

A. N. Sherwin-White (ed.), *Fifty Letters of Pliny*. Oxford: Oxford University Press, 1967, pp. 171-179.
“Notes to Letters 10.96-97”

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LETTER 47 (X. 96). TO TRAJAN

On the punishment of Christians

This letter, with Trajan's reply, contains the earliest pagan evidence about the attitude of the Roman government to Christians and about the life and liturgy of the Christian communities. It was written about ten years earlier than Tacitus' account in his *Annals* (15.44) of the execution of Christians at Rome after the great fire of A.D. 65. The letters also form part of a series of documents illustrating the

treatment of foreign sects of all sorts by the Roman state. As it is the longest single text dealing with all these themes it has given rise to much comment, and some disagreement, among historians. Pliny's letter was known to the Christian apologist Tertullian, who summarizes it accurately in his *Apology* (ch. 2), written in A.D. 197.

Greeks and Romans alike believed that the safety of their states depended upon the proper observance of cults of local gods by each community (Letter 35.3). The civic gods would be angry if any alien deity received offerings and worship from the inhabitants of their own territory, or if their own cult was neglected. But the management of the civic cults was left to civic magistrates and priests, drawn from the upper classes, while private individuals were left to their own devices, and tended, in the complex civilization of the Roman empire, to turn for personal religion to foreign cults and sects. These provided a deeper psychical satisfaction than did the old Graeco-Roman cults of personalized deities who were treated in literature and mythology as merely super-men and super-women. Thus the Egyptian cult of Isis flourished at Nicomedia (Letter 43. 1). The Roman government had always disapproved of its own citizens doing this, and from time to time banned particular cults at Rome and expelled the clergy of foreign sects, such as the priests of Isis and the Magian practitioners of the occult. But no statute laws were made to deal with the whole question. Each case was handled as it arose by magistrates at Rome and by governors in the provinces. They acted by the general power of control which they exercised over the behaviour of ordinary citizens, and which they enforced by the jurisdiction known as *cognitio extra ordinem* (cf. Letter 45. 2 n.). Usually they were immediately concerned not with the religious aspect of the cults, which seldom threatened the worship of the civic gods, but with the personal behaviour of the devotees. If cults gave rise to criminal or scandalous behaviour (*scelera, flagitia*), a magistrate would place a ban on the sect. But such bans were easy to elude, because the Roman police organization was very rudimentary, and forbidden cults easily re-established themselves after an interval. Besides, the Romans realized that foreigners ought to propitiate and worship their own native gods even when resident outside their homeland. Hence the

Romans tended to tolerate foreign cults provided that the adherents respected the official religion and cults of the country in which they were living, whether in Roman Italy or provincial territory.

But the Christians were in a worse position than the devotees of other private cults. First, because the church was not a civic or national cult, once it had broken free from Judaism, in Roman eyes it had no claim to recognition. Second, and worse, the Christians as monotheists totally refused to recognize the validity of any other form of religion. They were actively hostile to other peoples' gods, and hence were a positive danger to the safety of the civic community in which they lived. Even if free from other vices the sect offended against the basic principle on which the Romans were prepared to tolerate alien sects. But the Christians were also suspected of indulging in social misconduct of a kind that the Romans had found associated with other personal cults (*flagitia* s. 2 n.). So, in circumstances that are not clear, the Christians from A.D. 65 onwards came to be regarded as practitioners of an undesirable cult and could be prosecuted as such, following a precedent established by Nero (*nomen* s. 2 n.). The enforcement of such bans depended in Roman legal usage upon the activity of unofficial accusers or *delatores* (*deferebantur* s. 2 n.). There was no public prosecutor for this or any crime in the Roman world. Hence the 'persecution' of Christians was very limited and occasional during the first two centuries A.D., even when governors accepted the evidence of mere informers (s. 6 n.). The operation of Christian prosecutions is made known in any accurate technical detail only by Pliny's letter. Later accounts, such as the various *Acta martyrorum*, and the *Apology* of Tertullian tend to represent the Christian viewpoint and to slur over the technical aspects.

