

From Toleration to Repression: The Evolution of Constantine's Religious Policies*

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Modern lists of Roman emperors register Constantine as emperor from 306 to 337.¹ That apparently simple statement obscures two central features of his tenure of the imperial power. First, when Constantine, within a few weeks of his initial proclamation at York on 25 July 306, obtained recognition from the eastern Augustus Galerius as the junior member of a college of four emperors who conjointly ruled the Roman Empire, he exercised direct control only over Britain, Gaul and Spain, and eighteen years were to pass before he gained control of Asia Minor, Syria, Palestine and Egypt.² Second, since Constantine became ruler of different parts of the Roman Empire at four different dates (306, 312, 316/7 and 324), it was possible for him to adopt different policies in different geographical areas.

The central contention of the present paper is that Constantine did indeed adopt different policies towards traditional religions in different areas. The argument proceeds in five main stages. First, the principle that laws issued by a Late Roman emperor were not automatically valid throughout the empire will be illustrated from examples which have nothing to do with Constantine at all. Second, the anti-Christian edicts issued by the emperors Diocletian and Maximinus will be summarised, with emphasis on when

* The present essay is a revised and expanded version of the introductory lecture I delivered at the conference 'The Power and the Glory. The Legacy of Constantine at the Dawn of the Third Millennium' in St Luke's College, Exeter on 7 August 2000. In rewriting my text for publication, I have incorporated the conclusions of important papers by Dr. Benet Salway and Professor Reinhart Staats which I subsequently heard during the conference (see notes 45 and 71). I am most grateful to Alastair Logan, Allan Brent and Oliver Nicholson for inviting me to take part in, and to Rosie Beckham for her role in organising, a conference which seemed to me to produce more genuinely productive discussion between scholars with divergent points of view than usually occurs on such academic occasions. I am also grateful to Alastair Logan for permitting me to publish my paper in *Scripta Classica Israelica*, whose editors and referees have made several substantive improvements in the final version.

All references to Eusebius' *Life of Constantine* (VC) are to the edition by F. Winkelmann, *Eusebius Werke* 1.1 (Berlin, 1975). The long and short recensions of the *Martyrs of Palestine* (which are cited as *Mart. Pal.* [L] and [S] respectively) are most conveniently consulted and compared in the English translation by H.J. Lawlor and J.E.L. Oulton, *Eusebius: Ecclesiastical History* 1 (London, 1927), 327-400.

¹ E.g., M. Rostovtzeff, *Social and Economic History of the Roman Empire*² (Oxford, 1957), 753; F. Millar, *The Emperor in the Roman World (31 B.C. – A.D. 337)* (London, 1977), facing 656; D. Kienast, *Römische Kaisertabelle*² (Darmstadt, 1996), xi. Rostovtzeff presents only one emperor as reigning simultaneously with Constantine, viz., Galerius, who died in 311; Millar and Kienast both include Maxentius, who never secured empire-wide recognition as a legitimate member of the imperial college; and Kienast makes Constantine follow (not precede) Licinius.

² *The New Empire of Diocletian and Constantine* (Cambridge, Mass., 1982), 195-200 + (Political Divisions of the Empire).

each was issued and how and where each was enforced. This familiar ground must be covered yet again because a recent book about Constantine very seriously misrepresents the content of the edict of 24 February 303, which was the only persecuting edict to be promulgated in the western Roman Empire.³ The third stage in the argument sets out when and how persecution came to an end in different geographical areas and political jurisdictions, and how the persecuted Christians of the East took revenge on their oppressors both in 313, when Licinius defeated Maximinus, and in 324, when Constantine conquered the East. The final two sections of the paper turn to Constantine himself: the fourth considers the direct evidence that Constantine adopted different religious policies in 306, 312/313 and 324/325, while the fifth attempts to assess what impact his actions after 324 had on the religious life and religious practices of non-Christians in the East.

I

The rhetoric of Late Roman legislation constantly proclaims the universal and eternal validity of edicts issued by wise and thoughtful emperors devoted to the welfare of all their subjects. A particularly egregious example of such imperial self-advertisement is the edict fixing maximum prices for a wide range of foodstuffs and other goods and for their transport which Diocletian issued from Egypt between 20 November and 10 December 301.⁴ The boastful preamble includes two explicit statements that the maximum prices set out in the schedule attached to the edict are to apply throughout 'the whole of our world' (*totius orbis nostri*), 'not to individual cities, peoples and provinces, but to the whole world' (*universo orbi*). Yet the edict was almost certainly neither enforced nor even published by the western Augustus Maximian: while we possess many fragments of the edict inscribed on stone from about 40 different cities in the East, there is not a single fragment from any city in the West⁵ – a disparity far too great to be attributed to accidents of epigraphical survival.

In theory, the Roman Empire as restored by Diocletian was one and indivisible. In reality, different jurisdictions might have different laws. For every emperor – certainly every Augustus, and even (it may be argued) the Caesars between 293 and 309⁶ – could choose whether or not to promulgate and enforce the legislation of imperial colleagues who ruled other parts of the empire. This was a fundamental principle of Late Roman administration. The most explicit evidence for its operation in the fourth century comes from Libanius' autobiography. The mother of Libanius' only son Cimon was not the orator's wife, but a concubine who was probably of servile status. Illegitimate sons did

³ H.A. Drake, *Constantine and the Bishops. The Politics of Intolerance* (Baltimore and London, 2000), 164.

⁴ For the date and place of issue, *New Empire* (1982), 19, 55, 252.

⁵ The findspots then known were clearly set out in the critical edition of S. Lauffer, *Diokletians Preisedikt. Texte und Kommentare 5* (Berlin, 1971), and subsequent discoveries have not changed the overall picture: see now D. Feissel, 'Les constitutions des Tétrarques connues par l'épigraphie: inventaire et notes critiques', *Antiquité Tardive* 3 (1995), 43-5. The schedule attached to the edict laid down both *pretia singularum specierum* (1.1) and *ex quibus locis ad quas provincias quantum nauli excedere minime sit licitum* (37.1).

⁶ *New Empire* (1982), 48-9.

not have the right to inherit their father's property or social rank, except by special dispensation, which Libanius had attempted to obtain from the emperors Julian and Jovian (*Orat.* 17.37; *Ep.* 1221.6). On 16 August 371 the western emperor Valentinian addressed a constitution to Ampelius, prefect of the city of Rome, which allowed a man to leave to his natural children and their mother up to one quarter of his estate, even if he had legitimate sons or grandsons and even if his parents were still alive, and up to three quarters, if his parents were already dead and he had no surviving sons or grandsons (*CTh* 4.6.4). Libanius makes it clear that this western law only became valid in the East, and therefore benefited his son Cimon, when the eastern emperor Valens promulgated it on his authority too:

It was your doing, Fate, too that a law was issued which brought relief to illegitimate children. While the fact that the senior of the two emperors thought of it and that one of those who wield power enacted it by letters of his may be attributed to the common fortune of all who stood in need of the law, the fact that the junior emperor, who thoroughly disapproved of the law, should openly praise it and ratify it, since he realised that I required the legal power that it bestowed — this must rightly be judged as proper to my fortune, which freed me of a great and heavy anxiety that one and the same day would bring death for me and complete beggary for my son (*Orat.* 1.145).⁷

Libanius clearly implies that Valens could have chosen to make no change in the legal rights of bastards in the East — and he records that Valens ratified his brother's western law after he arrived in Antioch in the spring of 372 (*Orat.* 1.144), that is, several months after it was issued.⁸ A longer delay in extending legislation from one *pars imperii* to the other occurred in 438: in the East, the Theodosian Code became the sole and exclusive authority for legislation issued by emperors between 312 and 437 on 1 January 438,⁹ but the Code was not promulgated in the West until the Roman Senate ratified it on the following 25 December (*Gesta senatus*).¹⁰ When Theodosius II validated his Code as the sole source from which imperial legislation for the period from Constantine to 437 could in future be cited in legal cases, he laid down that he and his western colleague each needed explicitly to accept the other's constitutions before they were valid in his own half of the empire (*Nov. Theod.* 1).

