

# Problemas de Historiografia Helenística

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# THE DESTRUCTION OF IMPERIAL WRITINGS IN LATE-ANTIQUITY HISTORIOGRAPHIC NARRATIVES<sup>1</sup>

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**ABSTRACT:** Lactantius and Eusebius of Caesarea wrote about a man who was executed for tearing down an imperial writing said to contain the order for the destruction of Christian scriptures. The chapter addresses the relation of their historiographic narratives to the polemical characterisation of imperial authority in *topoi* about the materiality of writing which reflect various concepts of language. Referring to similar incidents in Greek and Rabbinic literature, the plausibility of the accounts is assessed with regard to fourth- and fifth-century Roman law, the unfolding of the Diocletianic Persecution and the production and reception of traditions about the enforcement of measures against religious practices and groups. The chapter shows that the passages underline the relevance of texts for the imperial identity of the provinces, in Christianity and in the structure of Eusebius' and Lactantius' works. Their stylised accounts would reveal to audiences steeped in the reception of the Roman literary and political past the contribution of their historiographies as material conveyors of a reasoning which could buttress the imperial and religious identity of their world.

**KEYWORDS:** Historiography; Book-burning; Roman Empire - *maiestas*; Eusebius, of Caesarea, Bishop of Caesarea, (Ca. 260-Ca. 339); Lactantius, Lucius Caecilius Firmianus (240?-320)

A number of late-antique Greek, Latin, Syriac and Hebrew texts describe or allude to incidents that hint at harmful consequences for disrespect or inattention to the material support and disclosure of an imperial promulgation. These accounts have been considered the resonance of narratives found in Lactantius' *De mortibus persecutorum* and Eusebius of Caesarea's *Historia ecclesiastica*.<sup>2</sup> Theirs would be the earliest accounts about an incident in which

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<sup>2</sup> Lactantius *De mortibus persecutorum* (= *Mort.pers.*) 13: *Postridie prosopositum est edictum quo cavebatur, ut religionis illius homines carerent omni honore ac dignitate, tormentis subiecti essent, ex quocumque ordine aut gradu venirent, adversus eos omnis actio valeret, ipsi non de iniuria, non de adulterio, non de rebus ablatis agere possent, libertatem denique ac vocem non*

a man was sentenced to death for tearing down an imperial missive, viz. the order for the destruction of Christian scriptures on the onset of the Diocletianic Persecution. The association reflects the historical character attributed to Eusebius' works and usually also to Lactantius and the harmonising reading of Greek and Roman classical sources common in literary, historical, theological and social sciences.<sup>3</sup> A number of studies has delineated a set of Greek, Roman and Hebrew texts from the first century B.C. to the seventh century C.E. on the theme of punishment for disrespect or respect towards writings. This core

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*habere. Quod edictum quidam etsi non recte, magno tamen animo deripuit et conscidit, cum irridens diceret victorias Gothorum et Sarmatarum propositas. Statimque perductus non modo extortus, sed etiam legitime coctus cum admirabili patientia postremo exustus est.* Ed. Creed 1984: 20. "The next day an edict was posted in which warning was given that those who adhered to this religion would be deprived of all official position and status, and would be subject to torture whatever order or rank of society they came from, that any legal action brought against them would be valid in court, while they themselves would be unable to bring actions for wrongs done to them, for adultery, or for theft; they would in fact lose their freedom and their right of utterance. One man, admittedly acting wrongly but showing great courage, snatched this edict down and tore it up, declaring mockingly that victories of Goths and Sarmatians were being proclaimed. He was immediately arrested; and he was not merely tortured; after being roasted by due process of law and enduring this with amazing patience, he was finally burnt to death." Transl. *ibid.*: 21. Eusebius *Historia ecclesiastica* (=H.E.) 8. 5: Αὐτίκα γοῦν τῶν οὐκ ἀσίμων τις, ἀλλὰ καὶ ἄγαν κατὰ τὰς ἐν τῷ βίῳ νενομισμένας ὑπεροχὰς ἐνδοξοτάτων, ἅμα τῷ τὴν κατὰ τῶν ἐκκλησιῶν ἐν τῇ Νικομηδεῖα προτεθῆναι γραφήν, ζήλω τῷ κατὰ θεὸν ὑποκινήσεις διαπύρω τε ἐφορμήσας τῇ πίστει, ἐν προφανεῖ καὶ δημοσίῳ κειμένῃ ὡς ἀνοσίαν καὶ ἀσεβεστάτην ἀνελῶν σπαράττει, δυνεῖν ἐπιπαρόντων κατὰ τὴν αὐτὴν πόλιν βασιλέων, τοῦ τε πρεσβυτάτου τῶν ἄλλων καὶ τοῦ τὸν τέταρτον ἀπὸ τούτου τῆς ἀρχῆς ἐπικρατοῦντος βαθμόν. ἀλλ' οὗτος μὲν τῶν θηρικῶδε πρώτος τοῦτον διαπρέψας τὸν τρόπον ἅμα τε τοιαῦτα οἶα καὶ εἰκόσ ἦν, ὑπομείνας ὡς ἂν ἐπὶ τοιοῦτω τολμήματι, τὸ ἄλπρον καὶ ἀτάραχον εἰς αὐτὴν τελευταίαν διετήρησεν ἀναπνοήν. Ed. Schwartz; Mommsen; Winkelmann 1999, re-print of Schwartz; Mommsen; Winkelmann 1903, 1908: 746-748. "To begin with, the moment that the decree against the churches was published at Nicomedia, a certain person by no means obscure, but most highly honoured as the world counts pre-eminence, moved by zeal toward God and carried away by his burning faith, seized and tore it to pieces, when posted up in an open and public place, as an unholy and profane thing; [and this he did] while two emperors were present in the same city, the senior of them all, and he who held the fourth place in the government after him. But this man was the first of those at that time who thus distinguished himself; and, at the same time, in his endurance of such results as naturally followed a daring act of this kind, he maintained an untroubled and undisturbed demeanour to his very last breath." Transl. J. E. L. Oulton in Lawlor; Oulton 1932: 263-265.