See further the Appendix in my *Historical Commentary*, and G. E. F. de Ste Croix, *Past and Present* (xxvi), Ig63, 'Why were the Christians persecuted?'.

The letter was written from a city of Pontus, not Bithynia, which may be either Amisus or Amastris, about whose affairs Pliny wrote to Trajan in adjacent letters (Ep. x. 92, 98). The date lies between 18 September and 3 January of Pliny's second year in his province, i.e. not later than A.D. 112.

1. **sollemne.** 'usual'.

cognitionibus. For the term see Letters 20.1 n. [Trials before the emperor were called *cognitiones*], 45.2 n. [an example of a *cognitio extra ordinem*] Any trial before a magistrate sitting without a regular jury was a *cognitio*. Barely two trials of Christians are known at Rome in Pliny's age.

nescio. Pliny does not hesitate to undertake the trial. As in other affairs he takes local advice (s. 10 'constat' n.), and follows the *exempla proconsulum*. Cf Ep. x. 72 'postulantibus quibusdam ut . . . secundum exempla proconsulum ipse cognoscerem', and Letter 44. 1: 'secundum exempla complurium'.

quid et quatenus. The order of words is a *chiasmus*, i.e. quid goes with *quaeri*—'What is the object of investigation'—and *quatenus* with *puniri*.

2. **nec mediocriter haesitavi.** Pliny asks Trajan three questions in the following sentence, but lays most stress on that concerning *paenitentiae uenia* in the rest of the letter, and Trajan devotes most of his reply to this. Pliny is not pleading for an abandonment of the punishment of Christians.

sitne aliquod discrimen aetatum. A subsidiary question not affecting the main principle. Roman lawyers sometimes allowed for this in fixing the penalties for ordinary crimes.

nomen ipsum. The nature of this charge is indicated by the words 'an essent Christiani', i.e. simple adherence to the cult, without any assessment of their actions and behaviour. This is the regular procedure in all the accounts of Christian persecutions. Tertullian in his *Apology* (ch. 2) objects at length that by *accusatio nominis* the Christians were given no opportunity of proving the innocence of their lives. He attributes the invention of the procedure to the Emperor Nero, evidently at the time of the great fire of A.D. 65. But similar forms of prosecution had been used in the past against other sects from 186 BC. onwards, when large numbers of persons were punished for being worshippers of Bacchus, and the Senate ordained that all shrines of Bacchus should be destroyed throughout Italy (Livy 39. 18).

an flagitia cohaerentia nomini. Alien sects had frequently been banned, like the Bacchanals, because they were associated with

criminal and anti-social acts. The Druids were officially abolished by the Emperors Tiberius and Claudius because of their practice of human sacrifice. Tacitus in his account of the trial of Christians in A.D. 65 mentions *flagitia*, and calls them *sonites et nouissima exempla meritos*. They were popularly believed to indulge in incest and cannibalism. But later in the second century the well-informed Lucian knew nothing of such charges, and considered that 'atheism', i.e. hostility to the established religion, was their crime (*Alexander* 25, *De morte peregrini* 11-14). Pliny in ss. 7-8 raises a doubt about the existence of *flagitia*, but does not positively argue that Christians were inoffensive, and in s. 10 he refers to the effect of their 'atheism' on the civic cults of Pontus.

deferebantur. This technical term refers to formal accusation by a third party, a private accuser, who conducts the accusation before the governor, as in the accusation of Dio at Prusa (Letter 45. 2).

confitentes iterum ac tertio interrogauit. This procedure occurs in all well-attested trials of Christians, but not elsewhere. Since the Christians did not defend themselves, the accusers did not need to develop their case. The Roman judges could have sentenced them forthwith. But the Romans were reluctant to sentence an undefended prisoner, especially since there was a possibility of malicious prosecution (*calumnia*, Letter 31. 7 n.). Compare the questioning of the silent Christ by Pontius Pilatus (Mark xv. 2-4; Matt. xxvii. 11-15).