It is thus not merely inaccurate, but also both simplistic and anachronistic in the extreme to state that 'the Roman government tried to wipe out the Christian leadership

⁷ The translation is my own, but I have based it on A.F. Norman, *Libanius' Autobiography (Oration I)* (London, 1965), 85. I diverge from Norman on one significant point: the run of the sentence seems to me to identify the subject of the verb ἦσθετο as Valens, not Libanius' Τύχη, who has not yet been invoked.

⁸ For Valens' movements, *Ammianus and the Representation of Historical Reality* (Ithaca and London, 1998), 247-54. The new law, it may be noted, was rescinded within a decade (*CTh* 4.6.5), so that Libanius again needed to secure a special imperial grant if Cimon was to inherit his property (*Orat.* 1.195).

⁹ See now 'Foregrounding the Theodosian Code', *JRA*, 14 (2001), 685.

¹⁰ J.F. Matthews, *Laying Down the Law. A Study of the Theodosian Code* (New Haven / London, 2000), 31-54.

in the "Great Persecution" of 303-12 (sic).¹¹ Between 303 and 313 no unified 'Roman government' existed: there were three, four, even for a time five emperors, each with his own policy towards the Christians. It is a serious (if regrettably common) error to write the political and the institutional history of the Later Roman Empire with insufficient attention to the different policies of different emperors in East and West.¹²

II

The most important and best documented example of different regimes in different parts of the Roman Empire pursuing divergent policies concerns the status of Christians and Christianity between February 303 and the summer of 313.¹³ On 24 February 303 an edict was posted in Nicomedia which abolished the *de facto* toleration that Christianity had enjoyed since 260. The main provisions of this edict, the so-called first persecuting edict, were twofold (Eusebius, *Mart. Pal.* [S], pr. 1; *HE* 8.2.4; Lactantius, *Mort. Pers.* 13.1). First, it forbade Christians to meet for worship and ordered the destruction of places of worship, the burning of the scriptures and the confiscation of all communal Christian property. Second, it required all individuals who had official business of any sort to perform a symbolic act of sacrifice before commencing such business. The first set of provisions were enforced in the first instance by local officials, but Christians who refused to comply were arrested and sent to provincial governors for condign punishment, that is, execution.¹⁴ The second main provision was more far-reaching, for it prevented any Christian from participating in any formal legal proceedings, even perhaps as a witness, unless he first sprinkled incense on an altar before speaking in court.¹⁵ Persistent Christians, including slaves in imperial service, were deprived of their

¹¹ K. Hopkins, *A World Full of Gods. Pagans, Jews and Christians in the Roman Empire* (London, 1999), 79, 134. Hopkins correlates the ending of the 'Great Persecution' with the conversion of Constantine — in total defiance of the ancient evidence.

¹² For an illustration of the potential consequences of this mistaken approach, see C. Zuckerman, 'Two Reforms of the 370s: Recruiting Soldiers and Senators in the Divided Empire', *Revue des études byzantines* 56 (1998), 79-139.

¹³ The facts are set out with admirable clarity in the classic article by G.E.M. de Ste Croix, 'Aspects of the "Great" Persecution', *HThR* 47 (1954), 75-109.

K.H. Schwarte, 'Diokletians Christengesetz', *E fontibus haurire. Beiträge zur römischen Geschichte und zu ihren Hilfswissenschaften*, ed. Rosmarie Günther and S. Rebenich (Paderborn / Munich / Vienna / Zürich, 1994), 203-40, has argued that the edict of February 303 was 'die alleinige Rechtsgrundlage der gesamten diokletianischen Christenverfolgung' and that it included an 'allgemeines Opfergebot' (221). But Eusebius, *Mart. Pal.* 3.1, states categorically that it was in 304 that new edicts arrived in Palestine ordering collective public sacrifice. On the other hand, Schwarte has a full and valuable discussion of the attested contents of the first edict (208-29).

¹⁴ For examples of the procedure, see the *Acta Felicis* (BHL 2895) and the document recently published by P. Chiesa, 'Un testo agiografico africano ad Aquileia: Gli *acta* di Gallonio e dei martiri di *Timida Regia*', *Analecta Bollandiana* 114 (1996), 241-68.

¹⁵ Hence Lactantius' complaint that the edict laid down that 'adversus eos [sc. religionis eius homines] omnis actio valeret, ipsi non de iniuria, non de adulterio, non de rebus ablati agere possent, libertatem denique ac vocem non haberent' (*Mort. Pers.* 13.1). And he describes how the provision was enforced: 'ne cui temere ius diceretur, arae in secretariis ac

social status and legal privileges, presumably by being required to sacrifice as Roman soldiers serving in the East had been required to do three or more years earlier.¹⁶

This edict of February 303, issued by Diocletian, was also promulgated by his western colleague Maximian. Hence it was technically valid for the whole of the Roman Empire, and it was enforced both throughout the East and in the territory controlled by Maximian, viz., Africa, Italy and Spain (Lactantius, *Mort. Pers.* 15.6, 16.1). In Gaul and Britain, however, Maximian's Caesar, Constantius, allowed the demolition of churches and the confiscation of Christian property, but instructed governors not to execute Christians (Lactantius, *Mort. Pers.* 15.7) – though a zealous military commander may have done so in one area of Gaul.¹⁷

The edict of February 303 was the only persecuting edict to be promulgated in the West,¹⁸ and its enforcement appears to have petered out during the winter of 304/305.¹⁹ In the East, by contrast, several more laws were issued against the Christians, and Christians continued to be executed until 311 in the Balkans and 313 in the rest of the East. During 303 Diocletian issued two measures which are conventionally, though misleadingly, known as the second and third persecuting edicts (Eusebius, *Mart. Pal.* [S] pr. 2, 1.3-5; *HE* 8.2.5-3.4, 6.8-10). These measures applied only to the Christian clergy: the first ordered the imprisonment of bishops, priests, deacons, lectors and exorcists, while the second attempted to empty the now hopelessly overcrowded prisons by offering an amnesty to all who sacrificed. Early in 304, however, Diocletian issued an edict that the inhabitants of each city in the Eastern Empire should collectively sacrifice and offer libations to cult statues (Eusebius, *Mart. Pal.* 3.1).

Persecution intensified when Diocletian abdicated a year later. In Asia Minor, Galerius, who is depicted by contemporaries as the instigator of the persecution, increased the pressure on Christians previously under the direct rule of Diocletian.²⁰ But the harshest and most persistent persecutor was Maximinus, the new Caesar of the East,

pro tribunali positae, ut litigatores prius sacrificarent atque ita causas suas dicerent' (15.5). A papyrus from Oxyrhynchus preserves a letter in which the Christian Copres informs his wife that when he arrived at the place where he had legal business he discovered that 'those who present themselves in court are being made to sacrifice' and that he has accordingly 'made a power-of-attorney in favour of [his] brother' (*P. Oxy.* 2601, trans. J.R. Rea).

¹⁶ Probably in 300 rather than 299: R.W. Burgess, 'The Date of the Persecution of Christians in the Army', *JTS* n.s. 47 (1996), 157-8.

¹⁷ Viz., Rictiovarus, who was deemed fictitious in *New Empire* (1982), 190.

¹⁸ See *Constantine and Eusebius* (Cambridge, Mass., 1981), 23. The contrary case has recently been restated by M.B. Simmons, *Arnobius of Sicca. Religious Conflict and Competition in the Age of Diocletian* (Oxford, 1995), 84-8. However, the fact that both the proconsul of Africa and the governor of Numidia are attested as ordering sacrifice on their own authority in 303 long before the fourth edict was issued (Optatus, App. 2, 198.31-199.1 Ziwsa; *CIL* 8.6700) invalidates his inference from Arnobius, *Adversus Nationes* 6.27.1-9; 7.1-32.

