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# Constantine: the Legal Recognition of Christianity and its Antecedents

## *El reconocimiento legal del cristianismo y sus antecedentes*

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**Abstract:** As Gallien seems to have done before him, but with a partial and temporary effect, and as Hadrian, Severus Alexander, and Elagabalus may have intended to do, Constantine reversed the effects of a *senatus consultum* from A.D. 35, transforming Christianity from a *superstitio illicita* to a *religio licita* in the empire. I study the implications of that *senatus consultum*, which is attested not only in Tertullian, but also in a Porphyrian passage, besides the Acts of Apollonius. I endeavour to contextualise it in the political and religious framework of the Tiberian age and the relationship between Tiberius and the Senate.

**Keywords:** Christianity, Constantine, Gallien, Hadrian, Tiberius

**Resumen:** Ya antes de Constantino hubo intentos de invalidar los efectos del *senatus consultum* (35 D.C.) sobre la ilicitud del cristianismo, como parece haber hecho Galieno, aunque con un efecto parcial y temporal, y como habían intentado tal vez Adriano, Alejandro Severo y Elagabalus. Pero quien realmente invirtió los efectos de esa decisión senatorial fue Constantino, al transformar el cristianismo de una *religio illicita* en una *religio licita* en el imperio. En el presente artículo se estudian las implicaciones de ese *senatus consultum*, que está atestiguado no sólo en Tertuliano, sino también en un pasaje de Porfirio, además de las Actas de Apolonio. Se intenta contextualizarlo en el marco político y religioso de la era tiberiana y la relación entre Tiberio y el Senado.

**Palabras clave:** Cristianismo, Constantino, Galieno, Adriano, Tiberio

The official recognition of Christianity as *religio licita* in the Roman Empire is described by Lactantius as the very first act of Constantine as an emperor: «As soon as he took on the imperial power, Constantine Augustus did nothing before returning the Christians to their cult and their God. This was his first decision: the restoration of this holy religion» (*De mort. pers.* 24, 9)<sup>1</sup>. Lactantius very probably uses the lexicon of restoration (*reddere, restitutae*) with reference to Constantine's policy because he has in mind Gallien's recognition of Christianity in 262 A.D. or earlier. This made Christianity a *religio licita* in the Empire, but the Diocletian persecution subverted

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<sup>1</sup> *Suscepto imperio Constantinus Augustus nihil egit priusquam Christianos cultui ac Deo suo reddere. Haec fuit prima eius sanctio sanctae religionis restitutae.*

this principle, which was restored by Constantine. Without Gallien's precedent, it would have made no sense for Lactantius to speak of a «restoration» of Christianity, a religion that was against the law and enjoyed no official recognition in the Empire, but only tolerance or sympathy at best, and only occasionally. Giancarlo Rinaldi has observed that «the age of Constantine began to reduce paganism to a minority, not by limiting its freedom, nor by having recourse to repression, but by granting Christians liberty of action and privileges of various kinds [...] First Constantine wanted to place Catholic communities on equal footing with pagan religious sodalities as regards the exercise of rights; then he identified them as objects of favour through his own personal initiatives»<sup>2</sup>. Granting Christianity the same standing as 'pagan' cults –and Judaism, one could add– meant the legal recognition of Christianity as *religio licita* in the Roman Empire on a par with those other cults.

Timothy Barnes claimed that Constantine was consistently true to his Christian beliefs from 312, if not earlier; «the apparent ambiguity of his religious attitudes is a sign of caution, not of doubt or hesitation in his own mind»<sup>3</sup>. In Barnes' view, Constantine really promoted «a religious reformation»<sup>4</sup>. Mark J. Edwards argues for «the coalescence of autocracy and monotheism in Constantinian government»<sup>5</sup>, partially drawing on Garth Fowden<sup>6</sup>; Edwards also rejects the hypothesis that Constantine's conversion was not genuine and arose from policy rather than conviction<sup>7</sup>. Thomas George Elliott<sup>8</sup> presented a Constantine who had become a Christian already during the persecutions under the Tetrarchs, which would perfectly fit Lactantius's claim that he restored Christianity as soon as he gained power. Constantine was not simply a political opportunist; «he was throughout his imperial career a

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<sup>2</sup> «L'età di Costantino avviò il paganesimo a minoranza, non già limitandone la libertà, né ricorrendo alla repressione, bensì consentendo ai cristiani libertà di azione e privilegi di vario genere [...] volle dapprima equiparare le comunità cattoliche ai sodalizi religiosi pagani, per quanto riguardava l'esercizio di diritti; quindi le identificò, tramite iniziative del tutto personali, come soggetti favorevoli»: Giancarlo RINALDI, *Ridurre a minoranza. Riflessioni su alcuni percorsi dei pagani nell'impero dei cristiani*, in Giorgio OTRANTO (ed.), *Cristianesimo e democrazia*, Bari, 2011, pp. 135-187, *praes.* pp. 142-143. Timothy BARNES, *Constantine. Dynasty, Religion, and Power in the Later Roman Empire*, Oxford, 2011, remarks that Constantine did not remain tolerant in matter of religion until the end of his reign.

<sup>3</sup> Timothy BARNES, *Constantine and Eusebius*, Cambridge, Mass., 1981, p. 48.

<sup>4</sup> BARNES, *Constantine and Eusebius*, p. 255. On Constantine's legislation in general see now also John Noël DILLON, *The Justice of Constantine: Law, Communication and Control. Law and society in the ancient world*, Ann Arbor, 2012.

<sup>5</sup> Mark J. EDWARDS, *Pagan and Christian Monotheism in the Age of Constantine*, in M. J. EDWARDS-S. SWAIN (eds.), *Approaching Late Antiquity. The Transformation from Early to Late Empire*, Oxford, 2004, pp. 211-234, *praes.* p. 211.

<sup>6</sup> Garth FOWDEN, *Empire to Commonwealth. Consequences of Monotheism in Late Antiquity*, Princeton, 1993.

<sup>7</sup> EDWARDS, *Pagan and Christian Monotheism*, p. 224.

<sup>8</sup> Thomas George ELLIOTT, *The Christianity of Constantine the Great*, London, 1996.

man with a mission»<sup>9</sup>. Drake, on the other hand, is unconcerned about the sincerity of Constantine's religious convictions in and after A.D. 312: «It is better to situate Constantine's religious development in the context of contemporary power politics and political thought»<sup>10</sup>. For Constantine, acquiring the support of a Christian constituency was more consequential than accepting Christian beliefs. Raymond Van Dam downplays the reliability of Eusebius's account of Constantine's conversion at the Milvian Bridge in *Vit. Const.* 1, 27, 1-41, 2, not by denying that Eusebius's narrative is based on Constantine's memories, but by claiming that these memories had deformed over time<sup>11</sup>. Here we are rather concerned with the consequences that this 'conversion' had on Constantine's religious legislation, which, as I have pointed out, Lactantius presents as Constantine's first political act as an emperor.

Lactantius's other declaration in *Inst.* 1, 1, 13 refers to Constantine's own conversion to Christianity, which is not taken into consideration in the first passage (possibly because, as Barnes thinks, that passage refers to A.D. 306 and not to A.D. 313<sup>12</sup>): «You were the first among the Roman emperors to repudiate errors and recognise and worship the majesty of the one, true God [...] when you restored justice, which had been turned upside down and suppressed, and thereby you expiated the most hideous crime of others»<sup>13</sup>. The terminology of restoration returns here: Lactantius can say that Constantine restored or brought back justice, which had been suppressed beforehand (*eversam sublatamque iustitiam reducens*), only if he means that Constantine restored the justice established by Gallien, with the official recognition of Christianity, and later subverted with the Diocletian persecution. In Lactantius's view, Constantine restored the right pre-Diocletian juridical status, that is to say, the juridical situation established by Gallien in which Christianity was a *religio licita*.