supplicium minatus. Punishment, not torture (cf. Letter 10. 8). The purpose is to induce the Christian to abandon his cult. He is punished only when he refuses to obey the implied order.

duci. 'to be led off to execution'.

pertinaciam . . . et inflexibilem obstinationem. Roman officials objected strongly to the behaviour of the kind commonly called *contumacia*—wanton and prolonged disobedience of a magistrate whether in a court of law or in the course of administration. Cf. Ep. 57. 2. 'neque . . . sufficit eum poenae suae restitui quam contumacia elusit'. Marcus Aurelius in his *Meditations* (11. 3) remarks that Christians chose death out of 'sheer disobedience'.

4. **quia ciues Romani erant.** Roman governors were restricted in the power to execute Roman citizens by the latter's right to appeal to a court at Rome. Hence such prisoners usually were sent to Rome for trial. But cf. Letter 10. 8n. for an exception.

5. **praeunte me.** Pliny 'leads' the prayer and the others repeat it after him. Cf x. 52: 'praeiuimus . . . commilitonibus iusiurandum'.

deos adpellarent et imagini tuae . . . supplicarent. In all provinces there was an official cult of the emperor, organized by civic magistrates, which acted as a focus of political loyalty to Rome. But it was not compulsory for the mass of the population. Hence neither Pliny nor Trajan regarded the refusal to participate as itself a crime. The test was simply a practical expedient to make certain of the guilt of the prisoners. Trajan particularly objected to supposed slights to his dignity being made the basis of charges of treason (Letter 46.1 n.). But in the late second century it became a regular count against the Christians that they refused to respect the imperial cult, and they were then regarded as *maiestatis rei*.

The verbs *adpellarent*, *supplicarent* refer to different acts of worship, 'calling by name upon', and 'making prayers accompanied by offerings'.

male dicerent Christo. Tablets containing curses of all sorts (*tabellae defixionum*), directed against private persons, survive from antiquity. Cf. Dessau, *ILS* 8172-8208.

6. **indice.** A spy or informer, who does not make a formal accusation.

quidam ante triennium. The dates may refer to earlier persecutions of Christians in Pontus.

7. **stato die ante lucem conuenire.** Pliny describes the regular services, already established, of the 'day of the Lord'. The dawn ceremony is the 'service of the word', a combination of prayers, psalms, or hymns, and a reading from 'holy writ'. There is doubt whether the second service, the taking of food, is the *agapê*, the customary communal meal of the early Christians, or the Eucharist. Pliny's description could cover either, though it is unlikely that the

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Christians would abandon the Eucharist, their basic sacrament, rather than the *agapê*, in response to Pliny's edict about clubs.

ante lucem. The working day began at dawn for everyone Cf. Letters 13(=III.5). 9, 40(=IX.36). 1.

carmen . . . dicere . . . seque sacramento . . . obstringere. These phrases have been taken to refer to the repetition of a baptismal vow, or to the formula of renunciation of 'the world' in the baptismal service itself. But since *carmen dicere* is the ordinary Latin for singing a poem or song, hymns with responses (*inuicem*) are probably meant by the first phrase. By *sacramentum* Pliny can only mean an oath, as in Ep. x. 29. 2 ('iam dixerant sacramentum, sc. tirones').

quasi deo. 'as to god'. In Pliny *quasi* is used commonly without the idea of supposal. Cf. Letters 32(=VIII.8).3, 38(=IX.23).3 n.

non in scelus aliquod. The following list resembles catalogues of prohibited sins in the Epistles, e.g. I Thess. iv. 3-6, I Pet. 15, rather than the Ten Commandments (as later recited at the Eucharist), which lack the last two items.

secundum mandata tua. Trajan gave Pliny specific instructions about various parts of his administrative duties. Where these required publicity Pliny published them in the form of an official proclamation.

hetaerias esse uetueram. For this veto on trade-guilds and social or political clubs see Letters 43-44 nn. It is clear that the Christians are not charged with violating this edict, though some historians have supposed this. Pliny examined the deacons to make certain about this, since the holding of communal banquets was a common form of club life.

