



Universiteit  
Leiden  
The Netherlands

## **Religio illicita? Roman legal interactions with early Christianity in context**

Janssen, K.P.S.

### **Citation**

Janssen, K. P. S. (2020, September 23). *Religio illicita? Roman legal interactions with early Christianity in context*. Retrieved from <https://hdl.handle.net/1887/136852>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/136852>

**Note:** To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The handle <http://hdl.handle.net/1887/136852> holds various files of this Leiden University dissertation.

**Author:** Janssen, K.P.S.

**Title:** Religio illicita? Roman legal interactions with early Christianity in context

**Issue date:** 2020-09-23

# Conclusion

## I Religious Groups in the Roman Empire

Over the course of this study, I have examined the ways in which early Christians were embedded in, and interacted with, the Roman legal system by analysing the wider context in which interactions between Christians and the Roman authorities occurred. In order to better understand the particular shapes these interactions took, I have systematically investigated not just the general legal and administrative framework of the Roman world during the Principate, but especially the treatment of various other contemporary religious groups within that framework. Throughout the various case studies in this volume, attention has been devoted to all stages of the legal process, including the origins and implementations of particular legal measures, rather than their contents alone, which has allowed us to trace the procedures and principles underlying the relevant interactions in more detail. Furthermore, the juxtaposition of Christianity and other religious groups like diviners and Jewish communities allows us to discuss legal measures involving Christians not as an anomalous, or even unique, phenomenon by default, but rather as a part of the Roman religious and legal landscape, thus putting the focus on procedural rather than ideological factors.

As such, each of the chapters in this study serves to further expand and elucidate the administrative and judicial context from which interactions between Christians and the Roman authorities emerged. chapter 1 (Roman Administration in Provinces and Empire) discussed the general procedures, institutions, mechanisms, practices and actors that collectively shaped the way in which the Roman imperial authorities governed the territories under their jurisdiction. As we have seen, the governance of the empire depended not just on the emperor and the central Roman authorities, but also on provincial governors and other, lower officials. These various layers of government were strongly interdependent, and furthermore appear to have operated primarily on a reactive, rather than proactive basis, relying strongly on the initiative and input of the general population – and particularly local elites. The continuous process of negotiation and re-negotiation between these different actors was essential for maintaining and restoring stability in the provinces, and for shaping the actions and attitudes of Roman administrators. This process likewise contributed to an institutionalised flexibility that allowed for significant legal diversity in the empire, which becomes visible in a tendency to respect the pre-existing laws and privileges of local communities, and especially in the temporal and localised character of many of the measures taken by the Roman authorities.

The subsequent analyses of the Roman authorities' known interactions with diviners (chapter 2 – Divination in Roman Legal Measures) and Jewish communities (chapter 3 – Judaism in Roman Legal Measures) in turn serve to further illustrate how the treatment of religious groups could be influenced by the general principles discussed in the first chapter. While the legal position of these two groups was far from identical, they together nevertheless shed a light on the various factors that contributed to the particular treatment of communities that were perceived to fall outside the boundaries of accepted Roman religious practices, and thereby on the spectrum of perceived religious outsiders of which early Christianity was a part. As such, the most significant characteristics that appear to have been shared by the various measures involving these groups must first once again be catalogued before we proceed to make concluding remarks on the position of early Christians within this wider context.

## II Measures on Religious Groups: Temporary and Local

Like so many of the Roman authorities' administrative actions, measures involving religious groups were overwhelmingly local in nature. In the case of diviners, we have seen that the majority of known legal interactions between those involved in the practice and the Roman authorities occurred within Italy, or even the city of Rome, and the few measures that are said to have applied to the provinces were likewise limited in geographical scope. This fact is also reflected in the types of measures that were implemented: overwhelmingly, we are dealing either with trials against individual diviners and those who consulted them, or with expulsions of private practitioners from a particular region. Both of these measures, it may be argued, were almost inherently intended to apply to specific cases, rather than amounting to a more general ban, as has been traditionally assumed. The surviving measures involving Judaism, while generally being supportive rather than repressive in nature, were normally likewise originally taken with the Jewish communities of specific cities or provinces in mind, and the texts of the specific rulings that are available to us frequently explicitly mention the city or province to which the measure was meant to be applied. Although important evidence exists that suggests that such precedents could be passed on and applied to other parts of the empire, this does not appear to have occurred on a systematic basis, and rarely, if ever, appears to have been the original intent.