In this respect, a certain anticipation was provided by Galerius, with his edict of toleration issued in Nicomedia on 30 April of A.D. 311 in the name of himself, Maximinus, Constantine, and Licinius (Lact. *De mort. pers.* 33-35, with the quotation of the edict)<sup>14</sup>. The lexicon of restoration used by Galerius in his edict is the

<sup>9</sup> ELLIOTT, *Christianity of Constantine*, p. 328. See also Jonathan BARDILL, *Constantine, Divine Emperor of the Christian Golden Age*, Cambridge, 2012, also with detailed critical analysis of the main sources on Constantine's conversion, Eusebius and Lactantius.

<sup>10</sup> H.A. DRAKE, *Constantine and the Bishops. The Politics of Intolerance*, Baltimore, 2000, p. 191. See also Martin WALLRAFF, *Die Lage der Kirche unter Konstantin und seinen Nachfolgern*, in Peter GEMEINHARDT (ed.), *Athanasius-Handbuch*, Tübingen, 2011, pp. 31-38.

<sup>11</sup> Raymond VAN DAM, *Remembering Constantine at the Milvian Bridge*, Cambridge, 2011.

<sup>12</sup> Timothy BARNES, *Lactantius and Constantine*, in ID., *Early Christianity and the Roman Empire*, London, 1984, Ch. VII, p. 44.

<sup>13</sup> *Primus Romanorum principum repudiatis erroribus maiestatem Dei singularis ac veri et cognovisti et honorasti [...] cum eversam sublatamque iustitiam reducens, taeterrimum aliorum facinus expiasti.*

<sup>14</sup> Likewise Licinius on 13 June published a letter to the governor of Bithynia with which he allowed the Christians and everyone else to follow any religion (*ibid.* 48; cfr. Eus. *HE* 10, 5).

same as I have pointed out in Lactantius for Constantine, and can only be explained with the juridical situation created by Gallien: if Galerius allows «Christians to exist again» (*ut denuo sint Christiani*, ap. Lact. *De mort. pers.* 34, 4), he clearly refers to the period between Gallien's edict and the Diocletian persecution during which – for the first time in the Roman Empire – it was legal to be a Christian, whereas before Gallien the principle was enforced that *non licet esse vos (Christianos)*, «it is not permitted by the law to be Christians».

Gallien's edict is known only through Eusebius, *HE* 7, 13, who reports a rescript to Dionysius of Alexandria and other Egyptian bishops, once Gallien had restored his power in those lands after an usurpation. He says that he now extends to those territories, too, the benefits that the Christians already enjoyed in the rest of the empire under his reign. He returned churches and cemeteries – which had been confiscated – to the bishops, and gave to the latter a copy of his decision, that they might avail themselves of it without being bothered by anyone<sup>15</sup>. Bernard Green seems to underestimate Gallien's legislative precedent in favour of the Christians<sup>16</sup>, while Barnes is right to emphasise that Gallien in A.D. 260 already recognised Christianity as a *religio licita*<sup>17</sup>. And Drake opportunely stresses that by the end of the third century bishops were already so powerful that emperors had to consider negotiating for their support<sup>18</sup>. This is what Gallien did.

If Gallien in fact made Christianity a *religio licita* after more than two centuries, thereby anticipating what Constantine did shortly later, one may wonder why the effect of Gallien's initiative was only temporary, while that of Constantine proved permanent. The reason for this is probably that Gallien was no Christian himself, nor were his immediate successors, whereas Constantine was, and all of his successors were as well, apart from Julian for a very short time. Constantine, though, who like his father seems to have been a sun-worshipper<sup>19</sup>, postponed his own baptism for a long while, and in the so-called Edict of Milan famously spoke only of a «supreme divinity»; likewise on his arch in Rome he ascribed his victory to the «prompting of a divinity»<sup>20</sup>. It

<sup>15</sup> Cfr. Marta SORDI, *I cristiani e l'impero romano*, Milan, 2004, pp. 156-159.

<sup>16</sup> B. GREEN, *Christianity in Ancient Rome. The First Three Centuries*, New York, 2010, pp. 207-238, in the chapter on Constantine.

<sup>17</sup> Timothy BARNES, *Early Christian Hagiography and Roman History*, Tübingen, 2010, Ch. 3.

<sup>18</sup> DRAKE, *Constantine and the Bishops*, Ch. 3.

<sup>19</sup> Solar symbols continued in Constantine's iconography and official numismatics well after Constantine's 'conversion'; the title *invictus*, which was related to the Sun, disappeared from Constantine's numismatic production only from A.D. 324 onward, just as the beamed crown disappeared from his iconography. See F. KOLB, *Herrscherideologie in der Spätantike*, Berlin, 2001, pp. 72-75. See e.g. RAMELLI, *Cultura e religione*, ch. 6; Kay EHLING, and Gregor WEBER (eds.), *Konstantin der Grosse: zwischen Sol und Christus*, Darmstadt, 2011.

<sup>20</sup> «The ambiguity was intentional» (DRAKE, *Constantine and the Bishops*, p. 204). See also Noel LENSKEI (ed.), *The Cambridge Companion to the Age of Constantine*, revised edition Cambridge-New York, 2011.

will be his successors, and especially Theodosius, who will make the Roman Empire Christian. What Constantine properly did was to reverse the effects of a *senatus consultum* which I shall discuss in a moment and which in Constantine's time was almost three centuries old; this *senatus consultum* seems to be the most probable juridical basis for the persecutions of the Christians in the Roman empire. Constantine put an end to these persecutions by means of the legal recognition of Christianity.

Neither Constantine nor Gallien, however, seem to have been the first Roman emperors who harboured at least the intention to recognise Christianity from the juridical point of view. There are clues that they had some predecessors on this score, namely – from the most recent to the most ancient, Severus Alexander, Elagabalus, Hadrian, and Tiberius. Their attempts, unlike Constantine's legislative act, had no success; nevertheless it is important for the historian to analyse the sources concerning such attempts and to assess their reliability and their meaning.

In the Severan age, according to the *Historia Augusta*, Elagabalus and Severus Alexander wanted to legalise Christianity in the Empire. In *Vit. Elag.* 3, 4-5 it is reported that Elagabalus, as soon as he arrived at Rome in A.D. 219, had a temple built «on Mount Palatine, close to the imperial residence» (*in Palatino monte iuxta aedes imperatorias*). His intention was «to transfer into that temple all the deities that were object of worship for the Romans. [...] Moreover, he said that it was necessary to transfer there the cults of the Jews and the Samaritans and the Christian religion as well»<sup>21</sup>. According to this report, Elagabalus wanted to integrate Christianity into the main religions of the Empire, along 'pagan' cults, Judaism, and the Samaritan religion, considered as separate from Judaism. In the light of Elagabalus's syncretistic tendencies, and of what I am going to argue in a moment, this account is likely to have a historical basis.

According to the same source, indeed, Severus Alexander in his *lararium* on Mount Palatine worshipped together, in a syncretistic fashion, Christ, Abraham, Orpheus, and Apollonius of Tyana (*Vit. Al. Sev.* 22, 4). He wished, like Hadrian before him, «to have a temple dedicated to Christ and to receive him among the gods» (*Christo templum facere voluit eumque inter deos recipere: ibid.* 43, 7). This meant the legal recognition of Christianity in the Empire. Alexander, however, was prevented from pursuing this project by «those who, consulting a sacrifice, found out that, if he had done so, all people would become Christians and the other temples would be abandoned» (*ibid.*)<sup>22</sup>.

