperors were the object of the same cult-acts as the other gods.

I would like to suggest that it is precisely this integration of the Imperial cult into the wider spectrum of pagan cults which is the first reason why it plays only a modest role in the persecutions. The second reason is that, both for the people and, in the end, for the Emperors themselves, there was a real fear of the abandonment of the ancient gods, and of the loss of the protection which they extended to the cities, and the Empire as a whole. It was only the men in the middle, the provincial governors, and, less often, the magistrates of provincial cities, who, when Christians were brought before them, regularly applied the test of recognition of the Imperial cult, but along with that of the cults of the other gods. The persecutions cannot be explained in political terms, as demands for formal displays of loyalism. They were motivated by feelings which we must call religious; among those religious feelings the worship of the Emperor played a real, but a minor part. The most important conception which lay behind the persecutions was precisely the one which was to be the foundation of the Christian Empire: that the world was sustained, and the earthly government of it granted, by divine favour. It is

¹ Apart from standard works, such as Lily Ross TAYLOR, *The Divinity of the Roman Emperor* (1931), and Chr. HABICHT, *Gottmenschentum und griechische Städte*² (1970), note especially D. M. PIPPIDI, *Apothéoses imperiales et apothéose de Peregrinos*, *SMSR* 21 (1947-8), 77, and now St. WEINSTOCK, *Divus Julius* (1972), 287-96.

thus entirely appropriate that it is in the edict of toleration of Galerius in 311 that an Emperor first looks forward to the protection of the Christian god: *debeant (Christiani) deum suum orare pro salute nostra et rei publicae ac sua*¹.

¹ Lactantius, *De mort. pers.* 34; Eus. *H.E.* VIII 17.

DISCUSSION

M. Beaujeu : J'ai trois questions à poser à M. Millar :

a) Dans sa conférence si précise et convaincante, il a montré que le refus de participer au culte impérial et de jurer par le *Genius* de l'empereur n'a joué qu'un rôle secondaire dans les poursuites et dans les persécutions contre les chrétiens ; mais il a laissé de côté le témoignage important de Tertullien, qui déclare formellement qu'on invoquait contre eux deux motifs essentiels : *deos non colitis* (= *sacrilegium*) — *pro imperatoribus sacrificia non penditis* (= *maiestas*). Comment M. Millar explique-t-il cette discordance entre ce texte de l'apologiste, qui se doublait d'un juriste averti, et la conclusion qui se dégage de nos autres sources ?

b) La deuxième question ne se rapporte pas à l'objet propre de la conférence de M. Millar, mais à ce qu'il a dit sur, ou plutôt contre l'existence d'un *institutum Neronianum*, irritante question maintes fois débattue. Je ne conteste pas que le témoignage de Tertullien soit suspect, ni que le terme *institutum* signifie *exemplum* et non pas *decretum*. Mais comment M. Millar peut-il expliquer les termes de la lettre de Pline le Jeune et ceux de la réponse de Trajan, s'il ne préexistait pas un texte légal interdisant d'être chrétien ? Il n'est pas impossible qu'un tel texte date seulement de l'époque flavienne, bien que les documents faisant état de poursuites intentées contre les chrétiens sous Domitien soient suspects. N'est-il pas beaucoup plus vraisemblable qu'il remonte à la première — et à la seule — répression sûrement attestée, au I^{er} siècle, contre les chrétiens en tant que tels, celle de 64 ? Ce qu'a été exactement ce texte, s'il a existé, comme nous le croyons, nous ne le saurons sans doute jamais ; nous l'imaginons comme un texte de circonstance, mais de portée générale et sans restriction de durée, quelque chose comme : « Les chrétiens étant des ennemis de l'Empire et du genre humain, qui commettent des crimes graves — incendies, etc ... — contre le peuple romain,