<sup>3</sup> On the ongoing harmonising reading of Greek and Roman texts deemed historiographical, which in this case leads, for example, to the reused enumeration of parallels from *exempla* and martyrologies in Greek, Latin, Syriac and Hebrew, see Donner 2006. Studies of the plausibility and veracity of Lactantius' and Eusebius' narratives mostly fillet out and attempt to correct passages of dubious historicity. For an overall positive assessment of Lactantius' reliability mingled with literary evaluations which actually cast doubts on it, see Barnes 2011: 8-10, 216 note 29, together with the analysis of his overall capricious selection of sources in Ando 2012 and also Riedweg 2005: 15-161. Less analytical readings can be found in Creed 1984: 94 and Keresztes 1983: 382. On Eusebius' accuracy and editorial dexterity, see Willing 2008: 508 with an example on 368-375.

repertory has often been discussed in the research on the fourth-century relation of Empire and Christianity and their textual cultures.<sup>4</sup> This chapter contributes an analysis of the semiotic characteristics of the narratives shared with literary and legal texts. The passages reflect independent engagements with literary *topoi* about damage to material conveyors of imperial *maiestas* to show the relevance of texts in general and the contents of that historiography in particular for life in the Roman Empire.<sup>5</sup>

## 1. LACTANTIUS AND EUSEBIUS

Eusebius' and Lactantius' writings engaged with the discursive strategies in which the erudite elite of the Roman Empire was fluent and which pervaded to different degrees the cultural practices of all social and ethnic groups.<sup>6</sup> They developed literary *personae* appropriate to each work and plausible for the audience when connected with the authorial *persona* derived from other texts attributed to them and their reputation. Any inference about their real personal experience or their emotions and thoughts is learned guesswork. They assumed the literary and oratorical expressions of the late-antique legislator, historian, exegete, teacher and counsellor in their works. Some *topoi* of the *persona* of the historiographer, such as first hand experience or privileged access to sources, were characteristic attributes of all those *personae* too, which are also present in the *H.E.* and *Mort. pers.* An exemplary citizen of the stylised world of the historiographic narrative was their ideal public. It was culturally Greek, steeped in traditional Roman values and familiar with those Christian and imperial concepts and qualities which the writer delineated with his narrative choices and especially the selection of authors and works (real or hypothetical) which he mentioned or (freely) quoted.<sup>7</sup> With them, he also outlined parameters for being in communion, and, therefore, about ('orthodox') Christianity. The audience of Eusebius' and Lactantius' historical narratives would have comprehended them as projections of an exemplary imperial world when becoming aware and perceiving the intrinsic qualities of the matter and of the words, like the protagonist of the story who showed awareness of the imperial character of the material support and suffered the consequences for its destruction. The ideal audience, cast as citizens of a Christian Roman Empire, is represented as omnipresent. It actually reflected minorities regarding both education and religion in a world in which the relevance of imperial values

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<sup>4</sup> Fundamental studies, which will not be cited repeatedly, include Barnes 1973: 22-23; Barnes 1991; Ando 2000: 107-108; Corcoran 2000: 179-181; Corcoran 2008; De Ste. Croix; Whitby; Streeter 2006: 39-40, 96-97; Digeser 2000; Digeser 2014. See also Katzoff 1989 and Lee 2007: 38.