These unnamed priests, who consulted and interpreted a sacrifice that turned out to be against the emperor's project, were probably haruspices, experts in the

<sup>21</sup> *Omnia Romanis veneranda in illud transferre templum. [...] Dicebat praeterea Iudaeorum et Samaritanorum religiones et Christianam devotionem illuc transferendam.*

<sup>22</sup> *Ab his qui, consulentes sacra, reppererant omnes Christianos futuros si id fecisset et reliqua templa deserenda.*

*Etrusca disciplina*; the legal recognition of Christianity was not in their best interest, all the more so in that famous contemporary Christian intellectuals, such as Origen, overtly criticised haruspicy. Alexander esteemed the haruspices and accepted their advice, which resembles that of privileging haruspicy and traditional divination over and against foreign cults, which Cassius Dio probably intended to give to the same emperor in Maecenas' speech to Augustus (Dio 52, 36)<sup>23</sup>. Likewise, when Alexander wanted to open a new atrium in the imperial palace, according to a project that had been already devised by Septimius Severus, the haruspices prevented him to do so: «Alexander, too, wanted to do the same thing later on, but he is said to have been prevented from doing so by some haruspices», *Quod etiam post Alexander vellet facere, ab haruspibus dicitur esse prohibitus* (*Hist. Aug., Sept. Sev.* 24, 3). Alexander yielded to the haruspices' threatening advice not only out of his respect for the *Etrusca disciplina*, but probably due to the anxiety that – especially after Elagabalus's tragic end<sup>24</sup> – the Senate arose in him. For the Senate was a stronghold of religious traditionalism, and the Etruscan component in it was not insignificant. In the *Historia Augusta* Alexander is presented as an ideal sovereign from the Senate's viewpoint. This source ascribes to him some reforms that aimed at restoring the Senate's power. In the Severan age the Senate included many members of Etruscan ancestry who were proud of their origin and favoured the order of the haruspices. Some even belonged to that order. In the third century A.D. the collaboration between haruspices and Senate was close; the former constantly backed the latter even when some emperors showed hostility to the Senate<sup>25</sup>. Thus, due to the influence of the haruspices and to the threat that senatorial hostility represented, Alexander ended up not legalising Christianity; neither did he persecute the Christians, though. Indeed, his reign closed a long epoch of «factual tolerance»<sup>26</sup>.

<sup>23</sup> Cfr. Ilaria RAMELLI, *Cultura e religione etrusca nel mondo romano. La cultura etrusca alla fine dell'indipendenza* (Studi di Storia Greca e Romana 8), Alessandria, 2003, Ch. 4.

<sup>24</sup> See at least Martijn ICKS, *The crimes of Elagabalus: the life and legacy of Rome's decadent boy emperor*, Cambridge, Mass., 2012.

<sup>25</sup> Another meaningful coincidence can be observed between the flourishing of Etruscan families in the Senate and the flourishing of haruspicy (cfr. RAMELLI, *Cultura e religione etrusca*, Ch. 4 and Appendix 1). Here the problems of the authorship and dating of the *Historia Augusta* need not detain us. Usually, even if not universally, it is deemed to have been composed by a single author between the fourth and the fifth centuries A.D. Cfr. ad es. Dennis PAUSCH, *Libellus non tam diserte quam fideliter scriptus: Unreliable Narration in the Historia Augusta*, in *Ancient Narrative* 8 (2010), pp. 115-135; Ronald SYME, *Ammianus and the Historia Augusta*, Oxford, 1968; ID., *Emperors and Bio-graphies*, Oxford, 1971; Timothy D. BARNES, *The Sources of the Historia Augusta*, Bruxelles, 1978; Ronald SYME, *Historia Augusta Papers*, Oxford, 1983; the *Historiae Augustae Colloquia*, and Alan CAMERON, *The Last Pagans of Rome*, Oxford, 2011.

<sup>26</sup> «Tolleranza di fatto» is the felicitous expression used by Marta SORDI, *I Cristiani e l'Impero Romano*, Milano, 1983, pp. 87-103. On the Severan emperors and the Christians see also Enrico DAL COVOLO, *I Severi e il Cristianesimo. Ricerche sull'ambiente storico-istituzionale delle origini cristiane tra il II e il III secolo*, Roma, 1989; ID., *La religione a Roma tra antico e nuovo: l'età dei Severi*, in *Rivista di Storia e Letteratura religiosa*, 30 (1994), pp. 237-246; ID., *I Severi precursori di Costantino? Per una «messa a punto» delle ricerche*

But is it likely that Alexander, in addition to abstaining from persecution, really intended to recognise Christianity *de iure* as well? I think so. Just as Eusebius, a faithful follower of Origen, was the intellectual inspirer of Constantine<sup>27</sup>, who definitively legalised Christianity, so could Origen himself have been the inspirer of Alexander's initiative to legalise Christianity. And he could have inspired Alexander through the latter's mother, the empress Julia Mamaea, with whom Origen had long theological conversations. Eusebius himself attests with satisfaction that Julia was deeply interested in Origen as a Christian intellectual and «deemed it very important to be honoured by the visit of this man» (*HE* 6, 21,3-4). Therefore, while she was in Antioch, she invited him, sending him an armed escort to accompany him to the place where she was staying; there they conversed for a long time. Also in the light of the influence of the Severan empresses on their sons and relatives, I suspect that Alexander's apparently odd decision to legalise Christianity may have been influenced by Julia's profound esteem for Origen. Indeed, it is precisely to speak of theology that she invited him – in Eusebius's words, to «have an experience of his understanding of divine things [περί τὰ θεῖα συνέσεως]» (*ibid.*).

The *Historia Augusta* suggests that Hadrian, too, may have been inclined to recognise Christianity: «Severus Alexander wanted to make a temple for Christ and to receive him among the deities. Hadrian too, according to tradition, had this intention. He had ordered the construction of temples without images in all cities. Nowadays, too, these temples, which he was said to have had built for this reason, having no specific deities are called “temples of Hadrian”» (*Vita Alexandri Severi*, 43, 6-7)<sup>28</sup>. This passage might result from a pro-Christian interpretation of Hadrian's rescript to Minucius (or Minicius) Fundanus in A.D. 124-125<sup>29</sup>. Some scholars rejected the historicity of the *Historia Augusta* passage outright<sup>30</sup>. How-

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*sui Severi e il Cristianesimo*, in *Augustinianum*, 35 (1995), pp. 605-622; ID., *I Severi e il Cristianesimo. Un decennio di ricerche (1986-1996)*, in *Anuario de Historia de la Iglesia*, 8 (1999), pp. 43-51; Umberto ROBERTO, *Le Chronographiae di Sesto Giulio Africano. Storiografia, politica e cristianesimo nell'età dei Severi*, Soveria Mannelli, 2011.

<sup>27</sup> I have argued elsewhere that Eusebius, precisely in that he was the intellectual inspirer of Constantine, might have influenced the introduction of the *homoousios* formula in the Nicene Creed. This addition, as Eusebius attests in his letter to his own church, was formally proposed by the emperor. If he was inspired by Eusebius, the latter was simply following Origen. See my *Origen's Anti-Subordinationism and Its Heritage in the Nicene and Cappadocian Line*, in *Vigiliae Christianae*, 65 (2011), pp. 21-49.

<sup>28</sup> *Christo templum facere voluit [sc. Alexander Severus] eumque inter deos recipere. Quod et Hadrianus cogitasse fertur, qui templa in omnibus civitatibus sine simulacris iusserat fieri, quae hodieque, idcirco quia non habent numina, dicuntur Hadriani, quae ille ad hoc parasse dicebatur.*

<sup>29</sup> On which see my *Nuove osservazioni per lo studio del rescritto di Adriano sui Cristiani*, in *Aevum*, 81 (2008), pp. 137-148.