¹⁹ De Ste Croix, *HTR* 47 (1954), 84-96. Eusebius, *Mart. Pal.* (S) 13.12, noted that persecution lasted less than two years in the West, where the latest attested martyrdom occurred in Africa in December 304 (*Acta Crispinae* [BHL 1989a/b], cf. *New Empire* [1982], 177, 181).

²⁰ The increasing intensity of persecution in Asia Minor under Diocletian, Galerius and then Maximinus is recalled by Gregory of Nazianzus, *Orat.* 4.96.

who was related to Galerius by both blood and marriage.²¹ In 306 the names of landless city-dwellers were for the first time included in census returns – an innovation which produced rebellion in Rome and which was abolished in the next census five years later.²² Maximinus ordered the new census lists to be used to enforce the requirement that everyone sacrifice: in cities like Caesarea in Palestine, soldiers went through the streets summoning every person on the list to sacrifice (Eusebius, *Mart. Pal.* 4.8). Two years later, in 308, as part of his attempt to revive traditional religion, Maximinus reissued the order for everyone to sacrifice and offer libations, and he also tried to ensure that no-one could escape: every article offered for sale in a public market was to be sprinkled with blood from a sacrificial victim or with a libation, and guards were posted outside public baths to compel all who entered to make some symbolic gesture of sacrifice (Eusebius, *Mart. Pal.* 9.2-3).

It was not until April 311 that the dying Galerius proclaimed an end to persecution of Christians in the East. Licinius, his imperial colleague and the inheritor of his power, applied the edict in the Balkans on Galerius' death, and political calculation persuaded Maximinus, who seized Asia Minor when Galerius died, to promulgate Galerius' edict of toleration in his territory too. Within a few months, however, when Maximinus had established his control over Asia Minor, he set out to subvert it. In the autumn of 311 Maximinus recalled Christians 'to the worship of the gods' and persecution resumed (Lactantius, *Mort. Pers.* 33.11-36.7; Eusebius, *HE* 8.16-9.7.15).

The anti-Christian legislation of Diocletian and Maximinus has been described in some detail in order to emphasise a point whose relevance to Constantine has sometimes been forgotten. This is the central role and importance of sacrifice to the gods, both the bloody sacrifice of animals and the symbolic acts of throwing incense on an altar and pouring a libation to the gods.²³ Eusebius reports that before the Diocletianic persecution some Christians were provincial governors and that they were released from the traditional obligation to begin all official business with a symbolic act of sacrifice (*HE* 8.1.4). In 303 this symbolic act of sacrifice became the official touchstone of both religious conformity and political loyalty, and two decades later, when Licinius became embroiled in conflict with Constantine, he renewed the requirement that officials in his service and the soldiers of the eastern armies sacrifice to the pagan gods (*CTh* 16.2.5 [25 December 323];²⁴ Eusebius, *HE* 10.8.10; *VC* 2.54.1). It follows that the Constantine of 324 could not ignore the prominent role that sacrifice had played in the persecutions of the early fourth century. His new Christian subjects expected their liberator to curb the traditional rites of sacrifice which had been used to oppress them.

²¹ *Epitome* 40.1, 18; Zosimus 2.8.1 (nephew); Lactantius, *Mort. Pers.* 18.13-14 (*adfinis*), cf. 'The Wife of Maximinus', *CP* 94 (1999), 459-60.

²² *New Empire* (1982), 232-4.

²³ See now R.S. Bagnall and J.B. Rives, 'A Prefect's Edict Mentioning Sacrifice', *Archiv für Religionsgeschichte* 2 (2000), 77-86. The papyrus, which probably comes from Panopolis in the Thebaid, refers to 'some sort of public celebration involving sacrifice' in the Egyptian regnal year 293/4.

²⁴ The transmitted date is *VIII kal(endas) Iun(ias)*: the month is emended to *Ian(uarias)* by O. Seeck, *Regesten der Kaiser und Päpste für die Jahre 311 bis 476 n. Chr. Vorarbeit zu einer Prosopographie der christlichen Kaiserzeit* (Stuttgart, 1919), 98-9, 173.

III

The ancient evidence presents a clear and consistent picture of how the Christians of the Roman Empire regained the legal rights which they had enjoyed before 303 but lost under the first persecuting edict.²⁵ There were in some areas three distinct stages in the lifting of persecution:

(1) cessation, that is, the anti-Christian edicts ceased to be enforced even though they had not yet been officially rescinded;

(2) toleration, which is what Galerius granted in 311, meant that Christians were allowed to meet again for worship, but they neither recovered their previous places of worship nor received compensation for what had been taken from them;

(3) restitution, which presupposes or includes toleration, is what Licinius granted in Asia Minor, Oriens and Egypt in 313: Christians were restored to the status which they enjoyed before 303, that is, not only were Christians allowed to assemble freely again, but churches were given the right to recover confiscated property from its present owners.

Once these three processes are distinguished from one another and each area of the Roman Empire is considered separately, then the ancient evidence falls easily and automatically into place – provided that it is correctly reported (which has not always been the case). Lactantius states in two separate passages that Constantine restored his Christian subjects to their previous status immediately after his accession (*Mort. Pers.* 24.9; *Div. Inst.* 1.1.13). There is no good reason to doubt his assertion, especially since both passages were probably written no later than 314.²⁶ According to both Eusebius and Optatus, Maxentius, who seized power in Rome in October 306 and ruled Italy and Africa until late 312, granted toleration when he came to power (Eusebius, *HE* 8.14.1; Optatus, *Contra Parmenianum Donatistam* 1.18 [CSEL 26.19]); subsequently, probably in 311, Maxentius allowed Christians to recover confiscated church property (Augustine, *Breviculus Collationis cum Donatistis* 3.18.34 [CSEL 53.84]; *Contra partem Donati post gesta* 13.17 [CSEL 53.113-114]). For the rest of the Roman Empire, i.e., the whole of the East, toleration was decreed by Galerius in April 311 in an edict quoted by both Lactantius and Eusebius (*Mort. Pers.* 34 = *HE* 8.17). But Maximinus resumed persecution in Asia Minor and Oriens before the end of 311, so that toleration needed to be reenacted after his defeat in 313. Lactantius quotes the letter which Licinius sent to the governor of Bithynia on 1 June 313 (*Mort. Pers.* 44), while Eusebius quotes in translation both the grudging edict by which the defeated Maximinus granted toleration shortly before his death in the summer of 313 and the letter which Licinius sent to the governor of Palestine slightly later (*HE* 9.10.7-11; 10.5.2-17): the substantive portions of Licinius' two letters, which are identical, allow Christians to worship without hindrance and permit them to recover on petition all confiscated

²⁵ For what follows, see 'Constantine and Christianity: Ancient Evidence and Modern Interpretations', *Zeitschrift für Antikes Christentum* 2 (1998), 280-83, on which the table in the Appendix below is based.

²⁶ See esp. 'Lactantius and Constantine', *JRS* 63 (1973), 29-46; P. Barcelò, 'Die Religionspolitik Kaiser Constantins des Grossen vor der Schlacht an der Milvischen Brücke (312)', *Hermes* 116 (1988), 76-94; E. deP. Digeser, 'Lactantius and Constantine's Letter to Arles: Dating the *Divine Institutes*', *Journal of Early Christian Studies* 2 (1994), 33-52.

communal Christian property,²⁷ with the current owners indemnified from the imperial treasury. Only in one geographical area is there no explicit evidence for the date at which Christian property was restored: that is the territory which Licinius ruled before the spring of 313, i.e., the Balkans from the borders of Italy to the Bosphorus. However, the date can be deduced with virtual certainty from the fact that Licinius' letters of 313 state that he and Constantine agreed on a joint policy when they met in Milan in February 313: Licinius must, therefore, have granted restitution in the area which he controlled in the spring of 313, as soon as he returned from his marriage to Constantine's sister in Milan.