<sup>5</sup> See Bremmer 2014: 23-26, Rohmann 2013, Sarefield 2007, Cramer 1945, Speyer 1998.

<sup>6</sup> See Stenger 2016: 95; Ando 2015b.

<sup>7</sup> See Schott 2013: 351-352, Debié 2015: 393-395 and Hartmann 2017.

and laws varied significantly.<sup>8</sup> The Christianities espoused by bishops were often irreconcilable and reflected only a fraction of the religious practices and beliefs of the population, experienced in a broad spectrum without clear boundaries from other cultural expressions, including Greek, Roman, Judaic, 'magic', Egyptian, Gnostic and Manichaean.<sup>9</sup>

Eusebius' 'Alexandrian' philological and theological background was generally a collective effort, building on the legacy of Origen's milieu.<sup>10</sup> It included mastery of the skills and resources of classical scholarship, scriptural exegesis and philosophical acumen. Without ceasing to produce didactic and advisory works such as treatises, commentaries and homilies, Eusebius responded to changes in Roman and Christian affairs by publishing and revising a number of polemical, historiographic and encomiastic works that addressed the relation of religion and rule, and the impediments to victories of Empire and Christianity.<sup>11</sup> The evaluation of real world characters and events reflected on the presentation of the literary world. Its actors and events could be significantly modified when works were revised or augmented. In the case of Eusebius' *H.E.*, the significant differences in the manuscript evidence are usually related to various redactions. Especially the relation of the last books to *H.E.* I-VII and his other writings is much debated.<sup>12</sup> Eusebius did not structure Book VIII through a synchrony of lists of imperial and episcopal successions, which form the back-bone of the earlier books. This organisation echoes his own *Chronici canones*, to which Eusebius points programatically in *H.E.* I 1,6. He had first published the chronicle a couple of years earlier, but continued working on it alongside the *H.E.* for another decade.

Although casting himself as a leading authority on Christian matters with easy access to the imperial court at all levels, Eusebius was under attack for his theological views and remained a marginal political figure. Eusebius' textual world-projection consistently referred to the sacred office or person of an emperor

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<sup>8</sup> Cf. Verdoner 2010: 369 and Corke-Webster 2017: 268-269. See also Walter 2006: 305-319.

<sup>9</sup> See Rebillard; Rüpke 2015, Naiweld 2012 and Thomassen 2010: 472-473.

<sup>10</sup> Grafton; Williams 2006: 209.

<sup>11</sup> On historiography as an encomiastic or critical debate of the character of the (Roman) empire, see Van Hoof; Van Nuffelen 2017: 276-279 and on the individual and individual experience in late ancient historiography see Van Nuffelen (2017), 238, 244 showing that the individual focus falls on the narrative voice of the historiographer with which the public can identify. Although never addressing religious persecution, see also Singh 2015: 135. On the anachronism of separating modes of discourse, such as hagiography, biography and historiography, see Penland 2011: 91-92 and on their ideal merits, see Krueger 2000: 505.

<sup>12</sup> See Ferguson 2003: 100, Perrone 2007: 315, Ulrich 2007: 64-65 and especially DeVore 2012: 140 n. 5. Thus, alongside the association to Thucydides' historiography, on which see Morlet 2006: 61, the *H.E.* was markedly a 'Herodotean' ethnographic account of all peoples (*H.E.* I 6,7), on which see Schott 2013: 139-140. See Corke-Webster 2017b: 258 on philological details, literary references to *De Martyribus Palaestinae*, other works and events and the manuscript evidence.

and created a system of textual and symbolic distribution of his own, contriving a chancery-style mesh of methods of Christian codex-making for his publishing operation in Cæsarea which competed with facts and slanders about his teachings and deeds.<sup>13</sup> Often condemned, his writings were considered unacceptable in several regions. The works which were transmitted were only gradually accepted. His philological tools spread quickly. His legacy was still under attack when fifth-century works referred to his *auctoritas* in church-historiography, validating the *H.E.* In tandem, they largely superseded it by continuing it and changing the foci of the narratives, social values and theological concepts already covered by Eusebius.<sup>14</sup>