<sup>30</sup> E.g. Wolfgang SCHMID, *Bilderloser Kult und christliche Intoleranz. Wesen und Herkunft zweier Nachrichten bei Aelius Lampridius (Alex. 43, 6f.)*, in *Mullus. Festschrift Theodor Klauser*, Münster, 1964, 298-315; Stefano ANGIOLANI, *Severo Alessandro e i Cristiani nell'Historia Augusta*, in *Annali della Facoltà di Lettere dell'Università di Macerata*, 27 (1994), pp. 9-31, *praes.* pp. 23-25.

ever, as has been remarked by Marco Rizzi<sup>31</sup>, a debate on cult without images was going on in the second century and involved the Middle Platonist Plutarch (*Numa* 8) and Lucian (*De dea Syria* 2-3). The former ascribed such a cult to the original Roman worship, and the latter to the original Egyptian religion. This is why Rizzi finds Hadrian's interest in Christianity and Judaism – qua cults without images – «not unlikely»<sup>32</sup>. Indeed, as for Judaism, in *Genesis Rabba*, which according to Jacob Neusner was composed in the fourth century<sup>33</sup>, a tradition is reported in 64, 8 that «In the time of rabbi Joshua ben Hananiah the State ordered that the Temple be built again». This would have been, notably, another temple without images. At this point some «Samaritans» are said to have warned Hadrian that after the reconstruction of the Temple and of Jerusalem the Jews would have paid no tribute any longer. So the project was cancelled. The Roman emperor in this passage is unnamed, but the identification is easily made possible by the mention of rabbi Joshua ben Hananiah, who is repeatedly associated with Hadrian in the Mishnah. A similar hint can be found in the second-century *Epistle of Barnabas* 16, 4, which, in reference to the Temple destroyed by the Romans in A.D. 70, states: «And now they will rebuild it, as slaves of the enemies»<sup>34</sup>. Here «they» probably refers to the Jews, who are said to be slaves of the Romans, their enemies, probably because of their condition of political subjugation, all the more so after the war narrated by Josephus in his *Bellum Iudaicum*. It is noteworthy that in the aforementioned passage from *Genesis Rabba*, too, the Jews are supposed to rebuild the Temple themselves, by order, and with the consent, of the Romans.

This intention of Hadrian, if it ever existed, of having the Jerusalem Temple rebuilt, disappeared with the Bar Kochba Messianic revolt of A.D. 132-135. After the end of what was actually a war, not inferior to the Jewish war that had culminated in the destruction of the Temple in A.D. 70, Hadrian, far from having the Temple rebuilt, had rather Jerusalem reconstructed as a Roman colony, forbidden to the Jews, and named Aelia in honour of himself, Aelius Hadrianus (Eus. *HE* 4, 6, 4), and Judea transformed into the province of Syria-Palestine. It is to be noticed that, while the followers of Bar Kochba were supported by other non-Jewish peoples (Dio 69, 13, 2), the Christians kept their loyalty to Hadrian and probably for this reason were rather persecuted by the insurgents. This is confirmed both by Justin, who reports

<sup>31</sup> Marco RIZZI, *Hadrian and the Christians*, in ID. (ed.), *Hadrian and the Christians*, Berlin, 2010, pp. 7-20, *praes.* pp. 14-15.

<sup>32</sup> RIZZI, *Hadrian and the Christians*, p. 15.

<sup>33</sup> Jacob NEUSNER, *Judaism and Christianity in the Age of Constantine*, Chicago, 1987. There are, however, traces of earlier traditions in it, as for instance a comparison with Bardaisan of Edessa († A.D. 222) suggests. See Ilaria L.E. RAMELLI, *Philo as Origen's Declared Model: Allegorical and Historical Exegesis of Scripture*, in *Studies in Christian-Jewish Relations*, 1 (2012), pp. 1-17, <http://ejournals.bc.edu/ojs/index.php/scjr/article/view/2822>.

<sup>34</sup> Νῦν καὶ αὐτοὶ ὡς τῶν ἐχθρῶν ὑπηρέται ἀνοικοδομήσουσιν αὐτόν.



that «in the Jewish war which has occurred just now Bar Kochba, the leader of the revolt of the Jews, ordered only Christians to be dragged to terrible punishments unless they denied Jesus as Messiah and blasphemed against him» (*I Apol.* 31, 6), and by a letter of Bar Kochba himself, who indicates the Christians as possibly hostile to the revolt<sup>35</sup>. Later on, Eusebius quoted Justin's account (*HE* 4, 8, 4) and Jerome insisted that «Bar Kochba, the leader of the Jewish faction, had Christians killed with all sorts of torments, because they did not want to contribute to the revolt against the Roman troops» (*Chron.* 199-201 Helm)<sup>36</sup>; the same piece of information is repeated by Orosius (*Hist.* 7, 13, 4). Justin stresses more the religious aspect, Jerome the political one, but these are obviously interrelated. Indeed, the Christians could not have Bar Kochba as their Messiah, since they had Jesus instead, and moreover chose to keep faithful to Hadrian. Likewise during the war that culminated with the destruction of the Temple in A.D. 70 the Christians who were in Jerusalem did not back the anti-Roman rebels, but fled to Pella (Eus. *HE* 3, 5, 3). The emperor Hadrian was also the addressee of at least two Christian apologies, by Aristides and Quadratus, delivered before the Jewish war.

But it is to the age of Tiberius that, according to some sources which I am going to analyse, the first imperial attempt to recognise Christianity – and at the same time the first juridical basis for the persecution of the Christians – must be dated. The legal basis for anti-Christian persecutions in the Roman Empire is debated among scholars<sup>37</sup>. Timothy Barnes, for instance, thought that the basis of Roman law was the *mos maiorum*, and what Christianity was perceived to threaten was precisely the *mos maiorum*<sup>38</sup>. He does not think that there was a specific pronouncement either of the Senate or of the Emperor. However, there are reasons to suppose that the anti-Christian legislation in the Empire was originally due to the Senate and stems from the age of Tiberius<sup>39</sup>, but the imperial power did not exploit the effects of the Senate's decision until Nero. Indeed, under Tiberius, Caligula, and Claudius,

<sup>35</sup> Pierre BENOIT-Jozef T. MILIK-Roland DE VAUX, *Discoveries in the Judaean Desert*, II, Oxford, 1961, pp. 159-160. On Bar Kochba's letters and other findings see Walter COCKLE-Hannah COTTON-Fergus MILLAR, *The Papyrology of the Roman Near East: A Survey*, in *Journal of Roman Studies*, 85 (1995), pp. 214-235.

<sup>36</sup> *Cochebas, dux Iudaicae factionis, nolentes sibi Christianos adversum Romanum militem ferre subsidium omnimodis cruciatibus necat.*

<sup>37</sup> And it has long been so. See already Adrian Nicholas SHERWIN-WHITE, *The Early Persecutions and Roman Law Again*, in *Journal of Theological Studies*, 3 (1952), pp. 199ff.; Antonie WLOSOK, *Die Rechtsgrundlagen der Christenverfolgungen der ersten zwei Jahrhunderte*, in *Gymnasium*, 66 (1959), pp. 14ff.; Geoffrey E. M. DE STE CROIX, *Why Were the Early Christians Persecuted?*, in *Past and Present*, 26 (1963), pp. 6ff.

<sup>38</sup> Timothy BARNES, *Legislation against the Christians*, in *Journal of Roman Studies*, 58 (1968), pp. 32-50.

<sup>39</sup> Cfr. Ilaria RAMELLI, *Il senatoconsulto del 35 contro i cristiani*, prefaced by Marta SORDI, in *Aevum*, 78 (2004), pp. 59-67; eadem, *Possible Historical Traces in the Doctrina Addai?*, Piscataway, NJ, 2009.

and under Nero before his U-turn in A.D. 62, Christians were never condemned as such by any Roman authority<sup>40</sup>.

In A.D. 35 Tiberius proposed to the Senate to recognise the Christian sect as a licit religion. The Senate refused to do so; as a consequence, Christianity turned out to be a *superstitio illicita* or «illegal superstition» in the Empire and the Christians were liable to death. Tiberius, however, did not change his mind and prevented accusations against the Christians by threatening their accusers with death (and indeed the *senatus consultum* remained ineffective until A.D. 62). So Tertullian in *Apol.* 5, 2:

Tiberius, under whose reign the Christian name entered the world, received a report from Syria Palestine about what had revealed there the truth of the divinity itself. Then he reported this in turn to the Senate with the favour of his own imperial vote. The Senate, however, since it had not verified the matter personally, rejected this proposal. But the emperor remained of his opinion and threatened the accusers of the Christians with death penalty. Please consult your historical documents: there you will find that Nero was the first to cruelly use the imperial sword against this sect, which at that time was growing especially in Rome<sup>41</sup>.