The ancient evidence thus consistently attributes the initiative in restoring Christian rights and property to Constantine. Although Maxentius granted toleration in 306, he only added restitution several years later when Constantine threatened to invade Italy. And Licinius agreed to extend restitution to the East when he conferred with Constantine in February 313.

IV

Constantine was not the first emperor to punish pagans for harassing Christians. After the defeat of Maximinus in 313 there was a systematic purge of persecutors, probably not set in motion by Licinius, but certainly at first encouraged by him. To quote Eusebius:

All who supported Maximinus were killed, especially those holding administrative rank who had obtained advancement from him by flattering him and had raged recklessly and violently against our doctrine (*HE* 9.11.3).

In the same passage, Eusebius names three holders of official posts who were killed (*HE* 9.11.4-6):²⁸ Peucetius, who was perhaps proconsul of Asia for three years²⁹ and whom

²⁷ Licinius asserts specifically that churches had owned property before 303: 'Christiani non ea loca tantum ad quae convenire consuerunt, sed alia etiam habuisse noscuntur ad ius corporis eorum, id est ecclesiarum, non hominum singulorum, pertinentia' (Lactantius, *Mort. Pers.* 48.9 = Eusebius, *HE* 10.5.11). It is unfortunate that many modern writers have ignored this passage in order to argue that it was Constantine who first recognised churches as corporate bodies legally entitled to own property: thus, to choose but one influential and three very recent examples out of many, W. Ullmann, *A Short History of the Papacy in the Middle Ages* (London, 1972), 5; J. Bleicken, *Constantin der Grosse und die Christen. Überlegungen zur konstantinischen Wende* (Munich, 1992), 58, cf. 6, 19, 24, 44; M. Clauss, *Konstantin der Grosse und seine Zeit* (Munich, 1996), 80; K.M. Girardet, 'Die Konstantinische Wende und ihre Bedeutung für das Reich. Althistorische Überlegungen zu den geistigen Grundlagen der Religionspolitik Konstantins d. Gr.', *Die konstantinische Wende*, ed. E. Mühlberg (Gütersloh, 1998), 9-122. Eusebius, *HE* 7.13, documents Gallienus' recognition of the right to which Licinius refers in or shortly after 260.

²⁸ Elsewhere Eusebius notes the execution of Firmilianus, who had executed Christians as governor of Palestine (*Mart. Pal.* [S] 11.31). Firmilianus' tenure began in 308 and may have lasted until 311: A. Laniado, R. Last and P. Porath, 'A Dedication to Galerius from Scythopolis. A Revised Reading', *ZPE* 98 (1993), 229-33 (whence *AE* 1993.1618), have reread the name of the governor on *AE* 1964.198, which appeared to attest the otherwise unknown Valentinianus between 305 and 311 (*New Empire* [1982], 152), as Val(erius) Firmilianus.

Maximinus put in charge of his finances; Culcianus, who had executed many Christians as prefect of Egypt;³⁰ and Theotecnus, who as a city official had stirred up popular feeling against Christians in Antioch and then was promoted to governor of Galatia.³¹ The last of these three was tried by Licinius himself. To quote Eusebius again:

When Licinius arrived in Antioch and searched out the charlatans, he tortured the prophets and priests of the new-made idol [of Zeus Philios] to find out by what means they practised their trickery. When the infliction of torture made concealment impossible and they revealed that the whole mystery was a trick devised by the contrivance of Theotecnus, he [sc. Licinius] imposed on all the punishment they deserved and put to death after very many torments, first Theotecnus himself, then his partners in deceit (*HE* 9.11.6).

The extent of the purge which followed the defeat of Maximinus appears to be indirectly attested by an imperial edict *de accusationibus*,³² of which both small fragments and a very long extract survive on stone and of which a brief excerpt is included in the Theodosian Code (9.5.1). The extract in the Code states that it was issued on 1 January 314 and names its addressee as Maximus, *p(raefectus) u(rbi)*, i.e., prefect of the city of Rome, while all the six inscriptions that preserve parts of the edict are of eastern origin.³³ Either the transmitted date or Maximus' office must be wrong, and purely technical reasons suggest that, since the law must have been issued by an eastern emperor, the contradiction should be removed by emending Maximus' office to *p(raefectus) p(raetori)o* with the corollary that Maximus was the praetorian prefect of Licinius in the winter of 313/4.³⁴

The portion of the edict which survives, some fifty consecutive lines, begins with an unclear allusion to grave vexations suffered by both accused persons and witnesses. It then provides a remedy by reasserting traditional rules in a way designed to deter prosecutions. An accuser who fails to prove his case is liable to a penalty more severe than that laid down for the offence alleged. Magistrates are to refuse to listen to informers or to slaves or freedmen who accuse their masters or patrons – and such audacity is to be punished by crucifixion. Moreover, magistrates must burn anonymous written denunciations unread, and attempt to apprehend their authors.³⁵

²⁹ *New Empire* (1982), 158.

³⁰ Culcianus is attested as prefect from 6 June 301 (*P. Oxy.* 3304) to 4 February 307 (*Acta Phileae*): see *New Empire* (1982), 149.

³¹ S. Mitchell, 'The Life of Saint Theodotus of Ancyra', *Anatolian Studies* 32 (1982), 107-108.

³² G.C. Bruns, *FIRA*¹ (Leipzig, 1909), 265-7 no. 94; S. Riccobono, *FIRA* 1² (Florence, 1941), 458-61, no. 94.

³³ See now S. Corcoran, *The Empire of the Tetrarchs: Imperial Pronouncements and Government A.D. 284-324*² (Oxford, 2000), 190-91, 349-52.

³⁴ As proposed in 'Three Imperial Edicts', *ZPE* 21 (1976), 275-81, cf. *New Empire* (1982), 127-8. The emendation is accepted by Corcoran, *Empire*² (2000), 289-90.

³⁵ The text refers to *statuta parentum nostrorum*: this phrase is surely impossible for Constantine, to whom the edict used to be unanimously ascribed. Before 1976 the sole dissentient from the *communis opinio* was A.A.T. Ehrhardt, 'Some Aspects of Constantine's Legislation', *Studia Patristica* 2 = *Texte und Untersuchungen* 64 (Berlin, 1957), 114-21, who correctly ascribed the edict to Licinius, but assumed that it was also promulgated in the

The purge of 313 is documented only because Eusebius gloated over the deaths of several named persecutors: despite the assiduity of the compilers of the Theodosian Code, the historical context of the edict *de accusationibus* which survives epigraphically could never have been identified without his explicit testimony. A similar purge, though on a smaller scale, occurred after the defeat of Licinius in 324. It is known only from a single passage of the *Life of Constantine*:

Next, judging the God-hater himself and then those around him by the law of war, he consigned them to appropriate punishment, and there were led away with the tyrant himself and destroyed, paying the fitting penalty, his counsellors in attacking God; and those who shortly before had been buoyed up by their confidence in seers discovered in reality who the God of Constantine was and confessed that they acknowledged him after all as the one true God. (*VC* 2.18)

This passage is both allusive and panegyric. Yet it speaks explicitly of executions and uses language very similar to that which Eusebius applied to the purge in 313. It is thus legitimate to infer that after the defeat of Licinius a significant number of his partisans were killed and that the war of 324 created a revolutionary situation in which Constantine was able to legislate fundamental changes in the religious life of the East.³⁶ Those who might have opposed such changes in 324/5 were either dead or discredited – or both.

V

When Constantine decreed both toleration and restitution for the Christians of Britain, Gaul and Spain immediately after his accession in 306, he was himself not yet a Christian: hence it must be presumed that his action had no adverse implications for his pagan subjects. From late 312 onwards, however, Constantine claimed the Christian God as his champion and protector, and in the winter of 312/3 he began to shower largesse and privileges on the Christian church and its clergy: most conspicuously, he began to finance the building of churches from imperial funds and he exempted clergy from civic liturgies.³⁷ Constantine nevertheless took care that his new patronage of Christianity should not infringe upon existing privileges or entail adverse consequences for non-Christians: in particular, Constantine wooed the Roman Senate and gave favours to individual senators³⁸ – and there is no reason to think that he began to treat non-Christians differently after his first war with Licinius in 316/7. Until 324, therefore, Constantine's policy can be characterised as religious toleration for all with special privileges for Christians.