Lactantius, on the other hand, had a more varied and often unmediated access to potential members of the ideal public of his works, including those directly involved in the administration and legislation of the Roman Empire. He worked as a master of rhetoric in Nicomedia and at the imperial courts of Diocletian and Constantine, in Trier. There, the prevailing imperial and religious policies were disputed by factions or seemed on the verge to come into their focus. In the shadow of actual or imminent civil war, such as between Constantine and Licinius,<sup>15</sup> Lactantius engaged critically with imperial identity in his works. The relation of his concepts of power, virtue, rule and religion underlying the narrative of *Mort.pers.* to Constantine's reign and succession are not transparent. Lactantius was tackling with classical and political rhetoric the narratives and concepts also addressed by panegyrists and philosophers.<sup>16</sup>

Eusebius was mostly periphrastic about imperial involvement in earlier Roman anti-Christian measures. Thus, his texts project continuous concepts of imperial identity and authority that are not intrinsically incompatible with or opposed to Christianity. Applied also to previous rulers, this characterisation tallied with an alleged (post-312 official) rhetoric of continuity of imperial authority.<sup>17</sup> At the same time, Eusebius suggested momentous contemporary political and social changes, passing over the continuity in most fundamental concepts and institutions of the empire. He prioritised imperial agency, especially in the narratives about Constantine. Lactantius projected a more restrained reaction to his ascent and Christian identity, possibly warning against

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<sup>13</sup> Cf. Vessey 2014: 267. On the authorial capacity of late-antique writers to articulate an inhabited textual past, see Berzon 2014: especially 189-190.

<sup>14</sup> See Frenkel 2018: 341-343.

<sup>15</sup> See Kristensen 2016 and Wienand 2015.

<sup>16</sup> See Walter 2006: 271-280, Ware 2014 and in the abundant literature on the relation between Lactantius' works and the writings and ideas of teachers such as Porphyry and their followers, especially Schott 2008: 79-82.

<sup>17</sup> See especially Meinking 2013: 86, 94-96, 103. See also Digeser 1998, Barnes 2011: 176; Gauger 1998: 61; Reiner 2006: 327; Icks 2012: 465-467 and now Becker 2017: 127.

a conceivable relapse.<sup>18</sup> In *Mort.pers.*, the seriousness of the anti-Christian measures and the spread of the enforcement now seem reasonably close to the actual harshness of the persecution. They correspond to Lactantius' prevailing representation of imperial identity and individual emperors. Grossly cast actions which signal unrestrained imperial power indicate potential or actual *hubris*. Lactantius did not dissociate Constantine and the *oikoumene* he ruled from anti-(orthodox) Christian measures. Even when narratives suggest a misuse of power, as in the accounts about Diocletian and Maximian, they nevertheless uphold, albeit unfavourably, imperial identity.<sup>19</sup>

## 2. NARRATIVE CONTEXT

Even factoring in the various forms and days of promulgation, provisions and the extent of the enforcement of the persecution, Lactantius' and Eusebius' accounts of the incident do not cohere and can only be partially true.<sup>20</sup> Neither the varying enforcement and often reduced impact of imperial legislation nor the relevance of local or private laws transpire in their works.<sup>21</sup> Imperial authority is shown present in everyday life of all, affecting the world for better or for worse depending on the virtues of the emperors and their attitudes towards Christianity. Therefore, it urged to achieve and improve the rule of a good emperor, and thus the topicality of their works, in which they advocate it, increased. Also the letters to members of the Roman administration and treatise-like collections of sermons or sayings in which are found analogous passages take for granted the familiarity of the audience with the relevance of imperial identity in their social and cultural settings.

The promulgation and enforcement of Diocletian's first persecution edict are little attested in inscriptions, papyri and legal collections or commentaries which could provide reliable legal information. Hagiographic and historiographical narratives can sometimes complement the legal sources, but in this case the passages reflect local law and interpretations of Roman legislation which would be plausible in the context of the narrative to its intended audience.<sup>22</sup> The

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<sup>18</sup> See Heck 2009: 120; Wallraff 2014.

<sup>19</sup> The work is thus not incompatible with Maximian's rehabilitation in 315, which has been used as *terminus ante quem*. See Barnes 2011: 9; Drake 2014: 45-46.

<sup>20</sup> See Woods 2001, Dohrmann 2015, Ando 2015: 10, 54-55; Rohmann 2016: 38-39.

<sup>21</sup> Reduced familiarity with administrative and political workings in the provinces is discussed in Corcoran 2014. On provincial awareness of Roman identity of the city, culture, administration and imperial control see, for example, Ando 2017, Johnston 2017 and Rababeh ; Al Rabady; Abu-Khafajah 2014.