The reliability of Tertullian's passage was accepted by a scanty minority of historians (such as Volterra, Cecchelli, Sordi, and Frend)<sup>42</sup>. Tertullian, though, would have had no advantage in inventing that the Senate, the most prestigious political order of Rome, outlawed Christianity if this was not the case. Moreover, his addressees, «the leaders of the Roman Empire» (*Romani imperii antistites*), could check the acts of the Senate under Tiberius and give him the lie. Tertullian's report corresponds to Tiberius's politics of using «astute reflection» (*consiliis et astu*: Tac. *Ann.* 6, 32)<sup>43</sup>. If he was informed that the Jewish followers of Jesus were not against

<sup>40</sup> Ilaria RAMELLI, *I romanzi antichi e il Cristianesimo. Contesto e contatti*, Madrid, 2001, new edition Eugene, Or., 2012, pp. 165-168.

<sup>41</sup> *Tiberius ergo, cuius tempore nomen Christianum in saeculum introiit, adnuntiatum sibi ex Syria Palaestina quod illic veritatem ipsius divinitatis revelaverat, detulit ad Senatum cum praeogativa suffragii sui. Senatus, quia non ipse probaverat, respuit; Caesar in sententia mansit, comminans periculum accusatoribus Christianorum. Consulite commentarios vestros: illic reperietis primum Neronem in banc sectam cum maxime Romae orientem Caesariano gladio ferocisse.* The denomination *Syria Palaestina* comes from the day of Tertullian, being posterior to the Bar Kochba revolt. In the time of Jesus and Tiberius it was *Iudaea*.

<sup>42</sup> Edoardo VOLTERRA, *Di una decisione del Senato romano ricordata da Tertulliano*, in *Scritti in onore di Contardo Ferrini*, I, 1947, p. 471ff.; Carlo CECHELLI, *Un tentato riconoscimento imperiale del Cristo*, in *Studi in onore di A. Calderini e R. Paribeni*, I, 1956, p. 351ff.; Marta SORDI, *I primi rapporti tra lo Stato romano e il Cristianesimo*, in *Rendiconti dell'Accademia dei Lincei*, 12 (1957), pp. 58-93; Eadem, *L'apologia del martire Apollonio*, in *Rivista di Storia della Chiesa in Italia*, 18 (1964), pp. 169-188; W.H.C. FREND, in *Classical Review*, 17 (1967), p. 196. Now on the same line also, Alberto BARZANÒ, *Chiesa e impero nell'antica Roma*, in *Il Timone*, 19 (2013), pp. 36-38, albeit very briefly and without bibliography.

<sup>43</sup> See also Suet. *Tib.* 37: *hostiles motus nulla postea expeditione suscepta per legatos compescuit [...] reges infestos suspectosque comminationibus magis et querelis quam vi repressit.* Cfr. Barbara LEVICK, *Tiberius the politician*, London, 1976.

Rome, he had all the interest in recognising their religion as licit in the Empire, for the sake of an alliance in the delicate situation of the Near East. Indeed, when the Senate refused to admit the followers of Jesus as members of a licit religion (*religio licita*) in the Empire, Tiberius, by means of his *legatus* Lucius Vitellius, in A.D. 36-37 deposed those responsible for the condemnation of Jesus, Caiaphas and Pilate, as is attested by Josephus<sup>44</sup>. Precisely Vitellius's memories (*commentarii*)<sup>45</sup> may have been the source of Tertullian's report on the *senatus consultum* of A.D. 35.

Tertullian's information perfectly corresponds to the historical situation of the Julio-Claudian age, when it was indeed up to the Senate to decide whether to receive new deities<sup>46</sup>. In the age of Tiberius the Senate was the organ responsible for religious decisions, as a recent investigation by Szusza Várhelyi has confirmed<sup>47</sup>. Religious honours, temple buildings, supplications, and the like had to be authorised by the Senate<sup>48</sup>. Quintilian clearly attests that religious matters were discussed in the Senate, as their supreme venue, until the end of the first century A.D.: «the most important decisions concerning augurs, responses, and in a word all matters of religion were frequently discussed in the Senate» (*Inst.* 12, 2, 21)<sup>49</sup>. Indeed, religion was the main area in which the Senate maintained its authority<sup>50</sup>. Specifically speaking of Tiberius, Tacitus in *Ann.* 3, 60 remarks that in matters of religion the emperor wanted to leave to the Senate at least an *imago antiquitatis*, «a shade of its ancient authority». This is why he wanted the Senate to decide, for instance, about provincial temples. Tiberius denied official cult for himself in the provinces (*Tac. Ann.* 4, 37-38; SEG 11, 922-23)<sup>51</sup>.

The comparison between Suetonius (*Tib.* 36)<sup>52</sup> and Tacitus (*Ann.* 2, 85) allows the historian to date the expulsion of four thousand ex-slaves who adhered to the

<sup>44</sup> Ios. *AI* 18.89-90 and 122. On Vitellius cfr. also Carsten Peter THIEDE, *Jesus und Tiberius. Zwei Söhne Gottes*, München, 2004, pp. 199, 214, 230, 309-311, 333.

<sup>45</sup> Alessandro GALIMBERTI, *I commentarii di Lucio Vitellio e la fonte romana del XVIII libro delle Antichità Giudaiche di Flavio Giuseppe*, in *Historia*, 48 (1999), pp. 224-234.

<sup>46</sup> Adalberto GIOVANNINI, *Tacite, l'incendium Neronis et les chrétiens*, in *Revue des Etudes Anciennes* 30 (1984), pp. 3-34. Tacitus (*Ann.* 3.60-64) attests that Tiberius left authority to the Senate in religious matters; Miriam T. GRIFFIN, *The Senate's Story*, in *Journal of Roman Studies*, 87 (1997), pp. 249-253.

<sup>47</sup> Szusza VÁRHELYI, *The Religion of Senators in the Roman Empire. Power and Beyond*, Cambridge, 2011, esp. pp. 48-49.

<sup>48</sup> Richard TALBERT, *The Senate of Imperial Rome*, Princeton, NJ, 1984, note K.

<sup>49</sup> *De auguriis, responsis, religione denique omni, de quibus maxima saepe in Senatu consilia versata sunt.*

<sup>50</sup> TALBERT, *The Senate*, p. 391.

<sup>51</sup> See D.S. LEVENE, *Defining the Divine in Rome*, in *Transactions and Proceedings of the American Philological Association*, 142 (2012), pp. 41-81, esp. pp. 76-77.

<sup>52</sup> *Externas caerimonias Aegyptios Iudaicosque ritus compescuit, coactis qui superstitione ea tenebantur religiosas vestes cum instrumento omni comburere. Iudaeorum iuventutem per speciem sacramenti in provincias gravioris caeli distribuit, reliquos gentis eiusdem vel similia sectantes urbe summovit, sub poena perpetuae servitutis nisi obtemperassent.*

Egyptian and Jewish religions to A.D. 19 and to ascribe this decision to the Senate<sup>53</sup>. Suetonius in *Tib.* 29 remarks on Tiberius's deference to the Senate and in *Tib.* 30 he states that Tiberius used to submit any question to the Senate<sup>54</sup>. However, in *Tib.* 33 he also notes that «he annulled some of the decisions of the Senate» (*et constitutiones Senatus quasdam rescidit*). One of these rare cases took place in A.D. 35. It is very significant that, just three years before the *senatus consultum* of A.D. 35 of which Tertullian speaks, in A.D. 32 another *senatus consultum* took place about the admission of a new volume into the Sibylline books (*libri Sibyllini*: Tac. *Ann.* 6, 12). In A.D. 35, very similarly, a *senatus consultum* took place about the admission of a new religion into the cults recognised by the Romans. Unlike three years later, in A.D. 32 the Senate voted in favour of the admission, and Tiberius sent a letter with which he referred the issue to the *quindecimviri sacris faciundis*. Three years later he intervened as well, against the decision of the Senate. Tiberius did not formally abrogate the *senatus consultum*, but he prevented its effects with his veto.