The temporal scope of the known measures, too, has widely proved to have been limited in practice. This is especially visible in the case of measures against diviners, which were repeated and re-issued with a frequency that was remarked upon even by Roman authors like Tacitus. Far from being reflective of a general ban on certain divinatory practices, the repeated expulsions of diviners from Italy

and the city of Rome in particular appear to have been intended as temporary measures to safeguard public order, which were not upheld as soon as the immediate perceived need for them had passed – as was the case for similar attempts to expel members of the city's Jewish community. In the same vein, trials that involved the divinatory practices of the accused have been shown to have been based on charges of *maiestas* or other types of alleged treasonous behaviour that threatened the stability of the Roman state, rather than violations of any long-standing law aimed at specific types of divination. While measures attempting to guarantee the rights and privileges of various Jewish communities in the empire were of a rather different character, these, too, were not systematically enforced. The available sources include an important number of references to measures that had fallen into disuse, and subsequent requests for these measures to be revived. While these requests appear to have been frequently granted, the need for repetitions of measures that had previously been taken nevertheless suggests that their implementation was not closely monitored by the Roman authorities, and instead strongly depended on local circumstances. In general, then, it has become clear that measures dealing with particular religious groups were not, as a rule, systematic in nature, but instead applied when, and where, they were deemed to be necessary.

### III Measures on Religious Groups: Legal Actors and Negotiation

It need hardly come as a surprise, then, that we find ample evidence for the involvement of a variety of different legal actors in both the creation and implementation of particular legal measures related to religious groups. With the exception of expulsions from the city of Rome, which generally appear to have been instigated by Roman magistrates, the initiative for the majority of these interactions lay not with the Roman authorities, whether central or provincial, but instead with the inhabitants of specific communities – and particularly their local elites. This has most clearly been demonstrated in the case of Jewish communities, who were not only met with local attempts to influence their treatment with some frequency, but also took part in negotiations regarding the protection of their ancestral customs and privileges themselves. The involvement of the regular inhabitants of the empire is less prominently present in the treatment of diviners, which may be at least partially due to the fact that most known interactions took place in Rome and therefore fell within the immediate sphere of influence of the central authorities. Nevertheless, some hints of bottom-up initiative are visible even here, and trials that in some way involved the divinatory practices of the accused normally appear to have been instigated by private accusers, as was common under the Roman legal system.

Cases that occurred in the provinces, both those involving Jewish communities and those that were concerned with diviners, were commonly initially taken up by local Roman officials – in many of the known cases the governor. The governor could then choose to pass on the requests or complaints made by the local population to a higher authority, in some cases the emperor, but initial investigations on a more local scale do not appear to have been uncommon. In a notable number of known instances, such investigations appear to have involved an opportunity for the competing sides to make their case and present their arguments, which suggests that governors made attempts to prevent disturbances or the escalation thereof on a local level, and made use of local expertise to determine what the best course of action might be. The influence of the general population, then, did not end once the attention of Roman officials had been drawn to their request, but was instead often essential in shaping the attitude of the responsible magistrate, and even the way in which the resulting measures were implemented. After all, as previously remarked, the reiteration of specific measures was likewise overwhelmingly the result of requests by the relevant communities, rather than of the continued interest of Roman officials.

This is not to say, however, that measures on particular religious groups were shaped exclusively by negotiations between one or more specific communities and local Roman officials. In certain cases, the latter could – and evidently did – consult the imperial authorities, either because a request to this effect was made by the relevant community, or because they were dealing with a matter that they did not know how to resolve themselves, and that might pose a more severe risk to the stability of the region. Primary examples of this may be found in cases where diviners from the provinces were said to have made predictions about the imminent death of the emperor – which were seen as a threat to the stability of Roman rule and were therefore soon relegated to the capital – and especially in the disturbances surrounding the Jewish community of Alexandria (Appendix 2.δ and 2.ζ), in which two subsequent emperors became involved when the prefect proved unable to manage the situation effectively. As such, interactions between the Roman authorities and religious groups frequently involved negotiations between various different legal actors, and the balancing of the various interests involved frequently proved to be crucial for the exact way in which the resulting measures took shape.