<sup>22</sup> The interpretation of imperial legislation allowed for regional, particular and private appropriation of the legislation and weakened its imperial identity, despite imperial attempts to curb it, attested by the prologue of the *Theodosian Code* and decrees in the *Justinian Code*, on which see Salway 2013: 3; Corcoran 2011: 441. See also Scheltema 1977, Wiewiorowski 2013:

inconsistent terminology in fourth-century works leaves open the type of measure, with terms corresponding to imperial edicts gradually becoming predominant. Lactantius' use of *programma*, which was at odds with the fourth-century terminology, fits in a hagiographic tradition linked to biblical narratives as attested especially in the Old Latin version of Luke's account of Augustus' census edict (Lk 2.1), the prototype of Roman imperial measures that became pivotal to the economy.<sup>23</sup> Later Greek and Latin accounts did not preserve the original designation of the imperial promulgation, largely shifting in parallel with the evolving legal terminology for edicts. Hebrew and Syriac sources contribute little to the question of vocabulary, since expressions related to *basilika grammata* (as in Eusebius) or to the vague *γραφή* predominate. The accounts also disagree on the effects of the measure.<sup>24</sup> The destruction of Christian texts was probably based on Diocletian's anti-Manichaean rescript (datable to either 297 or 302) which acted against their texts.<sup>25</sup> It echoed especially the tenor of similar narrative flourishes in late third-century writings of the imperial chancery, including the measures during persecutions in Valerian's and Decius' reigns.<sup>26</sup>

Narratives of destruction of writings are not rare from the early fourth century on.<sup>27</sup> They reflect a notion that, however non-durable the material support is, the action can irrevocably damage a tradition and prevent the spread of its message. It had become a staple measure against people individuated by ideas they held or spread. Historically, the enforcement had a greater ritual and symbolic impact than any practical effect. It acted on the landscape symbolically, prefiguring the consequences of displays of remembrance and honour, as measures to silence and prevent them. Like *damnatio memoriae* and other enforced defacements and destructions, it hardly removed the evidence.<sup>28</sup>

The various passages portray the liability according to different understandings of the relation of content to media, the ability of texts, material supports and receivers to contract meaning and thereby language, as well as of the qualifiers or accidents of the discourses to endow them.<sup>29</sup> Destroying a copy

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76 and Falcone 2014.

<sup>23</sup> On the use of biblical images and vocabulary in narratives of persecution and retribution, see Trompf 1992, Gauger 1998: 61-62.

<sup>24</sup> See previously cited studies and Löhr 2002.

<sup>25</sup> See Lieu 1986: 436-437, Gardner; Lieu 2004: 116-118 and especially Cohen 2015: 196. See also Corcoran 2013: 12.

<sup>26</sup> See Mecella 2016: 275.

<sup>27</sup> On Arnobius' account of threats to destroy Cicero's writings and later literary expressions, see Forbes 1936 and studies analysing the passages there collated. In Howley 2017: 219-222 see especially n. 62.

<sup>28</sup> On the scholarly construct of *damnatio memoriae* see Penn 2010: 297-298 but also Wienand 2016; on the legislation, see Paño 2013 and on the narratives about suppression of information, see Howley 2017: 229

<sup>29</sup> See Frenkel (forth.).



of an imperial missive would be, narratively, a retribution of the legislation.<sup>30</sup> The narratives refer to a public familiar with notions about the transfer and appropriation of content and accidents by objects with writing, suggesting they reached beyond the erudite circles from which Porphyry, Eusebius and Lactantius stemmed. The abundance of amulets and ‘magical’ objects, whose efficacy relied on similar concepts, indicate that they could be understood by considerable parts of the population.<sup>31</sup> The topic was further explored by Eusebius and Lactantius when they tackled Porphyry’s philosophical paganism in, respectively, *Praeparatio Evangelica* and *Divinae institutiones*.<sup>32</sup> It was also intrinsic to the notion that a historiographical discourse would be apprehended foremost as an *exemplum* of empire, rather than as factual reports, contrary to positivistic readings of hagiographic and historiographic narratives.<sup>33</sup>