il est interdit d'être chrétien ; quiconque est reconnu pour tel est passible de mort. » Par prudence, par méfiance, par souci de la continuité institutionnelle, les successeurs de Néron n'ont pas aboli ce texte, qui fut appliqué diversement, précisé, modifié ou atténué par divers rescrits. U. Brasiello (*La repressione penale in diritto romano*, Napoli 1937, surtout pp. 29-55) a montré comment la procédure *extra ordinem*, issue du droit de *coercitio* des magistrats et appliquée au nom de l'empereur par le *praefectus Urbi* ou par les gouverneurs de province, avait étendu son domaine, sous le Haut Empire, et A. Ronconi (Tacito, Plinio e i Cristiani, in *Studi in onore di U. E. Paoli* (Firenze 1956), pp. 615-628) a, de son côté, montré comment cette procédure rend compte, dans le cas des chrétiens, et de l'importance du « précédent », néronien ou non, et de la diversité qu'on relève dans l'usage qui en a été fait ensuite.

c) M. Millar serait-il disposé à accepter deux explications possibles du fait que Tertullien accorde au *crimen maiestatis* une importance disproportionnée par rapport au témoignage des autres documents ?

Première hypothèse : dans certains cas, tel ou tel gouverneur, mal informé ou mal intentionné, pouvait interpréter le refus de sacrifier à ou pour l'empereur non pas seulement comme la preuve que le prévenu appartenait à la secte chrétienne, mais comme un motif, supplémentaire ou principal, de condamnation ;

Deuxième hypothèse : ce serait Tertullien lui-même qui, de bonne foi ou par rouerie d'avocat, aurait présenté comme un grief majeur ce qui n'était qu'un test de l'appartenance à la secte interdite.

M. Millar : As regards the first question, I did not approach the question of what Tertullian says about the *crimen maiestatis*, partly because it seemed to fall within the sphere of Prof. Beaujeu's paper, partly because I wished to concentrate on specific instances of prosecutions leading to the death or punishment of Christians,

and partly, it must be admitted, because I could not explain satisfactorily the contradiction between the use of this concept by Tertullian and its absence from our evidence about actual trials. One can only say either that our evidence on the trials is very inadequate, or that Tertullian has applied this concept to the situation of Christians himself, for the purpose of his argument.

In reply to the argument that there must have been a legal act, probably by Nero, which formed the basis for the execution of Christians, there are various points to be made.

Firstly we can not use as evidence the phrase of Tertullian *institutum Neronianum*, which evidently develops the word *συνήθεια* used of persecutions by Melito (Eus. *H.E.* IV 26, 4) and means "the Neronian (i. e. disreputable) custom of persecution".

Secondly, that in our evidence no Roman official, whether emperor or governor, refers to such a legal act.

Thirdly, that Tacitus' account of the events of 64 also mentions no such act of general and permanent application.

The argument that there must have been such an act is in consequence a deduction from circumstantial evidence. I do not think that we know enough about the exercise of criminal jurisdiction in the Roman Empire in the first century to make such a deduction.

If one wishes to reject this hypothesis, one must offer an alternative explanation for facts which clearly require an explanation, namely that there had been *cognitiones de Christianis* before Pliny's trial, that he did execute those Christians who confessed and that this was not disapproved by Trajan. The solution seems to lie, firstly, in the hostility to Christianity shared by Tacitus, Suetonius and Pliny, and in the concern evidently felt by both Pliny and Trajan that pagan worship as such should continue in the Pontic cities. A popular hostility to Christianity is already evident in the *Acts of the Apostles*, but there Christianity does not appear to the Roman governors as either important or

dangerous. But eventually they too began to feel a real hostility to Christianity, and so to share the feelings of the populace and of the accusers of Christians. Perhaps this is a sufficient explanation of how Christians came to be executed. But this too is a hypothesis.

M. Giovannini : Permettez-moi deux observations :

La première concerne la persécution de Néron. M. Beaujeu vient de nous signaler un article de Ronconi, selon qui l'arrestation et l'exécution de chrétiens se serait faite en l'absence de toute procédure judiciaire. Je crois qu'il faut nuancer. Selon Tacite (*Ann.* XV 44, 4) on arrêta d'abord ceux qui reconnaissaient être chrétiens (*qui fatebantur*), et il semble clair que ceux-ci pouvaient être mis à mort sans autre forme de procès. Il ne peut en avoir été de même pour les victimes de dénonciations (*indicio ... convicti sunt*) dont une partie au moins ont dû nier leur appartenance au christianisme. Dans ce cas une procédure quelconque était indispensable pour établir si oui ou non la personne dénoncée était chrétienne. Cette procédure doit avoir fait l'objet d'instructions précises de la part de Néron et je suis persuadé que c'est précisément cette procédure qu'a suivie Pline.