West — and hence constituted evidence for 'a pagan fifth column in Constantine's chancellery' in Trier (117-8, 120).

³⁶ See 'The Constantinian Reformation', *The Crake Lectures 1984* (Sackville, N.B., 1986), 39-57; 'The Constantinian Settlement', *Eusebius, Judaism and Christianity*, ed. Gohei Hata and H.W. Attridge (Detroit, 1992), 635-57. The two papers are reprinted as *From Eusebius to Augustine. Selected Papers 1982-1993* (Aldershot, 1994), nos. V, IX.

³⁷ See, briefly, *Constantine and Eusebius* (1981), 49-53.

³⁸ *Constantine and Eusebius* (1981), 44-8.

In 324, however, Constantine's attitude changed radically. He presented the war which he fought against Licinius as both a moral and a religious crusade against a tyrant in the sense of the word that his propaganda had created in 312, that is, a ruler who both oppressed his subjects in general and persecuted Christians in particular (*CTh* 15.14.1 [16 December 324]);³⁹ Constantine c. 325, quoted at Eusebius, *VC* 2.46.1, 4.9; Eusebius, *HE* 10.8.10-9.5; *VC* 1.52-2.19).⁴⁰ The document in which Constantine undid the effects of Licinius' anti-Christian measures differs significantly from Licinius' letters of 313 in both tenor and content (*VC* 2.24-42). In 313 Licinius spoke of religious toleration, but he did nothing to compensate the relatives of individual Christians who had lost their lives or property, although Christian churches recovered property confiscated in or after 303 which they had owned as corporate entities. Constantine's letter of late 324 to the inhabitants of each newly conquered eastern province uses the language of true and false belief: the victorious emperor presents himself as the servant of God, who has brought him in triumph from the seas surrounding Britain to the East as a liberator. Constantine reviews the various humiliating punishments inflicted on individual Christians and he deals at length with the return of the confiscated property of individual Christians who had been executed or exiled. Constantine orders the owners of such property to restore it to the heirs or legatees of martyrs and exiled confessors, or, if there are no rightful heirs, to the church to which they belonged, and he requires them to restore property confiscated from Christians forthwith, on their own initiative and without receiving any compensation, even if they had purchased it from the imperial treasury.

There is thus a fundamental difference between the restitution granted by Licinius in 313 and the restitution ordered by Constantine in 324. In 313 owners of confiscated Christian property could reclaim its full value from the imperial treasury. In 324 Constantine treated the possession of confiscated Christian property as criminal, though he promised pardon if the owners of such property restored it promptly and humbly requested leniency for having owned it. In 324, therefore, someone who had purchased a farm, garden or orchard which had previously been confiscated from a Christian simply forfeited that property – even if he was unaware of its origin.

VI

In a speech delivered before the bishop of Nicomedia and the Christians of the city at Easter 325, Constantine describes his conception of his imperial role.⁴¹ He declares that

³⁹ The transmitted date is 16 May 324, which Mommsen, ad loc., retained: on the necessity of Godefroy's emendation of *XVII kal(endas) Iun(ias)* to *XVII kal(endas) Ian(uarias)*, see Seock, *Regesten* (1919), 99, 174.

⁴⁰ *Constantine and Eusebius* (1981), 208-12, cf. 'Oppressor, Persecutor, Usurper: The Meaning of "Tyrannus" in the Fourth Century', *Historiae Augustae Colloquia*, n.s. IV: *Colloquium Barcinonense MCMXCIII* (Bari, 1996), 53-63.

⁴¹ B. Bleckmann, 'Ein Kaiser als Prediger: Zur Datierung der konstantinischen "Rede an die Versammlung der Heiligen"', *Hermes* 125 (1997), 183-202, has shown that the *Speech to the Assembly of the Saints* was delivered in Nicomedia — which establishes the date as April 325, cf. 'Constantine's *Speech to the Assembly of the Saints*: Place and Date of Delivery', *JTS*, n.s. 52 (2001), 26-36.

he has an obligation 'to turn the minds of [his] subjects to piety if they happen to be virtuous, and to reform them if they are evil and unbelieving, making them useful instead of useless' (*Oratio* 11.8).⁴² What is Constantine known to have done to further these purposes? Eusebius records a series of measures from the autumn of 324 which demoted the traditional religions of the Roman Empire from their central place in public life and declared Christianity to be not merely the personal religion of the emperor, but the preferred, perhaps even the official, religion of the Roman Empire.

First, Constantine gave preference to Christians in official appointments (*VC* 2.44). Although Eusebius' claim that he did so has often been doubted, it is confirmed by prosopography and statistics: what is known about the religious affiliations of the men whom Constantine appointed as ordinary consuls, prefects of the city of Rome and praetorian prefects indicates that from 317 onwards Constantine did indeed prefer Christians over non-Christians.⁴³ This preference was accompanied by a significant measure affecting those pagans whom Constantine appointed as governors of provinces, vicars of dioceses or praetorian prefects: they were forbidden to begin public business with the traditional symbolic act of sacrifice to the pagan gods (*VC* 2.44). Second, Constantine wrote either to the bishop of every diocese in the East or to the metropolitan bishop of every province urging him to enlarge existing churches and to construct new ones and offering him unlimited imperial subsidies in that undertaking (*VC* 2.45.2-46.4: Eusebius quotes the letter that he received).

Third, and most important (as well as most controverted in modern scholarship),⁴⁴ was a law which struck at the central elements of traditional religious cults: it forbade animal sacrifice, the dedication of new cult statues to the pagan gods, and the consultation of oracles (*VC* 2.45.1). Moreover, Constantine deliberately and subtly removed himself from the traditional cult of the Roman emperors in the East. He refused to allow new Greek-speaking subjects to call him *Sebastos*, the title under which they had worshipped reigning emperors since Augustus: in the autumn of 324 this standard

⁴² On the importance of this passage, which is absent from the only English translation so far published, see *Constantine and Eusebius* (1981), 75, 325 n. 148.

⁴³ See 'Statistics and the Christianisation of the Roman Aristocracy', *JRS* 85 (1995), 135-55. However, Septimius Acindynus, consul in 340 and praetorian prefect of Constantius, was there mistakenly classified as a Christian on the strength of Augustine, *De sermone domini in monte* 1.50 (*PL* 34.1254), which is not probative. Acindynus is now known to have been both a *pontifex maior* and a *quindecimvir sacris faciundis*: J. Carlos Saquete, 'Septimius Acindynus, corrector Tusciae et Umbriae. Notes on a new inscription from Augusta Emerita (Mérida, Spain)', *ZPE* 129 (2000), 281-6.

⁴⁴ For a careful evaluation of the controversy, see S. Bradbury, 'Constantine and the Problem of Anti-Pagan Legislation in the Fourth Century', *CPh* 89 (1994), 120-39. He concludes that 'Constantine issued a prohibition on sacrifice in autumn 324', but that, while Eusebius preserves the spirit of this law, he does not accurately report its actual contents (139).