Tertullian's implication that a *senatus consultum* outlawed Christianity is confirmed by the Acts of Apollonius, a senator who died as a martyr under Commodus<sup>55</sup>, and above all by a Porphyrian passage. In the *Acta martyris Apollonii*, preserved in both Greek and Armenian, the praetorian prefect Tigidius Perennis (A.D. 180-182/5) refers to a *senatus consultum*, τὸ δόγμα τῆς συγκλήτου, mentioned at sections 13-14 and 23-24, which outlawed the Christians qua tales: «The *senatus consultum* established that it is illicit to be Christians» (τὸ δόγμα τῆς συγκλήτου ἐστὶν Χριστιανούς μὴ εἶναι). This is the *senatus consultum* on the basis of which Apollonius was sentenced to death, as Eusebius and his translator Rufinus confirm: Apollonius «was beheaded on the basis of the / a *senatus consultum*: ἀπὸ δόγματος συγκλήτου (*HE* 5, 21, 4), *secundum senatus consultum capite plexus est* (*HE* 5, 21, 5). This corresponds to the *senatus consultum* that took place under Tiberius and made Christianity a *superstitio illicita*.

<sup>53</sup> *In Senato actum et de sacris Aegyptiis Iudaicisque pellendis, factumque patrum consultum ut quattuor milia libertini generis ea superstitione infecta quis idonea aetas in insulam Sardiniam veberentur coercendis illic latrocinii, et, si ob gravitatem caeli interissent, vile damnum; ceteri cederent Italia, nisi certam ante diem profanos ritus exuissent*. Even though the intention of the Senators was to cause those banished to Sardinia to perish, they could not simply put them to death on the charge of adhering to the Egyptian or the Jewish religion, since both were legal in the Roman Empire, unlike Christianity. This episode shows the hostile disposition of the Senate toward the Jewish religion. Therefore, it comes as no surprise that, when Tiberius later proposed to recognise a Jewish sect, the Jesus movement, the Senators refused (*Senatus, quia non ipse probaverat, respuit*).

<sup>54</sup> On the reinforcement of the Senate under Tiberius cfr. Maria H. DETTENHOFER, *Die Wahlreform des Tiberius und ihre Auswirkungen*, in *Historia*, 51 (2002), pp. 349-358. On Suetonius's and Tacitus's portraits of Tiberius see Wolfgang WITTKE, *Das Tiberiusbild und seine Periodisierung in der Tiberiusvita Suetons*, Freiburg i.Br., 1974; Manfred BAAR, *Das Bild des Kaisers Tiberius bei Tacitus, Sueton und Cassius Dio*, Stuttgart, 1990.

<sup>55</sup> SORDI, *L'apologia del martire Apollonio*; Victor SAXER, *Martyrium Apollonii Romani*, in *Rendiconti della Pontificia Accademia di Archeologia*, 55-56 (1982-84), pp. 265-298.

That a Porphyrian fragment, too, clearly refers to the same *senatus consultum* of A.D. 35 was argued by me in 2004<sup>56</sup>. The fragment at stake is reported by Macarius of Magnesia in *Apocr.* 2, 14 and was included by von Harnack as fr. 64<sup>57</sup> in his collection of the fragments of Porphyry's work against the Christians, which stems from the Sixties or Seventies of the third century<sup>58</sup>. Whether this passage is by Porphyry himself or by an anti-Christian polemicist who was inspired by Porphyry<sup>59</sup>, it certainly refers to the age of Tiberius, and more specifically to the years after Jesus's resurrection (A.D. 30ca.). At that time, according to this polemicist, Jesus should not have appeared to obscure people, but rather to authoritative, trustworthy, and respected people, contemporary with the resurrection itself, such as the Senate. His failure to appear to the Senators resulted in the impossibility for the Senate to verify his divine nature and, therefore, in a unanimous *senatus consultum* that condemned the Christians on the basis of an accusation of impiety:

Why is it that Jesus, after his passion and resurrection – according to what you (Christians) recount – did not appear to Pilate, who had condemned him, even though he said that Jesus had committed nothing worthy of death penalty, or to Herod, the king of the Jews, or to the Jewish high priest or to many trustworthy [ἀξιόπιστοι] people, contemporary with the event [οἱ ἄμα], and especially to *the Senate and the people of Rome*? In this way they would have been astonished by his miracles and would not have emitted, *with a unanimous senatus consultum* [δόγματι κοινῷ], *a sentence of death under accusation of impiety against his followers*. [...] For, if he had manifested himself to notable people [ἐπίσημοι], thanks to them all would have believed and no judge would have condemned them as inventors of absurd tales.

The δόγμα κοινόν of the Senate is a *senatus consultum*; δόγμα (τῆς συγκλήτου) was a technical term for the Latin *senatus consultum* (e.g. Polyb. 6, 13, 2; Dion. Hal. 8, 87), while ψήφισμα indicated a decision of the people in assembly. This *senatus consultum*, according to Porphyry, accused of impiety and condemned to death the Christians shortly after A.D. 30. This corresponds to the *senatus consultum* of the age of Tiberius mentioned by Tertullian. The very expression that in this passage

<sup>56</sup> Bibliography in RAMELLI, *Il senatoconsulto*, pp. 59-67; Richard GOULET, *Hypothèses récentes sur le traité de Porphyre Contre les chrétiens*, in Michel NARCY, Éric REBILLARD (éds.), *Hellénisme et christianisme*, Villeneuve d'Ascq, 2004, pp. 61-109.

<sup>57</sup> Robert M. BERCHMAN, *Porphyry against the Christians*, Leiden, 2005, pp. 192-219 includes Macarius's passages as fr. 165-210.

<sup>58</sup> A dating toward 270 was proposed by Alan CAMERON, *The Date of Porphyry's KATA XPISTIANΩN*, in *Classical Quarterly*, 17 (1967), pp. 382-384; Timothy BARNES, *Scholarship or Propaganda? Porphyry Against the Christians and its Historical Setting*, in *Bulletin of the Institute of Classical Studies of the University of London*, 39 (1994), pp. 53-65.

<sup>59</sup> On the identification of the pagan polemicist in Macarius's *Apocriticus* see at least E. DEPALMA DIGESER, *Porphyry, Julian, or Hierocles? The Anonymous Hellene in Makarios Magnes' Apokritikos*, in *Journal of Theological Studies*, 53 (2002), pp. 466-502.

designates the *senatus consultum* corresponds to that used in the *Acta Apollonii*: δόγμα τῆς συγκλήτου. In *Martyrium Beati Petri Apostoli a Lino episcopo conscriptum*, 3, the Senators are depicted as those who most countered the Christians from the beginning: «Some of the Senators arose in the assembly of the Senate and exhorted the others, too, to confusion», *Surrexerunt quidam ex senatoribus in conventu senatus et [...] incitabant etiam alios ad tumultum*. This might be a faint echo of the *senatus consultum* of A.D. 35; at any rate it reflects the hostility of the Senate to Christianity from the beginning. Likewise, Origen's remark in *Hom. in Ies. Nav.* 9, 10 is too vague to be taken as a reference to the *senatus consultum* of A.D. 35, but it is nevertheless interesting: «the kings of the earth have gathered together, the Senate and people and chiefs of Rome, to cancel the name of Jesus». Indeed the *senatus consultum* did not allow Christians to exist *qua tales*, and endeavoured to suppress the *nomen Christianum*.