Ma seconde observation se rapporte à la lettre de Pline et à la réponse de Trajan. Un point, qui n'a pas été relevé jusqu'ici, mérite attention : Pline déclare ignorer ce qui est reproché aux chrétiens (*nescio, quia et quatenus aut puniri soleat aut quaeri*) et demande à Trajan si c'est le fait même d'être chrétien ou si ce sont les délits commis qui sont punissables (*nomen ipsum, si flagitiis careat, an flagitia cohaerentia nomini puniantur*). Or nous devons constater que Trajan ne répond pas à cette question. Il se contente d'affirmer que ceux qui sont dénoncés et convaincus d'être chrétiens doivent être châtiés (*si deferantur et arguantur, puniendi sunt*). Trajan considère manifestement comme secondaire le fait, constaté par Pline, que souvent les chrétiens ne commettent aucun délit punissable. Pour lui, le seul fait d'être chrétien est punissable de mort ; il fait agir en conséquence.

A mon avis cette attitude serait absolument incompréhensible si la décision de punir les chrétiens de mort avait été prise par Trajan lui-même. Je ne peux m'expliquer sa réponse que comme un refus de remettre en question un interdit émanant d'un prédécesseur, lequel ne peut guère être que Néron.

M. den Boer : Not only the words *nulla poena sine lege*, but also a more general and practical idea was decisive for Roman magistrates : *salus publica suprema lex esto* (Cic. *Leg.* III 8). This was the basis for the *coercitio*, mentioned by Th. Mommsen (*StR* I³, 136 ff.) and taken over by H. Last in *RLAC* II (1954), col. 1221 ff. It is the right of magistrates to punish in these cases where no specific rules were available. And this was just the case with the first accusations of Christians. Here one might find an answer to the question why the governor could act, why he was uncertain and why he wrote to Trajan about this, when more cases of the same kind were brought before him.

How did it work in practice? We know next to nothing about the first period, but we do know that Christian missionaries sometimes caused difficulties (riots in Ephesos, for example, see *Act.* 19, 21-40). Not all Roman officials displayed the phlegmatic attitude of Gallio in Corinth (*Act.* 18, 12-17) or evinced the sympathetic interest of Sergius Paulus (Cyprus, *Act.* 13, 7-12). Perhaps a passage of the *Epistle to the Corinthians*, dating approximately 25 years after Paul's conversion, is illuminating in this respect. The magistrate asked persons, brought before him as Christians, to curse Christ (ἀνάθεμα Ἰησοῦς [ἔστιν or ἔστω]).

If an accused did, he went free (Cf. Plin. *Epist.* X 96, 5 : *maledicerent Christo*). If he did not, his confession, Κύριος Ἰησοῦς, proved his obstinacy, and he was sentenced to death. One can understand that under this mental pressure "no one can confess 'Jesus is Lord' unless he is guided by the Holy Spirit", as Paul says. Those who did not have the courage to suffer and to die are alluded to in the first part of this passage : "No one who is led by God's spirit can say 'A curse on Jesus'" (*I Cor.* 12, 3).