A corporation of iron-workers from Hermonthis sacrificed an ass in the temple of Hathshepsut at Deir el-Bahari on 27/28 December 324, but the painted inscriptions which record acts of devotion by the same corporation to the same deity later in the fourth century may imply that an animal was no longer slaughtered: *SEG* 41.1612-1615, cf. J. Bingen, *Atti dell' XI Congresso Internazionale di Epigrafia greca e latine, Roma 18-24 settembre 1997* 2 (Rome, 1999), 615-18.

translation of the Latin 'Augustus' was dropped in favour of a transliteration of the title, which carried no similar connotations for Greek speakers.⁴⁵ Also immediately after the defeat of Licinius, the traditional epithet *invictus*, which was tainted by its unmistakable pagan overtones, was replaced as a standard element in the imperial titulature of Constantine by the plain and unobjectionable *victor* (*VC* 2.19.2).⁴⁶

VII

These general prohibitions were reinforced by a series of repressive measures. Constantine was not prepared to tolerate institutions which had played an active part in the persecutions which began in 303. Two of the three most famous oracles of Apollo were probably laid under an interdict.⁴⁷ The large shrine of Apollo at Didyma had been fortified to serve as a refuge for the citizens of Miletus from Gothic attacks in the 260s, and in the 290s, when a proconsul of Asia began to restore the shrine to its former splendour, a large number of squatters were still occupying much of the sacred space.⁴⁸ In the winter of 302/3 Diocletian sent a *haruspex* to consult Apollo at Miletus and the god gave a reply hostile to the Christians (Lactantius, *Mort. Pers.* 11.7), which has been argued to survive in part on a fragmentary inscription from Didyma that certainly refers to Christians.⁴⁹ Eleven years later, as Eusebius gleefully recorded when noting the fate

⁴⁵ R.W.B. Salway, 'Constantine Aúgoustos (not Sebastós)', (forthcoming).

⁴⁶ Eusebius' dating of the change is confirmed by epigraphy (*New Empire* [1982], 24). *Invictus* was a standard epithet of both Mithras and Sol: H. Usener, 'Sol Invictus', *Rheinisches Museum*, N.F. 60 (1905), 465-91, reprinted in his *Das Weihnachtsfest*³ (Bonn, 1969), 348-78; G.H. Halsberghe, *The Cult of Sol Invictus* (Leiden, 1972); id., 'Le culte de Deus Sol Invictus à Rome au III siècle après J.-C.', *ANRW* 2.17.4 (Berlin / New York, 1984), 2181-2201.

A related phenomenon is the elimination of reverses with the legend SOLI INVICTO COMITI from the coinage of Constantine, though its date is disputed: see P. Bruun, 'The Disappearance of Sol from the Coins of Constantine', *Arctos* 2 (1958), 15-37, reprinted in his *Studies in Constantinian Numismatics. Acta Instituti Romani Finlandiae* 12 (Rome, 1991), 37-48; M.R. Alfvöldi, 'Die Sol-Comes-Münze vom Jahre 325: Neues zur Bekehrung Constantins', *Mullus: Festschrift für T. Klauser. Jahrbuch für Antike und Christentum*, Ergänzungsband 1 (Münster, 1964), 10-16.

⁴⁷ The oracle of Apollo at Claros in the territory of Colophon is named together with those at Delphi and Miletus by both Lucian, *Alexander* 43, and Iamblichus, *De Mysteriis* 3.11. For what is known about its history, see L. Robert, 'L'Oracle de Claros', in C. Delvoye and G. Roux, *La civilisation grecque de l'antiquité à nos jours* (Brussels, 1967), 305-12; H.W. Parke, *The Oracles of Apollo in Asia Minor* (London, 1985), 112-70, 219-24; L. and J. Robert, *Claros 1: Décrets hellénistiques* (Paris, 1989), 2-6; for recent excavations, J. de la Genière, 'Sanctuaire d'Apollon à Claros (1995)', *CRAI* 1996, 261-72; idem, 'Claros. Bilan provisoire de dix campagnes de fouilles', *REA* 100 (1998), 235-56. The functioning of all three oracles in the second and third centuries is brilliantly evoked by R. Lane Fox, *Pagans and Christians* (Harmonsworth, 1986), 168-241, 576.

There is little of value except for lengthy quotation of ancient evidence in S. Levin, 'The Old Greek Oracles in Decline', *ANRW* 2.18.2 (Berlin / New York, 1989), 1599-1649.

⁴⁸ P. Athanassiadi, 'The Fate of Oracles in Late Antiquity: Didyma and Delphi', *Deltion Christianikês Archaiologikês Etereias*⁴ 15 (1989/90, pub. 1991), 271-4.

⁴⁹ Viz., A. Rehm, *Didyma II: Die Inschriften*, ed. R. Harder (Berlin, 1958), 202-3 no. 306, cf. A. Rehm, 'Kaiser Diokletian und das Heiligtum von Didyma', *Philologus* 93 (1939), 74-84;

of Theotecnus and his Antiochene associates in his *Praeparatio Evangelica*, the prophet of Apollo at Miletus, who was also a philosopher, was put to death (*Praep. Ev.* 4.2.11, cf. *HE* 9.11.3). It has been traditional to argue that 'the oracle continued to function as always' after 324.⁵⁰ But there seems to be no clear evidence for this widespread assumption: the archaeological and literary evidence indicates rather the appropriation of sacred space by Christians who built *martyria* in the *temenos* of Apollo (Sozomenus, *HE* 5.20.7).⁵¹ Moreover, it seems unlikely a priori that Constantine, who complained in a letter intended for publication throughout the East that Apollo had encouraged the persecution of Christians and that Diocletian had listened to him (*VC* 2.50/51), openly tolerated the continued functioning of an oracle whose prophet had been put to death in 313 for his role in persecuting Christians.

For the oracle at Delphi, the evidence is also indirect, but even more compelling. Before he commenced persecution, Diocletian had also consulted the oracle of Apollo at Delphi. For Constantine later complained that Apollo, speaking from a cave or dark recess, had declared that he was being prevented from uttering true prophecies by 'the just on earth', whom Diocletian's entourage identified as the Christians (*VC* 2.50/51). It has sometimes been argued that this passage refers to the same consultation of the oracle of Apollo at Didyma which Lactantius records.⁵² But Constantine speaks of 'the oracles of the Pythian', of a priestess of Apollo and of 'false oracles from the tripods' – all of which imply a reference to Delphi rather than to Didyma.⁵³ After 324, the sacred tripods at Delphi were confiscated – a fact whose relevance has so far not been appreciated in this context. The systematic confiscation of temple treasures which Constantine conducted c. 330 was confined (it should be presumed) to the territories newly conquered in 324:⁵⁴ it is known, for example, that Pheidias' statue of Athena Promachos remained in the Parthenon into the fifth century.⁵⁵ The only sacred objects that are

J. Fontenrose, *Didyma. Apollo's Oracle, Cult, and Companions* (Berkeley, 1988), 104-5, 206-8.

⁵⁰ So still Athanassiadi, *Deltion* 15 (1989/90), 274. She does not appear to mention the death of the prophet in 313.

⁵¹ Athanassiadi, *Deltion* 15 (1989/90), 274.

⁵² Most forcefully by N.H. Baynes, *CAH* 12 (Cambridge, 1936), 665 ('this must be the same consultation'). Baynes's conclusion was firmly embraced by J. Fontenrose in books about both oracles: *The Delphic Oracle: Its Responses and Operations* (Berkeley, 1978), 425 no. 34; *Didyma. Apollo's Oracle, Cult, and Companions* (Berkeley, 1988), 206-8 no. 33.

⁵³ H.W. Parke and D.E.W. Wormell, *The Delphic Oracle* 2 (Oxford, 1956), 232 no. 599; Averil Cameron and S.G. Hall, *Eusebius: Life of Constantine* (Oxford, 1999), 245.

⁵⁴ Despite *Constantine and Eusebius* (1981), 247; *New Empire* (1982), 143 n. 11. On a statue brought from Lesbos, see L. Robert, 'Théophane de Mytilène à Constantinople', *CRAI* 1969.42-64 = *Opera Minora Selecta* 5 (Amsterdam, 1989), 561-83.

⁵⁵ See L. Robert, 'Deux concours grecs à Rome (Antoninia Pythia sous Elagabal et concours d'Athéna Promachos depuis Gordien III)', *CRAI* 1970, 5-27 = *Opera Minora Selecta* 5 (Amsterdam, 1989), 647-68, at 11 = 652; A. Frantz, *The Athenian Agora* 24: *Late Antiquity A.D. 267-700* (Princeton, 1988), 64, 76-7.