#### IV Measures on Religious Groups: Contributing Factors and Argumentation

During such negotiation processes about the contents and implementation of legal measures dealing with religious groups, a number of contributing factors and

arguments that shaped the Roman authorities' ultimate decisions are repeatedly represented in the available sources. Perhaps the most central of these, as becomes clear from the treatment of both diviners and Jewish communities throughout the empire, was the argument that certain groups did not 'belong', and fell outside the accepted boundaries of the religious and social framework of the Greco-Roman world. The fact that both groups were regarded with a general sense of suspicion has been illustrated by a notable number of examples, ranging from the explicit accusations to this effect brought forward against the Jewish community of Alexandria to the fact that religious groups that were perceived as a threat to public order could be made into literal outsiders by the many expulsions ordered by the Roman authorities. In this regard, it is particularly important to note that measures aimed at the repression of particular religious groups were frequently linked to by perceived threats to public order or the stability of Roman rule, to which the group(s) in question were believed to have contributed. Accusations of criminal, or otherwise disruptive, behaviours appear in accounts of legal interactions between the Roman authorities and members of religious groups with some frequency. Significant examples of this may be found in the conflicts between Jewish and non-Jewish inhabitants of Antioch during the Great Revolt (Appendix 2.26 and 2.27), but earlier attempts to prevent Jewish communities from sending money to the Temple in Jerusalem (Appendix 2.a, 2.17 and 2.18) and Nerva's return to proper procedure after Domitian's overly strict enforcement of the Jewish Tax (Appendix 2.v) may also be seen in this context. Most prominently, however, deviant divinatory practices were presented in conjunction with – and in support of – more formal charges of attempting to cause harm to members of the imperial family with notable frequency, while expulsions of particular religious groups were regularly ordered in times of socio-political instability. Similarly, conflicts between Jewish communities and the non-Jewish inhabitants of various cities also appear to have been triggered or aggravated by disturbances of the established order, whether local or on a larger scale. During such periods of disruption, religious groups that deviated from the established norm were more likely to be met with hostilities, which were, in turn, more likely to be met with a response from the Roman authorities. After all, much of Roman governance tended to be reactive in nature, and upholding public order and the stability of Roman rule was, as we have seen, of central importance. Conflicts between different factions in a certain city or region would have been of particular concern, and Roman intervention, whether by the emperor or by lower magistrates, was therefore frequently prompted by existing difficulties or the immediate threat thereof.

The outcome of such interventions by the Roman authorities, and the character of the resulting measures, could furthermore be influenced by a number of important factors. Firstly, the existence and availability of previous rulings that might serve as potential precedents could help religious communities, or those

who sought to take action against them, to convince the Roman authorities of the appropriateness of the proposed course of action. This negotiation tool is particularly prevalent in cases related to the rights and customs of Jewish communities, who could not only refer to their long-standing ancestral customs, but have also been shown to have referred to pre-existing measures and rights granted by previous governors or emperors with some frequency – even in parts of the empire other than the one to which such measures originally applied. In the case of diviners, the opposite effect may be observed: while not wide-ranging measure restricting certain types of divination originally existed, the various trials and other measures related to the practice allowed later jurists to draw more sweeping conclusions about its legal status.

A second factor that could significantly influence the position of a particular religious group may furthermore be found in the presence of established institutions, as well as leadership structures that were recognisable to the Roman authorities. Such factors helped to facilitate the incorporation of the group in question within the Roman administrative framework, and thus made it easier for that community's voice to be heard. Both Jewish communities and those who attempted to repress their religious practices employed this mechanism with some regularity, while diviners as a group very likely lacked the tools to achieve similar results. In this case, however, the prevalence and well-established popularity of divination in the Roman world likely served to limit the scope of measures against its practitioners, and individual diviners may well have derived protection from their connection to members of the Roman elite. It should be noted, however, that the aforementioned negotiation factors were frequently combined, and might furthermore even work in different directions. The ultimate outcome of legal interactions between members of religious groups and the Roman authorities, then, continued to vary strongly on a case-to-case basis.

## v Measures on Religious Groups: Slow Emergence of Procedures

The flexibility and diversity of these legal interactions likewise becomes clear from the fact that procedures for the treatment of particular religious groups in the Roman world emerged only gradually over the course of a significant period of time. The aforementioned fragmentary temporal and geographic nature of the known interactions indicates that no single legal measure lay at the foundation of subsequent Roman authorities' responses to either diviners or Jewish communities, and the diverse character of the relevant measures serves to further illustrate this point. As we have seen, divinatory practices were regulated by both trials and expulsions, as well as attempts to limit access to certain relevant texts – and on occasion to specific types of consultations. It should furthermore be noted that

no fixed punishment for perceived divinatory transgressions can be detected, at least until the analysis of the jurist Ulpian. Before that time, it remains somewhat unclear how such decisions were reached, and whether specific criteria were applied. Similarly, measures involving the treatment of the empire's various Jewish communities were concerned with a wide variety of customs, depending on the individual circumstances of each particular case. Alongside such interactions, the outcomes of which are generally represented as favourable to the Jewish communities in question by the available sources, we also find reports of expulsions and a number of measures, like the Jewish Tax (Appendix 2.1), that impacted the life of Jews in the Roman Empire in some other way, both for good and for ill.