Shortly before Porphyry, Origen, whose works Porphyry knew and studied, in his Commentary on the Song of Songs had observed that Jesus just after his resurrection did not appear to Pilate, Herod, or the high priests, because these lacked the spiritual capacity to discern his divinity. This responded to a criticism that was partially present in Celsus<sup>60</sup>, whom Origen knew very well, and was addressed by Tertullian: «Jesus (after his resurrection) did not appear to everybody, that the impious may not be freed from their error, and that faith, which is destined to receive the most outstanding reward, might be achieved only with difficulty» (*Apol.* 21, 22)<sup>61</sup>. Porphyry added to this lore the mention of «the Senate and the people of Rome» obviously because he wanted to introduce the theme of the condemnation of Christianity on the part of Rome, by means of the reference to the *senatus consultum* of A.D. 35. It is not accidental that Porphyry, in his portrait of Origen in the third book of his writing against the Christians, deplored his adhesion to Christianity by saying that he lived «against the law» (παρὰ νόμῳ, *ap. Eus. HE* 6, 19, 4-8). This sounds like another echo of the *senatus consultum* that outlawed Christianity. It is not surprising that it comes, as is probable, from the same work as fr. 64 which refers to the *senatus consultum* rather clearly.

The author of fr. 64, be it Porphyry himself, as is likely, or a follower, cannot be suspected of Christian apologetical tendencies, unlike Tertullian. Therefore, his testimony concerning the *senatus consultum* is more difficult to dismiss than Tertullian's testimony.

Since it was Tiberius who, according to Tertullian, made the official proposal to the Senate, also putting in his favourable vote (*cum praerogativa suffragii sui*),

<sup>60</sup> Celsus, *ap. Orig.*, *CC* 2, 59, blames Jesus for having appeared to a «hysterical woman» (that is, Mary Magdalene); later Lactantius (*Inst.* 4, 2) reports pagan criticisms of Jesus for not manifesting himself in power; Julian (*adv. Galil.* fr. 104) criticised Jesus for not performing miracles before Herod.

<sup>61</sup> *Nec se in vulgus eduxit, ne impii errore liberarentur, ut et fides, non mediocri praemio destinata, difficultate constaret.*

the historian must ask how Tiberius could learn of Jesus and his followers who, by A.D. 35, were still mostly confined in Palestine. It is most likely that Pilate let his emperor know about the trial of Jesus – who was executed for *maiestas*<sup>62</sup> as «king of the Jews» – and his followers who were preaching his resurrection. The existence of this report is postulated, for instance, by Marta Sordi and Philippe Bourgeaud<sup>63</sup>. The arrival of this report in Italy was dated by Eusebius in his *Chronicon* exactly to A.D. 35. Justin (*I Apol.* 35 and 48: «from the acts prepared under Pontius Pilate», ἐκ τῶν ἐπὶ Ποντίου Πιλάτου γενομένων ἄκτων<sup>64</sup>) and Tertullian himself (*Apol.* 5, 2; 21, 24) refer to this report, which must be kept distinct from the interpolated version handed down to us and from the false version that Maximinus Daia commissioned and that gave rise to the composition of apocryphal *Acts of Pilate*. Tertullian (*Apol.* 21) is clear that Pilate informed Tiberius about Jesus: «He reported all this information concerning Christ to the emperor, who at that time was Tiberius» (*ea omnia super Christo [...] Caesari tum Tiberio nuntiavit*).

Tiberius in A.D. 35 was in Capri<sup>65</sup>. In A.D. 34 and earlier there had been the elimination of all those who had supported Seianus, who had been condemned and executed in A.D. 31<sup>66</sup>. It was feared that Tiberius might be killed during the meet-

<sup>62</sup> A common charge under Tiberius. See Francis Xavier RYAN, *Zum Majestätsverbrechen in den Bedürfnisanstalten unter Tiberius*, in *Gerión*, 20 (2002), pp. 413-415.

<sup>63</sup> Cfr. SORDI, *I cristiani e l'impero* (second edition), pp. 25-26; Philippe BORGEAUD, *Exercices de mythologie*, Genève, 2004, pp. 123-124: «il paraît certain que Tibère entendit parler de la mort du Christ, c'est-à-dire d'un homme accusé de se prétendre roi, et que certains considéraient comme un dieu, exécuté en Judée sous le mandat du procureur Pilate; ce dernier, magistrat désigné par l'empereur, devait nécessairement se trouver en rapport avec lui. Une tradition rapportée par Tertullien veut que Pilate ait envoyé à Tibère un dossier sur la religion des chrétiens de Palestine, peu après la mort du Christ (Eusèbe date cette relation de 35 ap. J.-C.). Il se peut que Tacite (*Ann.* 15, 44) tire la connaissance qu'il a du procès accusé du Christ de ce rapport officiel»: «It seems certain that Tiberius heard something about the death of Christ, that is, a man who was accused of presenting himself as a king, and whom some people deemed a god, and who was put to death in Judea under the mandate of the procurator Pilate; the latter, a magistrate elected by the emperor, must necessarily have been in touch with him. A tradition reported by Tertullian has it that Pilate sent to Tiberius a dossier about the religion of the Christians of Palestine, shortly after Christ's death (Eusebius dates this report to A.D. 35). Tacitus (*Ann.* 15, 44) may have drawn his knowledge of the trial of Jesus from this official report».

<sup>64</sup> The context suggests that Pilate's document narrated both Jesus's miracles and his execution, even with the detail of the soldiers's appropriation of his garment. BARNES, *Legislation against the Christians*, p. 35 remarks that the public records of Judaea were burnt in A.D. 66 (Jos., *BJ* 2, 427). However, Pilate's report was not only kept in the archives in Palestine, but it was sent to Italy to Tiberius. This report is also mentioned in *Evangelium Nicodemi*, 29; Eus., *HE* 2, 1; and the *Anaphora Pilati*.

<sup>65</sup> John E. THORBURN, *Suetonius' Tiberius: a proxemic approach*, in *Classical Philology*, 103 (2008), pp. 435-448 analyses Suetonius's biography of Tiberius by means of the proxemic method; this leads to the conclusion that Tiberius isolated himself from his surroundings literally and figuratively. Tiberius's retreat gave rise to all sorts of voices on his depravity; reading E. CHAMPLIN, *Sex on Capri*, in *Transactions and Proceedings of the American Philological Association*, 141 (2011), pp. 315-332, will be enough on this score.

<sup>66</sup> On Seianus cfr. Dieter HENNIG, *L. Aelius Seianus: Untersuchungen zur Regierung des Tiberius*, München, 1975.

ings of the Senate and it was proposed to him to enter the Senate with a military escort (Tac. *Ann.* 6, 2). Tiberius refused, which is easily understandable if one considers that, as Tacitus attests in *Ann.* 4, 57, Tiberius remained in Capri for six other years after the death of Seianus, until A.D. 37, that is, the year of Tiberius's own death. The business that resulted in the *senatus consultum* of A.D. 35 was conducted by the emperor in absentia, without entering the Senate in Rome.