Jerome saw the statue in 372 (*In Zachariam* 3.12.3 [CCSL 76A.862]: *in arce Athenensium iuxta simulacrum Minervae vidi sphaeram aeneam gravissimi ponderis*); Zosimus 5.6.1-2 alleges that it was Athena Promachos who prevented Alaric from capturing Athens in the

known to have been removed from territory which Constantine ruled before 324 are the tripods and bronze serpent column which the victorious Greek states dedicated at Delphi after they had repulsed the invasion of Xerxes eight centuries before, and the associated statues of the Heliconian Muses: the former, which still survives largely intact,⁵⁶ adorned the hippodrome in Constantinople, while the latter were placed in the new imperial palace (Eusebius, *VC* 3.54.2). In Delphi, as at Didyma, the shrine of Apollo was protected,⁵⁷ but that does not prove that the oracle continued to operate. Given the political background, it will be wise to ask for evidence before uncritically accepting this widely held assumption.

Also tainted irrevocably by the persecution was the shrine of Asclepius at Aegeae in Cilicia, famous for its association with Apollonius of Tyana. Constantine destroyed the healing shrine, whose columns were built into a new church in the city (Eusebius, *VC* 3.56; Sozomenus, *HE* 2.5.5; Zonaras 13.12).⁵⁸ Apollonius played an important role in pagan propaganda justifying the persecution in 303. Porphyry compared Jesus adversely to Apollonius in his large and scholarly polemic *Against the Christians*, which argued that Christians deserved to be executed.⁵⁹ Porphyry's work was proscribed in or shortly after 324: by 333 it was a capital offence to possess a copy of the offensive treatise.⁶⁰ The same adverse comparison of Jesus to Apollonius was made by Sossianus Hierocles, who styled himself a 'lover of truth' and wrote while or very shortly after he held the official post of *vicarius Ponticae*: Lactantius heard Hierocles recite his anti-Christian tract in Nicomedia (*Div. Ins.* 5.2.2, 12-17), and the answer to it penned by a sophist from Pontus, apparently called Eusebius, has survived because it was wrongly ascribed

mid-390s; and the statue was still in its original location c. 409 (*IG* 2².4225, cf. *PLRE* 2 [1980], 545, Hercules 2).

⁵⁶ For bibliography and brief discussion, see R. Meiggs and D. Lewis, *A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C.* (Oxford, 1969), 57-60 no. 27. Eusebius, *VC* 3.54.2, speaks of 'the tripods at Delphi in the hippodrome', but the original gold tripod which stood on the serpent column was destroyed in the fourth century BC (Pausanias 10.13-19): perhaps it had been replaced between c. 150 and 300.

⁵⁷ Athanassiadi, *Deltion* 15 (1989/90), 274-8.

⁵⁸ These and two other relevant passages are conveniently printed by E.J. and L. Edelstein, *Asclepius. A Collection and Introduction of the Testimonies* 1 (Baltimore, 1945), 418-21 T 816-820. The Edelsteins unfortunately did not include a significant dedication to 'Asclepius of Aegeae' at Epidaurus by Mnaseas of Hermione who described himself as 'the hierophant and priest of the saviour' and was inspired by a dream in the year 355: the fullest collection and best discussion of the evidence for the shrine at Aegeae in Late Antiquity is by L. Robert, 'De Cilicie à Messine et à Plymouth avec deux inscriptions grecques errantes', *Journal des Savants* 1973, 162-211 = *Opera Minora Selecta* 7 (Amsterdam, 1990), 225-76, at 188-93 = 252-7.

⁵⁹ See 'Scholarship or Propaganda? Porphyry *Against the Christians* and its Historical Setting', *BICS* 38 (1994) 53-65, esp. 64-5.

⁶⁰ Constantine refers to the prohibition in his edict against Arius, which was quoted by Athanasius, *De Decretis Nicaenae Synodi* 39.1, and is best edited by H.-G. Opitz, *Urkunden zur Geschichte des arianischen Streites, 318-328* (Berlin / Leipzig, 1934), no. 33.1, cf. *CTh* 16.5.66 = *CJ* 1.5.6 = *Acta Conciliorum Oecumenicorum* 1.1.3.68 no. 111 (435); *CJ* 1.1.3 (448).

to his more famous contemporary Eusebius of Caesarea.⁶¹ The author of a recent book about Apollonius declares herself puzzled that the temple of Asclepius in Aegeae was demolished, but not Asclepius' temples in Cos, Pergamum and Epidaurus.⁶² There is no reason to be puzzled. Asclepius was associated with Apollonius of Tyana only at Aegeae, and the target of Christian wrath was Apollonius, not the beneficent god of healing.

Christians found some pagan cults with no obvious political relevance deeply offensive on moral grounds. As he had at Aegeae, Constantine was prepared to use force to suppress them where necessary. At the remote shrine of Aphrodite at Aphaca, high in the mountains of Lebanon, ritual prostitution had been practised for many centuries: soldiers were sent to destroy the shrine completely (Eusebius, *Laus Constantini* 8.4-7 [216.23-217.16 Heikel]; *VC* 3.55).⁶³

More widely efficacious was the systematic confiscation of the wealth accumulated over many centuries in traditional shrines throughout Asia Minor and the East. Probably in the late 320s, special commissioners were sent to each of the provinces conquered in 324 to conduct a survey and inventory of the fabric and contents of the temples, shrines, sacred groves and other holy places in the cities and in the countryside – and to seize whatever of value they found (Eusebius, *Laus Constantini* 8.2-4 [216.1-23 Heikel] = *VC* 3.54.4-7). The proceeds of this massive confiscation provided the funds for building and adorning a new Christian capital on the Bosphorus and for subsidising the construction of new churches everywhere: taken together with the prohibition of sacrifice and individual repressive measures, these confiscations amounted to a religious reformation of the eastern Roman Empire which profoundly changed the nature of late paganism.⁶⁴ The pagans of the East were forbidden to sacrifice animals to their gods; they were forbidden to dedicate new cult statues to replace those which were removed by imperial commissioners; and the traditional oracles were laid under an interdict. Moreover, when they had protested, Constantine had angrily instructed them to accept the new order: after all, they still had their 'shrines of falsehood' in which they were free to pray – in the Christian fashion (Eusebius, *VC* 2.48-60).⁶⁵ The result of these changes, as

⁶¹ Recently re-edited by E. des Places and M. Forrat, *Eusèbe de Césarée: Contre Hiéroclès* (*Sources chrétiennes* 333, 1986): the identification of both the author of the surviving tract and the diocese which Hierocles administered as *vicarius* are due to T. Hägg, 'Hierocles the Lover of Truth and Eusebius the Sophist', *Symbolae Osloenses* 67 (1992), 138-50.

⁶² M. Dzielska, *Apollonius of Tyana in Legend and History*, trans. P. Pieńkowski (Rome, 1981), 160. Apollonius may have been buried in Tyana: see C.P. Jones, 'Epigram on Apollonius of Tyana', *JHS* 100 (1980), 190-94, whence *SEG* 28.1251. But the stone does not preserve a clear reference to Apollonius' tomb: for an alternative restoration, *SEG* 31.1320.

⁶³ At Heliopolis in Phoenicia ritual prostitution was also a traditional practice, in which the wives and daughters of respectable citizens had long participated, but here persuasion and an imperial letter sufficed (Eusebius, *VC* 3.58).

⁶⁴ For this concept, see *Crake Lectures 1984* (1986), 39-57 = *From Eusebius to Augustine* (1994), no. V.

⁶⁵ On the interpretation of this often misunderstood document, see *Constantine and Eusebius* (1981), 210-11, 254-5; 'Constantine's Prohibition of Pagan Sacrifice', *AJPh* 105 (1984) 69-72, reprinted as *From Eusebius to Augustine* (1994), no. IV; 'The two drafts of Eusebius' *Life of Constantine*', *ib.* no. XII.8-9; *ZAC* 2 (1998), 289-90.