For both groups, then, the creation of coherence between such disparate measures was a difficult and slow process. The idea that the customs and privileges of Jewish communities were protected by a charter (or even a Jewish *Magna Carta*) of some sort may be soundly rejected, as has been argued, and the necessity to safeguard Jewish religious practices are very likely attested even in the late second century CE, when the topic of circumcision was repeatedly revisited (Appendix 2.π, 2.28 and 2.ρ). The treatment of diviners remained troublesome for a similarly lengthy period of time, so that even in the third century Roman jurists still referenced the idea that the specific grounds for taking action against diviners had long been in question, while also attempting to resolve the issue themselves (Appendix 1.κ and 1.λ). The question under discussion, namely whether the knowledge or practice of divination should be forbidden, is therefore essential for our understanding of the legal treatment of religious groups in the Roman world: it serves to demonstrate, firstly, that Roman jurists could, in such cases, retroactively deduce a coherent procedure from a series of individual cases, and that measures could be taken on an ad-hoc basis without such a procedure for significant periods of time. After all, the very fact that such questions were a topic of debate among Roman jurists in turn suggests that a clear answer did not necessarily have to be provided when the relevant measures were initially taken, and that different magistrates could have notably different opinions on their legal ramifications.

## VI Measures on Religious Groups: Tests and Recantations

The fact that the character and implementation of measures dealing with religious groups were commonly tailored to the particular contexts in which they occurred is furthermore supported by a number of additional procedures that helped the authorities to determine who was to be targeted by the measure in question, and who was not. In at least some cases, we hear about the use of certain tests, which

were tailored to expose members of the relevant groups by demanding participation in religious practices or behaviours from which the group in question was required to abstain. While it is important to remember that these tests unavoidably involved significant legal pressures, and possibly even a real threat of physical violence, they also served to facilitate an opportunity to avoid punishment by way of cooperation. The very existence of such tests, then, demonstrates that measures aimed at religious groups that were believed to deviate from the accepted norm were not necessarily in the first place intended as punishment for past behaviour. Instead, as we have seen, those who were in danger of being included in certain repressive measures could be exempt by renouncing their connection to the group that had come under suspicion, even if they were known to have belonged to that group in the past. This once again emphasises the idea that measures dealing with religious groups were at least in part inspired by a desire to maintain or restore the status quo – which on occasion could be used to the advantage of the perceived religious ‘outsiders’ themselves in a very practical, although not systematic, way.

The most striking example of this may be found in the expulsion of diviners from the city of Rome under Tiberius (Appendix 1.C and 1.D), in which diviners could give up their profession in exchange for a pardon. In this particular instance, the possibility for a formal recantation is said to have been specifically requested by diviners themselves, but it is very likely that diviners could likewise escape repression in similar, though less official, ways at other points in time. After all, diviners as a group were not particularly recognisable, and since no single method of gaining access to hidden knowledge appears to have been targeted, it would have been relatively easy for those who wanted to avoid expulsion to become invisible by giving up their practice and disappearing into obscurity – which may serve to explain why expulsion of diviners proved to be widely ineffective.

Diviners, then, to an extent appear to have been able to shed their religious practices of their own volition, although it must be repeated that such recantations were prompted by the imminent threat of expulsion or other forms of punishment. The same *a fortiori* holds true for Jewish communities in the Roman world, who were not offered the chance to abandon their religious practices at their own request. Instead, the known tests that were employed to determine who was Jewish and who was not were imposed, either by Roman or by local authorities. The most prominent example of this may be found in the tests used to determine who was liable to pay the so-called Jewish Tax during the reign of Domitian (Appendix 2.4), which focussed on circumcision and therefore did not offer Jewish men the same opportunity to distance themselves from their religious practices that was afforded to diviners – and to those who sympathised with Judaism, but had not been circumcised. On other occasions, however, the tests that were employed

focussed on the consumption of pork (Appendix 2.8), or on participation in traditional Greek sacrifices (Appendix 2.26). Both of these types of tests suggest that one's status as a religious 'outsider' was not permanently determined by past behaviour, but could instead be revoked by participation in accepted religious practices. The (forced) abandonment of Jewish customs, then, may be seen not only as an attempt to determine who belonged to a group that was perceived to deviate from societal norms, but also as an implicit attempt to force a return to the accepted status quo.