### 3. LEGAL CONTEXT

The early fourth-century passages signal a conceptual and legal development which is attested in Roman law only from the late fourth-century on. The stories do not indicate any consternation or challenge to the sentence although no precise legal reasoning is given. In Eusebius’ and Lactantius’ accounts, an indirect link with the man’s religious identity and zeal heightens the tension, apparently contributing to a swift prosecution and execution. However, neither the Christian identity of the tearer nor the content of the law being torn mattered for charging and sentencing, only that the material support had an imperial legislative text on it. Civil disobedience has long been pointed out to explain the execution, without specifying legal passages or precedents.<sup>34</sup> It is taken for granted that the attack against an element of the machinery of the Roman Empire exposed the offender to any sentence for *crimen maiestatis* at the discretion of the local law enforcer, by a shared understanding that the action went against the Roman people, the Roman Empire and ultimately against the emperor.<sup>35</sup>

The literary sources of the early empire suggest that *maiestas* was used sparingly, mostly against members of the elite and with considerable attention to legal procedures. Its plasticity was decried.<sup>36</sup> The scenes narrated

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<sup>30</sup> Pace Rohmann 2016: 41. See also Humfress 2007: 145; Herrin 2015: 341; Eich 2008: 242-243. For Arnobius and his work, see Simmons 1995 and Kahlos 2012.

<sup>31</sup> See Digeser 2006, Meinking 2013b, De Bruyn 2010: 147 and Zachhuber 2013: 454.

<sup>32</sup> Schott 2009; Schott 2008: 94-95.

<sup>33</sup> For example, Potter 2004: 337-338, 661. See Ando 2015a.

<sup>34</sup> Pace Eich 2008: 242. On alleged Roman motivations, see Cook 2010: 229-231.

<sup>35</sup> On the classical literature about *crimen maiestatis* see Solidoro 2002. See Heichelheim; Schwarzenberger 1947 on the ruling ascribed to Constantine and usually dated 320-323 and Bassanelli Somariva 1984: 98-102 on *ad legem Iuliam maiestatis* (CTh. 9,5) and further references to *crimen maiestatis* in CTh.

<sup>36</sup> See Levick 1975: 362.

by Eusebius, Lactantius and others yield a different picture, of wanton charging, swift prosecution and execution of any citizen. Eusebius' and Lactantius' ideal audiences, directly involved in the running of the state, were also those exposed to the enforcement and arbitrariness of the legislation. They may have been expected to identify with the protagonist or beware of resembling the vicious rulers and officers. The scenes in Christian homiletics and epistolography as well as in Rabbinic treatises show widespread awareness, also among those unlikely to be targeted by denouncers and prosecutors, of the expanding scope of the legislation on *crimen maiestatis* to address a vast array of practical aspects of running the Empire. Also the measures promulgated from the late fourth century on by Constans, Theodosius I and other emperors focus on the state rather than on the person of the emperor, the traditional accent of the Greek and Latin classical passages and of Eusebius' and Lactantius' accounts. They are in dialogue with the erudite literary tradition which referred to ruling on or using *maiestas* to engage critically with imperial power. Commendable emperors would refrain from it. Literarily, *maiestas* was also suggested as legal ground for condemnation of non-Roman religious practices and the link of state security to proper observance of the imperial cult had become, since Tacitus, a *leitmotiv* of Christian persecution.<sup>37</sup> In *H.E.* and *Mort.pers.*, the scene presented a sentence commensurate with the gravity of Diocletian's decree and the martyrologies represented literarily symbolic challenges against imperial jurisdiction. The stories tell of popular association of legislation with imperial identity, anticipating the legal measures of the 380's which linked disrespect of imperial legislation and *crimen maiestatis*.

The legal grounds on *crimen maiestatis* were mostly unclear and jurists like Ulpian pointed to the overlapping scope of some criminal, civil and religious legislation.<sup>38</sup> Ancient interpretations of laws on the defacement of legal epigraphy clarify the death sentence for damage or destruction of written objects bearing imperial λόγοι.<sup>39</sup> The objects inscribed with writing were taken to have the same relation to concepts and accidental qualities as images and Roman legislators associated the case with the precedent of the destruction of imperial images, since *maiestas* is offended in both.<sup>40</sup> Focalisation of the relation of concept and matter

<sup>37</sup> See Solidoro 2002: 7, 15, 69.

<sup>38</sup> See Williamson 2016: 341.

<sup>39</sup> On further legislation against the defacement and destruction of material objects see Kreuzsaler 2009: 223-225.