M. Bickerman: The Christians could not be persecuted for *crimen maiestatis* consisting in refusal to worship the Emperor for the simple reason that an Emperor, as long as he lived, was no deity in the eyes of the Romans. Nor was there any necessity for any law, or for any legal enactment, in order to put them to death. As legal sources show, the governor was obliged to purge his province of trouble makers, the "trubliions", to use a word of ancient French, of any kind. As soon as the legal practice of the *cognitio* established the *praeiudicium* that the Christians were trouble-makers, no special law on this point was required. Pliny hesitates because, as he himself says, he never had the occasion to take part in a *cognitio* concerning the Christians. As a matter of fact, the Roman governor was not required to know the law about the matter to be considered by him. It was the business of the parties in the dispute to quote the law, the precedents, etc. As a former military commander, a governor probably knew that the soldiers were not allowed to marry. But why should he know some Imperial rescript about the Christians, or about the local law of inheritance, etc.? As Trajan's answer to Pliny's questions shows, the Emperors avoided, as far as possible, limiting the freedom of action of their governors by issuing directives on questions of detail. Taking into account the immensity of the Empire, the innumerable local laws and customs, and the difficulties of communication with Rome—you could not teletype a question to the Emperor—the Empire would have broken down, if the *cognitio* of the governor were strictly limited. As Petronius says, the governor was *imperator* of his province; it was up to him to decide whether and how the Christians of his province were to be persecuted. There was not and could not have been a general rule on this subject. Yet, there could have been some pronouncement of some Emperor touching the persecution of the Christians. At least, Origen believed that such a decree had been issued. And, for my part, I would hesitate to disbelieve a statement of Origen, except when he allegorizes the Scripture.

M. Habicht: Vorweg möchte ich sagen: ich stimme voll überein mit Mr. Millars Hauptthese, dass der Kult der Kaiser in der Frage der Verfolgungen keine besondere Rolle gespielt hat; der Kaiser wurde wie einer der vielen anderen Götter behandelt; ein Kaiseropfer wurde gefordert, weil man die Kaiserstatue neben dem Tribunal hatte, oder nicht gefordert, wenn der Angeschuldigte einem anderen Gott zu opfern bereit war.

Die Meinungsverschiedenheit besteht darüber, ob es vor Plinius irgend eine Regelung mit Gesetzeskraft gegeben hat, die es verbot, Christ zu sein. Mr. Millar hat die Schwierigkeiten erläutert, die dieser Annahme entgegenstehen; aber ohne eine solche Annahme ist die Situation noch schwieriger. Ich lasse Tertullians *institutum Neronianum* beiseite, denn sein Aussagewert ist zweifelhaft.

Aber: das *Imperium Romanum* war ein Rechtsstaat. Das heisst nicht: ein Staat der Gerechtigkeit, aber ein Staat, in dem *secundum leges et constitutiones principum agitur*. Römischer Grundsatz ist *nulla poena sine lege*. Traian sagt rundheraus: *puniendi sunt*. Warum und wofür?

Wo Rauch ist, ist auch Feuer. Der Rauch in diesem Bilde sind die Gebeine der Märtyrer. Es muss Feuer gegeben haben, nämlich irgend einen allgemeinen Rechtssatz, der es verbot, Christ zu sein, mit der ausgesprochenen oder unausgesprochenen Begründung, die *Christiani* seien Feinde der öffentlichen Ordnung.

Was nun die Tatsache betrifft, dass trotzdem nach den Christen nicht gefahndet werden darf (*conquirendi non sunt*), während es die Pflicht jedes Statthalters ist, nach Kriminellen zu fahnden, so hängt hiermit natürlich zusammen, dass es Martyrien immer nur sporadisch und lokal begrenzt gegeben hat. Die Statthalter wurden nur auf Anzeige hin tätig; diese durfte seit Traian nicht anonym sein, und seit Hadrian musste der *delator* seine Sache selbst vor dem Tribunal vertreten. Wenn der Beschuldigte gestand, konnte er das Leben verlieren, wenn er leugnete, wurde der *delator* wegen *calumnia* belangt. Diese Alternative zwischen

zwei unerfreulichen Möglichkeiten erklärt vermutlich die Seltenheit solcher Anzeigen. Anders war es in Fällen von Hungersnot, Überschwemmungen oder Friktionen von Christen und Heiden, d.h. wenn Massenemotionen im Spiel waren.