8. **ministrae dicebantur.** Pliny seems to have learned of this term for 'deacon' (διάκονος) from the Christians, and misinterpreted it to mean servants or slaves, since only slaves were usually submitted as witnesses to Judicial torture.

superstitionem prauam. Pliny's verdict is like that of Tacitus (loc. cit.) 'exitiabilis superstitio', and Suetonius (*Nero* 16. 2). The noun has a bad sense in Pliny, cf Ep. vi. 2. 2: 'haruspices consulebat . . . a nimia superstitione'. Cf. also Letter 39. 9 n.

9. **ciuitates.** 'cities', cf Letter 41. 2 n. [The word means 'towns' instead of 'communities' in the less literary and more colloquial language of Book X, and is contrasted with *uici* and *agri*. Cf. Letter 44: 'ipsas ciuitates' and Letter 47.9 'neque ciuitates tantum sed uicos etiam atque agros . . . contagio peruagata est'.]

10. **satis constat.** 'it is quite agreed'. He is quoting the evidence of others, probably the civic priests and their underlings who expected to make profits out of the sale of sacrificial meat, and hence had an interest in stirring up these prosecutions, like the silversmiths of Ephesus who accused St. Paul when their trade in silver images was threatened (Acts xix. 24-40).

uenire carnem uictimarum. 'the flesh of sacrificial victims is on sale again'. Vast quantities of beasts were slaughtered at the regular festivals of the civic deities, which were maintained extravagantly by the local magnates. The carcasses were sold on the meat market after the ceremonies, but Christians refused to touch such meat. St. Paul discusses the question in I Cor. x. 18-21.

si sit paenitentiae locus. As in Ep. X. 39. 6 and Letter 45. 8, two other letters to Trajan of unusual length, Pliny rams home the point of the letter in the final paragraph.

LETTER 48 (X. 97). TO PLINY

On the punishment of Christians (2)

1. **actum quem debuisti.** Trajan confirms the general correctness of Pliny's judicial procedure (*actus*). This is Trajan's reply to Pliny's main question. Since he approves of the accusation based on the *nomen ipsum*, he does not need to reply to the question about *flagitia cohaerentia*, or to define degrees of punishment (*quatenus*).

neque . . . in uniuersum aliquid . . . constitui potest. The formula recurs in Ep. X. 113, where Trajan recommends Pliny to allow local variations in administration. He means that he will not lay down a uniform rule about punishment for all cases irrespective of age and sex, but makes it clear that he favours the punishment of adult male Christians after proper trial.

2. **conquirendi non sunt.** Governors were encouraged in their *mandata* to hunt down notorious criminals such as brigands. By refusing to

apply such methods to the treatment of Christians, and by leaving them to the processes of the common law, Trajan did a great deal to diminish the scale of the persecution of Christians in the following century, when there in fact were only limited and local outbreaks of trouble stimulated by private prosecutors.

puniendi sunt. Trajan does not specify execution, but leaves the degree of punishment to the discretion of the governor, as was normal in *cognitio extra ordinem* (Letters 41(=X.31). 2, 45(=X.81). 2n).

ueniam ex paenitentia impetret. This might suggest that Trajan did not believe in the criminal *scelera* alleged against Christians, since common crimes could not be lightly set aside. But when other sects were banned because of associated *scelera*, this did not mean that all their practitioners were believed always to have committed crimes, but that such things were thought to happen from time to time. The Jews and the worshippers of Isis were expelled from Rome in A.D. 19 each because of the crime of a single person (Tacitus, *Annals* 2. 85. 5, with Josephus, *Antiquities*, 18. 3. 4-5).

pessimi exempli nec nostri saeculi. Cf. Ep. X. 55: 'non est ex iustitia nostrorum temporum', and Letter 45. 5 n. [Pliny and Trajan were frequently anxious to avoid setting undesirable precedents.]