<sup>40</sup> See Williamson 2016, especially 340 on the late second and third-centuries background of *Digest* 48.4. Further, see Ando 2011: 73-74 on *maiestas*, a virtue frequently mentioned in dedicatory epigraphy which Roman writers attributed nearly exclusively to the Roman people. After the *maiestas* trial of Piso in 20 C.E. it became a frequent legal and rhetorical *exemplum*, with close links to the legal language for *iniuria*, as shown in Bryen 2016: 327. See also Kahlos 2014: 685-689 on the links of the literary exposition of *maiestas* and the logic of retribution which pervades Lactantius' and Eusebius' narratives.

spurred philosophical and theological discussions too. The religious resonance of the debates about presence or absence in material media, especially images, of the prototype of their referent led to a growing social divide.<sup>41</sup>

The references to the risk of capital punishment for disturbing the peaceful silence that was expected and apparently automatically set in motion during the reading of imperial missives suggest that legislation on the defacement of legal epigraphy was extrapolated to the disruption of legal oral announcements because of the shared object and action, respectively, the imperial *logos* and damage to its material support.<sup>42</sup> Oral announcement of the laws had by the fifth century replaced the epigraphic publication of laws. The oral delivery does not take on the accidental qualities of the *logos*, but is an essential part of the action, since the main character is usually portrayed hearing the content conveyed by *logos*, text and material support, even when embedded as a comparison for silent reading.<sup>43</sup> The increasing production and use of codices of law and the use of writing in petitions, litigations and legal proceedings contributed to the growing authority of writing and citation in the Roman Empire, part of a cultural development attested in Christian, Rabbinic, Stoic, Neo-Platonic and legal practices and instigated by their mutual engagement.<sup>44</sup>

#### 4. RESONANCES

The legal foundation of the story which Lactantius and Eusebius placed at the outset of the ‘persecution’ was directly linked to the power to punish which reflected imperial *maiestas* as well as the common literary instantiation of the

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<sup>41</sup> The relation of qualities of objects and their referents was a staple metaphor in fifth-century Christological polemical works, exploring the non-communicability of the accidents. Insofar as it showed that damage to the material support of the missive does not result in harm to the emperor, it could be used by members of both factions (e.g. Theodoret of Cyrhus *Pentalogos* II 22, ed. Guinot 2015: 268-271 and Theodotus of Ancyra *Homilia* 1, ed. Schwartz 1927: 73-80). See Stefaniw 2013: 416 and on the fragment of Theodoret’s *Pentalogos* first published in 2015, Guinot 2015: ad. loc.. On the *Pentalogos* see Clayton 2007: 34-35, 157-161 with care, in view of the publication of the new Greek fragments in Guinot 2015: 214-275. Ongoing problematisation of the presence of qualities in material representations of concepts and divine and human entities, for example during the iconoclastic controversies, was decisive for the preservation of whole or excerpts of earlier Greek texts compiled, collected or embedded in new polemical works. See Frenkel 2015: 124-126 and Elsner 2012: 370-371.

<sup>42</sup> Chrysostom asks for the hearing of scriptures the same attention given to βασιλικά γράμματα in *Hom. in cap. II Gen.* 14.2 (PG 53.112), *Hom. in Matth.* 19.9 (PG 57.285). See Dunning 2015: 72-73.

<sup>43</sup> Cf. Basil *Ep.*, 3.1: Ὅτε εἰς χεῖρας ἔλαβον τὴν ἐπιστολὴν σου, ἔπαθόν τι ἀκοῆς ἄξιον. Εὐλαβήθην αὐτὴν, ὡς τι δημόσιον προσαγγέλλουσαν, καί, παρ’ ὄν ἐξέλυον καιρὸν τὸν κηρόν, ἐφοβούμην προσβλέπων ὡς οὐδεὶς ἐν αἰτίαις ὦν Σπαρτιάτης Λακωνικὴν σκυτάλην. Ed. Courtonne 1957: 13-14.

<sup>44</sup> Pace Rohmann 2016: 24, but see Meyer 2011 and, on quotations to model ideals and retell the past, DeVore 2014: 248.

*res publica* in the person of the emperor. This connection continued relevant in the fifth century, with authors who endorsed full imperial power and spoke of its divine nature, while others, critical of unrestrained imperial authority, advocated a divine status only in a partial sense and a consequently limited power to punish.<sup>45</sup> Instead of Roman emperors who persecuted all Christians, later Christian and Jewish versions of such an incident present prospective enforcers of right faith and piety. The authors were delineating these concomitantly by their selective engagement with oral and written narratives, such as sayings of desert fathers and rabbis, synodical statements and *florilegia*. In general, they upheld the imperial right to punish with death aggressions against the material support of an imperial statement. Therefore, they would characterise the tearing down as *non recte* and the execution as *legitime*, like Lactantius. They also did not express sympathy for the man, as Eusebius had for the martyr. However, like Eusebius, they referred at best periphrastically to the causative involvement of emperors in the capital punishment and the religious identity of the infractor. Their *exempla* reflect a stance towards imperial power which acknowledges Roman values as measures against which to assess ritual or conceptual religious matters.