Gegenüber einer Organisation, deren staatsfeindlicher Charakter förmlich festgestellt worden ist, hat jede Regierung trotzdem die Freiheit, von der Anwendung der Rechtsfolgen abzusehen (Opportunitätsprinzip gegenüber dem strikten Legalitätsprinzip). Für die Sicherheit des Staates ist wesentlich, dass Angehörige dieser Organisationen nicht in Schlüsselstellungen des Staatsdienstes einrücken. Tatsächlich ist die Zahl der Christen in den staatlichen Funktionen, die Senatoren und Rittern offenstanden, bis in die Severerzeit verschwindend gering gewesen (vgl. z.B. Werner Eck, *Chiron* 1 (1971), 381 ff.). Und Valerian, nach ihm Diokletian, haben für die Entfernung der Christen aus öffentlichen Funktionen gesorgt, sofern diese nicht einen Loyalitätsbeweis (wie z.B. ein Opfer an einen Gott oder den Kaiser) erbrachten. Derartige Beweise verlangt unter Umständen auch ein moderner Staat, wenn Angehörige des öffentlichen Dienstes oder Bewerber für den öffentlichen Dienst im Verdacht stehen, einer staatsfeindlichen Organisation anzugehören.

Dass Decius einen « legal act » gegen die Christen gerichtet habe, scheint mir zweifelhaft. Wie Mr. Millar ausgeführt hat, wurde das Opfergebot an alle Reichsbewohner gerichtet und verlangte nur ein Opfer $\tau\omicron\iota\varsigma\ \theta\epsilon\omicron\iota\varsigma$. Nichts weist darauf, dass es spezifisch gegen die Christen gerichtet war (wenn diese es auch so verstanden haben). Möglich ist, dass dem Kaiser allein daran lag, durch eine reichsweite *supplicatio* sich des Schutzes der Götter zu versichern (vgl. das Edikt des Galerius von 311). Dann wäre erst Valerian der Kaiser, der mit seinen Edikten, auf Grund der Erfahrungen des Decius mit den Christen, eine allgemeine Rechtsgrundlage für das staatliche Vorgehen geschaffen hätte — die erste überhaupt oder die erste nach Nero (abgesehen von den rein verfahrensrechtlichen Regelungen Traians, Hadrians usw.).

M. Bowersock: The whole conception of the Roman Empire as a strict *Rechtsstaat* is questionable. I believe that there was more flexibility in making decisions and taking action than such a term implies. For Pliny and the Christians de Ste. Croix's account of *cognitio* procedure in *Past and Present* seems to me a model explanation of our problem. I am reminded at this point of Tertullian's story at the end of the *Ad Scapulam* about Arrius Antoninus, a recent governor of Asia. Groups of Christians came to him asking to be martyred: Antoninus not only wanted to do nothing to these acknowledged Christians,—to most of them he did nothing. I do not think any general statute on Christianity existed.

M. Millar: I would like to reply to the two points raised earlier by Mr. Habicht.

Firstly, as concerns the basis of the persecutions, I would not like to start from the general proposition that the Roman Empire was a "Rechtsstaat". That is a conclusion which or might not be reached on the basis of individual items of evidence. I would agree rather with the view of the Empire expressed by Mr. Bickerman.

As regards to specific suggestion of a *mandatum* from Nero, I am not sure that such a hypothetical *mandatum* would count at this period as a legal act. Moreover, it is, firstly, not clear whether in the reign of Trajan *mandata* were yet issued to all governors, *proconsules* as well as *legati*. But, more important, we know from Pliny (*Epist.* X 96) that Pliny did have *mandata* from Trajan, and that these included a provision about *hetaeriae*, which Pliny incorporated in his *edictum*, and in accordance with which the Christians told Pliny that they had abandoned their meetings. In the context it is surely clear that the *mandata* contained no provision mentioning the Christians by name.

Secondly, as regards my description of the edict of Decius as the first general Imperial pronouncement against the Christians, what is certain is that there was an actual Imperial order com-

manding sacrifice (though we have admittedly no texts of it). There is no evidence that the order mentioned the Christians by name, however, so it is certainly a legitimate view that the intention was simply to have a universal sacrifice, for some object, such as the propitiation of the gods, not directly concerned with Christianity. But, on the whole, I believe as do our Christian sources, the order was implicitly aimed against the Christians.