Polyhymnia Athanassiadi has brilliantly demonstrated, was the development of what may be called 'freelance prophecy' and of theurgy.⁶⁶ It is not the case (as has recently been asserted) that 'oracular shrines were in full function in the reign of Constantine and after'.⁶⁷ Oracles were indeed still manufactured, since oracles fulfil a deep human need. But Apollo no longer issued oracles from his traditional shrines, and the previously obscure oracles which became prominent after 324, such as those of Sarpedon (who was equated with Apollo) at Seleucia in Cilicia and of Bes at Abydos in Upper Egypt,⁶⁸ were hardly an effective substitute. Constantine had inflicted irreparable damage on traditional religious structures, so that traditional urban paganism very soon ceased to exist. It was replaced by a neopaganism which, probably unwittingly, copied Christian ideals and adopted Christian morality. This deep, if unconscious, break with the past is most obvious in Julian's attempt to return to what he believed to be traditional religion: brought up as a Christian, Julian incorporated much that was Christian into his revived paganism without apparently realising what he was doing.⁶⁹

VIII

Constantine was too sagacious to risk causing political trouble for himself by attempting after 324 to change the fundamentally tolerant religious policies to which he had committed himself in the West and the Balkans before he began to act as a champion of the Christians of the East against the last of the pagan persecutors. He thought of himself, as Reinhart Staats has brilliantly suggested, as a second Saint Paul.⁷⁰ Constantine aspired to earn a place among the Apostles (Eusebius, *VC* 4.60.2-4), as Paul

It appears that Constantine's unwillingness to destroy all temples permitted a contemporary panegyrist to praise him for protecting them: 'Julian or Constantine? Observations on a Fragmentary Imperial Panegyric', *Akten des 21. Internationalen Papyrologenkongresses in Berlin 1995*, ed. B. Kramer, W. Luppe, H. Maehler and G. Poethke. *Archiv für Papyrusforschung*, Beiheft 3 (Leipzig, 1997), 1. 57-60.

⁶⁶ P. Athanassiadi, 'Philosophers and Oracles: Shifts in Authority in Late Paganism', *Byzantion* 62 (1992), 45-62; eadem, 'Dreams, Theurgy and Freelance Divination: the Testimony of Iamblichus', *JRS* 83 (1993), 115-30.

⁶⁷ So Averil Cameron, 'Remaking the Past', *Late Antiquity. A Guide to the Postclassical World*, ed. G.W. Bowersock, P. Brown and O. Grabar (Cambridge, Mass., 1999), 17 n. 6. To support her assertion, Cameron appeals to Lane Fox, *Pagans* (1986) and P. Athanassiadi, *JRS* 83 (1993), 114-30; 'Persecution and Response in Late Paganism: The Evidence of Damascus', *JHS* 113 (1993), 1-29. But the two articles of Athanassiadi appear to contradict rather than confirm the inference that Cameron draws, and while Lane Fox discusses the role of oracles c. 300 (*Pagans* [1986], esp. 576, 615, 671-2, 681), he appears to say nothing whatever about the period after 324.

⁶⁸ On which, see, respectively, G. Dagron, *Vie et miracles de Sainte Thècle. Subsidia Hagiographica* 62 (Brussels, 1978), 85-94; P. Pedrizet and G. Lefebvre, *Les graffites grecs du Memnonion d'Abydos* (Nancy / Paris / Strasbourg, 1919), xix-xxiii.

⁶⁹ See, briefly, *Ammianus* (1998), 155-62.

⁷⁰ Staats has now incorporated the main conclusions of his paper, 'The Apostle Paulus in the Religious Life of the Emperor Constantine' in an essay written for a wider audience: 'Kaiser Konstantin, Apostel Paulus und die deutsche Verfassung. Eine kirchengeschichtliche Rücksicht', *Deutsches Pfarrerblatt* 101 (2001), 118-22.

had long before, and he wished to do so by persuading ‘those outside the church’ (Eusebius, *VC* 4.24) to convert to Christianity of their own free will, not through coercion. It was left to his sons to promulgate and enforce in the rest of the Roman Empire the prohibition of sacrifice which their father had issued in 324/5 for his newly conquered territories.

A brief extract from an imperial constitution in the Theodosian Code which carries the consular date of 341 reads as follows:

Let superstition cease, let the insanity of sacrifices be abolished. If anyone dares to celebrate sacrifices contrary to the law of our divine father and this order issued by our mildness, let fitting punishment and immediate sentence be exacted on him. (*CTh* 16.10.2)

The recent commentary on the *Life of Constantine* informs its readers that this law of 341 was issued by the eastern emperor Constantius.⁷¹ That assertion, regrettably not unique in recent writing about Constantine,⁷² is sadly mistaken. The law of 341 was issued to the *vicarius* Madalianus, who must be the same man as the Crepereius Madalianus whom an inscription reveals to have been *vicarius Italiae* at the time (*ILS* 1228 [Calama]).⁷³ Hence, despite the heading ‘Imp(erator) Constantius A(ugustus)’ in the Theodosian Code, the emperor who actually issued the law in 341 must have been Constantius’ imperial colleague, his brother Constans, who controlled Italy and Africa from 337 until 350 – and Otto Seeck’s classic register of imperial legislation between 311 and 476 duly enters it as issued by Constans.⁷⁴ But, if Constans issued the law, then its effect was to extend to the West, including the Danubian region, Constantine’s prohibition of sacrifice, to which Constans explicitly refers and which Eusebius records Constans’ father as issuing for the provinces which he conquered in 324. There is no good reason to reject Eusebius’ express testimony.⁷⁵

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⁷¹ Cameron and Hall, *Eusebius* (1999), 243.

⁷² R. Smith, *Julian’s Gods: Religion and Philosophy in the Thought and Action of Julian the Apostate* (London / New York, 1995), 4, 226 n. 9; Drake, *Constantine* (2000), 403, 602. For previous protests, *International Journal of the Classical Tradition* 4 (1997), 295; *Phoenix* 54 (2000), 383; *CR*, n.s. 51 (2001), 41.

⁷³ *PLRE* 1 (1971), 530.

⁷⁴ O. Seeck, *Regesten* (1919), 191.

⁷⁵ For a defence of Eusebius’ veracity on this matter, ‘Pagans and Christians in the Reign of Constantius’, *L’Église et l’empire au IV^e siècle. Entretiens sur l’Antiquité Classique* 34 (Vandoeuvres-Geneva, 1989), 301-37, at 322-37, reprinted as *From Eusebius to Augustine* (1994), no. VIII.

Appendix: Regions of the Roman Empire, their Rulers between 305-337 and the Ending of the 'Great Persecution' in them

(1) toleration = restoration of the freedom to worship and cancellation of the requirement for Christians to sacrifice before being heard in a court of law, i.e., cancellation of the first (and, where promulgated, the fourth) persecuting edict(s) issued on 24 February 303 (and in February 304).

(2) restitution = restoration of property seized in 303 under the provisions of the first persecuting edict.

Region	Emperors	Ending of Persecution
Egypt, Oriens	Maximinus 305-313	<i>toleration</i> (a) 311 (b) 313
	Licinius 313-324	<i>restitution</i> 313
Asia Minor	Galerius 305-311	<i>toleration</i> (a) 311
	Maximinus 311-313	(b) 313
	Licinius 313-324	<i>restitution</i> 313
Greece, the Balkans	Galerius 299-311	<i>toleration</i> 311
	Licinius 311-316/7	<i>restitution</i> no explicit evidence
	Constantine 316/7-337	
Italy, Africa	Severus 305-306	
	Maxentius 306-312	<i>toleration</i> 306/7 <i>restitution</i> c. 311
Britain, Gaul and Spain	Constantius 293-306	
	Constantine 306-337	<i>toleration + restitution</i>