In Eusebius' and Lactantius' works, written *logoi* are central for the life of virtuous men. Their historiographical world represents Christianity as a 'religion of the book'. Actually, ritual and oral traditions were as or more important in the larger picture of its third- to sixth-century expression. However, harmonising reading of late-antique sources takes for granted the perspective of Christian literature which suggested the relevance of texts in and for the life of the faithful to carve its niche in their lives and to validate the truth-value of the content by this direct connection. A case in point for the problematic nature of this 'erudite' literature as a source for civil and religious aspects of the Roman Empire are the oral traditions and cultic practices associated with the veneration of saints. They could change considerably in a short timespan.<sup>46</sup> It speaks against the historicity of most hagiographic traditions, including this incident, that no evidence for a commemoration or cult of the martyr during the fourth century exists. The literary historicising expressions disagree on aspects which are central for the incident, such as the religious identity and motivation of the man who tears down the edict, but reflect as *exempla* the concerns of the authors. Martyrdom and the cult of martyrs is a moot point. Once the narratives found from the fourth century onwards are taken out of the equation, the evidence disappears.<sup>47</sup> Later sporadic references to the veneration of the protagonist closely resonate Eusebius' or Lactantius' works, in line with the increasing antiquarian character

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<sup>45</sup> See Van Hoof; Van Nuffelen 2011: 414-415.

<sup>46</sup> See Shepardson 2014: 244-245 and Woods 2009: 157.

<sup>47</sup> On the earliest sources and their uncertain dates, see De Gaiffier 1957: 21.

of hagiography. For example, a martyrology transmitted in Syriac translation in a manuscript dated to 411 adduced the name Evethius for the martyr. The spurious work is attributed to Eusebius in the manuscript, but placed at the end of a sequence of decreasing relevance in the reception of Eusebius.<sup>48</sup>

### CONCLUDING REMARKS

A Christian may have torn down the material receptacle of Diocletian's imperial *logos* which promulgated the persecution of Christians. If prosecuted, he could have been condemned to death, *recte*, as Lactantius says. It was a plausible story to spearhead the account of a persecution which was little documented. Eusebius and Lactantius claimed eye-witness status. It strengthened the validity of their works to audiences which would have witnessed few if any episodes but were exposed to an increasing number of oral or written tales and pamphlets, many in the garb of martyrologies and hagiographies. Amalgamated with the commensurate zeal for the faith, the story of suffering the consequences for the destruction of imperial discourses was fitting.

The characterisation of the actors and the continuing existence of the *logos* despite the destruction of the material item suggests the futility of tearing down or burning to prevent the spread or preservation of ideas. Like book-burning, liability for damage to written discourse assumed that the respect due to writing inheres in the authority of the content it conveys. On their own, the condemnations were essentially impotent and ineffectual against the authority, survival and redistribution of the content. They were spectacularly symbolic acts displaying a disfavour which could revert into charges and prosecution for *crimen maiestatis*. In the passages, the Roman Empire and more specifically the emperor acts as legislator. The narratives present him as caretaker of the citizens of the world, but signal his abuse of power by showing the enforcement of a sentence related to *crimen maiestatis*.

With greater or lesser logical soundness, the various accounts associate the death sentence to the *maiestas* present or indicated by the writing. The incidents signalled the significance of the passage and its capacity to reveal the character of the legislator. They thus validated the strategy of the literary *personæ* of the authors of hagiographic and historiographic works by pointing to the authority

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<sup>48</sup> Nau 1912: 7, 13. It follows translations of hagiographic texts about martyrs attributed to Eusebius, namely *Theophania* (CPG 3488), *Mart. Pal.* (CPG 3490) and *Laudatio martyrum omnium* (CPG 3493). Probably spurious, the discourse in praise of the martyrs, extant only in Syriac, edited in Cowper 1864, has been largely neglected too. On the fourth- and fifth-century references to incidents in which the capital sentence ensuing on tearing down an imperial missive is central, see Ando 2015b: 10, 54-55 and Frenkel (forth.). On the early reception of Eusebius *H.E.* in Syriac Christianities and the influence of the cultural background on the text, see Noce 2016.

of the texts they incorporated as constituent parts. Through narratives which conveyed the *maiestas* of Empire and Christianity, Eusebius and Lactantius disclosed, at least to a public which would interpret historiographies according to their shared literary values, a world order in which they were compatible or even essential for mutual perfection.

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