Tertullian's account of the *senatus consultum* of A.D. 35 was translated into Greek by Eusebius and from there was taken over by the Armenian historian Moses of Chorene (*History of the Greater Armenia* 2, 33-36), a source that must always be treated critically but that does contain some reliable historical details unknown to other preserved sources<sup>67</sup>. To Tertullian's material Moses adds the letters exchanged by Tiberius and Abgar the Black, the toparch of Edessa, exactly in the years of the *senatus consultum* and of Lucius Vitellius's mission in the Near East<sup>68</sup>. These letters are also found in the Syriac *Doctrina Addai* and are likely to have a historical nugget<sup>69</sup>. Here Abgar shows to know the basic facts concerning Jesus and his condemnation and points out that those responsible for the latter should be punished. Tiberius in his reply says that he has already deposed Pilate (a fact confirmed by Josephus in *AI* 18.4) and will punish others responsible after settling the war that involved the Iberians<sup>70</sup>, a Caucasian people that Tiberius actually employed against the Parthians in the years of Vitellius's mission (Tac. *Ann.* 6, 32-33). Indeed, Tiberius did depose Caiaphas as well through Vitellius<sup>71</sup>. The letters reflect the historical situation of A.D. 35-36, when Tiberius was engaging in political and military manoeuvres in the

<sup>67</sup> As demonstrated by Ilaria RAMELLI, *Un tributo dei Parti a Roma agli inizi del I sec. a.C.?*, in *Rendiconti dell'Istituto Lombardo, Accademia di Scienze e Lettere*, 134 (2000), pp. 321-330; Eadem, *Mosè di Corene e i rapporti Romano-partici. La spedizione di Ventidio*, in *Hispania Antiqua*, 25 (2001), pp. 141-155.

<sup>68</sup> Moses in 2, 30 states that, during the conflict between Herod and Aretas, which ended in the years of Vitellius's mission in the Near East, Tiberius nominated a plenipotentiary with full control over «Phoenicia, Palestine, Syria, and Mesopotamia», the territories controlled by Vitellius. In the *Paradosis Pilati* Tiberius writes to «Lucian, the head of the Eastern region», in order to punish the Jews responsible for the execution of Jesus and to process Pilate. The very name Lucian corresponds to Lucius, Vitellius's name, and the content of the letter corresponds to that of the Abgar-Tiberius exchange and to what Vitellius actually did with the deposition of both Caiaphas and Pilate.

<sup>69</sup> Cfr. RAMELLI, *Possible Historical Traces*; new proofs are forthcoming in the publication of a lecture I gave at the Symposium Syriacum at Duke University in June 2011, and in the volume, *Early Christian and Jewish Narrative: The Role of Religions in Shaping Narrative Forms*, Tübingen, 2014.

<sup>70</sup> See RAMELLI, *Possible Historical Traces* and further arguments in the forthcoming publication of a paper I gave at the SBL Annual Meeting 2010, Syriac Literature and Interpretation of Sacred Texts Unit.

<sup>71</sup> Cfr. Ilaria RAMELLI, *Alcune osservazioni sulle origini del Cristianesimo nelle regioni ad est dell'Eufrate*, in Rosa Bianca FINAZZI and Alfredo VALVO (eds.), *La diffusione dell' eredità classica nell'età tardoantica e medioevale. Il Romanzo di Alessandro e altri scritti, Atti del Seminario Internazionale di Studi, Roma-Napoli 25-27 settembre 1997*, Alessandria, 1998, pp. 209-225; Eadem, *Edessa e i Romani tra Augusto e i Severi: aspetti del regno di Abgar V e di Abgar IX*, in *Aevum*, 73 (1999), pp. 107-143; Eadem, *Abgar Ukkama e Abgar il Grande alla luce di recenti apporti storiografici*, in *Aevum*, 78 (2004), pp. 103-108.



Near East against the Parthians, to which Vitellius's mission was related (Tac. *Ann.* 6, 31-37; 41-44). The loyalty of kinglets of buffer states between Rome and the Parthians, such as Abgar's Osrhoene, was crucial to his policy. It is not accidental that Abgar in his letters repeatedly assured Tiberius of his faithfulness.

Abgar's letter to Tiberius was not prompted by his adherence to Christianity (that he converted began to be stated only from Eusebius onward, or possibly from the third century), but by political reasons. Abgar had good reasons to put those responsible for Jesus's death in a bad light before Tiberius. Abgar fought against Herod Antipas as an ally of Aretas, and both Pilate and Herod were hostile to Abgar and tried to discredit him before the Romans (Moses *PH* 2, 39). Caiaphas was an ally of Pilate and Herod Antipas; the latter's brother, Herod Agrippa, conferred the high priesthood on a son of Caiaphas. Pilate, a promoter of the imperial cult in Palestine<sup>72</sup>, never deposed Caiaphas; they were allies<sup>73</sup> and were deposed together in A.D. 36 by Vitellius by Tiberius's order. When Pilate sent Jesus to Herod – because as a Galileean he belonged to Herod's jurisdiction – and Herod sent Jesus back to Pilate, Herod and Pilate became friends (Luke 23, 12). As a consequence, the Jesus business was a good occasion for Abgar to attack both Pilate and Herod, as well as their ally Caiaphas, discrediting them before Tiberius as responsible for an unjust execution.

These arguments support the historicity of Tertullian's account concerning the *senatus consultum* of A.D. 35, which, by rendering Christianity a *superstitio illicita*, provided a juridical basis for persecutions from Nero onward. Nero was the first who removed Tiberius's veto and thus made the decision of the Senate effective. This is why Tertullian called him «the initiator of our condemnation», *dedicator damnationis nostrae* (*Apol.* 5, 3-4) and spoke of «Nero's inauguration» of the persecutions against Christians (*institutum Neronianum: Ad nat.* 1, 7, 8-9). In the same passage he makes it clear that the condemnation of Christians «began to have validity and course» (*invaluit*), and not simply to exist, under Nero: «Under the principate of Augustus the Christian name appeared, under Tiberius its teaching shone forth, and under Nero its condemnation began to have validity and course» (*Principe Augusto nomen hoc ortum est, Tiberio disciplina eius inluxit, Nerone damnatio invaluit*). For it had existed since A.D. 35, but the condemnation of Christians qua Christians,

<sup>72</sup> Joan TAYLOR, *Pontius Pilate and the imperial cult in Roman Judaea*, in *New Testament Studies*, 52 (2006), pp. 555-582 collects evidence from Pilate's coinage, the inscription from Caesarea (*Année Epigraphique* 1963, 104) which attests to Pilate's dedication of a Tiberieum to the *dis Augustis*, and Philo, *Legat.* 299-305 on Pilate's setting up shields associated with imperial cult in Jerusalem.

<sup>73</sup> Adele REINHARTZ, *Caiaphas the High Priest. A reconsideration of the historical and biblical roles of one of Jesus's chief antagonists*, Columbia, 2011, studies the depictions of Caiaphas in the ancient sources, including the Gospels, and in later sources, and Caiaphas' relations with the people and the Roman leaders, as well as with the Jesus problem. The Abgar-Tiberius correspondence within the *Doctrina* would be an interesting addition to the wealth of sources examined.

which Tiberius's intervention had suspended, began to be applied after A.D. 62, i.e. after Nero's U-turn. Precisely because it existed already *before* Nero, the illegality of Christianity remained even after Nero's death and *damnatio memoriae*, when all of his other decisions were abolished<sup>74</sup>. The illegality of the Christians remained, because it was not decided by Nero, but by the Senate long before Nero. If Pliny in *Ep.* 10.96 knew that Christians had to be punished, either for «crimes that are attached to the Christian name» (*flagitia cohaerentia nomini*) or due to «their name itself, even in absence of any crime» (*nomen ipsum si flagitiis careat*), and if Trajan recommended that Christians be punished as such (*ibid.* 10, 97), this further indicates that Christianity per se was already illegal in the Roman Empire, even in a period in which an emperor such as Trajan did not actively persecute Christians – unlike Nero – and required a formal denunciation against them to put them on trial. Hadrian prescribed to condemn Christians only after a denunciation and a regular trial, and only if they proved «to do something against the laws» (τι παρὰ τοὺς νόμους πράττοντας)<sup>75</sup>. Christianity itself continued to be «against the Roman laws» until Gallien and Constantine – a way of living παρανόμως, as Porphyry has it.

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<sup>74</sup> In Tertullian's words: *Tamen permansit erasis omnibus hoc solum institutum Neronianum.*

<sup>75</sup> Cfr. Ilaria RAMELLI, *Nuove osservazioni per lo studio del rescritto di Adriano sui Cristiani*, in *Aevum*, 81 (2008), pp. 137-148.