## VII Early Christianity in Context

How, then, does the treatment of early Christianity fit within the wider administrative framework governing Roman legal measures on other religious groups discussed above? As has become clear from the elaborate analysis of the known legal interactions between Christians and the Roman authorities presented in chapter 4 (Christianity in Roman Legal Measures), steps taken against individual Christians or their communities share a number of important similarities with the more or less contemporary measures involving diviners and Jewish community throughout the empire. Perhaps most obviously, measures against Christians were overwhelmingly temporary in nature, and were furthermore heavily embedded in local circumstances. As we have seen, it is highly unlikely that legal interactions between Christians and the Roman authorities were prompted by the almost proverbial 'general law', or indeed that Christianity was an illegal, let alone systematically persecuted, religion as such. After all, the known measures were highly limited in geographical scope, and Christians who lived elsewhere in the empire may well have escaped legal interactions with the Roman authorities altogether. Furthermore, it should be noted that trials against Christians took place within the context of the type of procedure known as *cognitio extra ordinem*, as was common for a great many legal proceedings that took place in the provinces, and thus generally occurred only when a charge was brought forward. While it is true that such trials could on occasion involve significant numbers of Christians, as was for instance the case in Lyon in 177 CE (Appendix 3.vii), we have likewise seen a number of important indications that measures could also be aimed at significantly smaller groups, or even at specific individuals (Appendix 3.v, 3.4, 3.5, 3.6, 3.8 and 3.9) – thus showing that Christians, like diviners, could not only be targeted for the perceived outsider-status as a group, but also on more personal grounds. In addition, there is important evidence to suggest that measures against Christians did not always end in execution, but could also have a less lethal outcome (Appendix 3.8, 3.a and possibly 3.C). Of particular note are the repeated attempts by Roman officials, and especially the imperial authorities, to safeguard

proper procedure during periods of anti-Christian sentiments, which could serve to limit the scope of the resulting measures. As such, the ways in which Roman magistrates responded to early Christians exhibited a degree of diversity in both origins, character and application that is highly similar to the way in which other religious groups were embedded in the administrative and legal framework of the Roman world.

Part of this framework, it should be reemphasised, was the fact that individual legal measures were shaped not just by the central Roman authorities, but instead by a negotiation between various levels of government and one or more factions of the relevant region's general population, and the same pattern may be detected in legal interactions related to early Christianity. As was the case for interactions between the Roman authorities and Jewish communities, the governor was normally the primary Roman official involved, while emperors overwhelmingly became active only at the request of lower officials or provincial delegations. Throughout the previous chapter's analysis, we have furthermore seen time and time again that the general population played a significant part in instigating legal action against Christians, as was the case for trials involving the divinatory practices of the accused, which were normally instigated by a complaint brought forward by a private accuser. Furthermore, the general population of a particular town or province could exert notable influence on the character of the resulting measures, especially with the support of the local elite, although, as we have seen, non-Christians were not the only ones to take this route: as has become clear from the example of apologists like Melito of Sardis and Tertullian, Christians could likewise take an active role in the negotiation process, and attempt to improve the position of their communities. In this regard, the way in which measures against Christians took shape shows some similarities to the way in which Jewish communities attempted to safeguard their ancestral customs, since here, too, Roman authorities were confronted with conflicting factions among the local population, each attempting to make a case for the course of action its members saw as most beneficial. In addition, the aforementioned attempts by the Roman authorities to safeguard proper procedure show an overriding concern for the stability of the empire that is highly similar to the one that was so centrally important in shaping measures on religious groups in general.

It is hardly surprising, then, that as in the case of both diviners and Jewish communities, the question of who 'belonged', and the fear that groups who were perceived to deviate from societal norms would prove a threat to public order and the stability of Roman rule, played a central role in determining the legal treatment of the religious group in question. In the case of Christians, the importance of this particular argument becomes most visible in the prevalence of accusations of criminal behaviour and political disloyalty, as well as social and religious deviance, which appear with notable frequency in both Christian apologetic

writings and the available accounts of trials against Christians. Such accusations were widely used from early on, and served to convince Roman governors that charges of 'being Christian' should be legally valid, as well as administratively beneficial. When regarding such accusations in the context of negotiation between the inhabitants of the empire and various layers of Roman government, it thus becomes clear that the traditional distinction between the *nomen ipsum* and the *flagitia cohaerentia nomini* as the legal basis for trials against Christians cannot be strictly upheld. Rather, 'being Christian' became closely associated with accusations of criminal or otherwise disruptive behaviour, which, like private divinatory practitioners, served to make Christians a viable target for legal measures – especially in periods of aggravated social tension, such as during or in the aftermath of a war, fire or natural disaster, when other perceived religious outsiders were likewise vulnerable.

Christian apologetic authors, by contrast, frequently attempted to argue that Christians, rather than being the potentially dangerous outsiders they were made out to be, could be incorporated in the Roman world with relative ease. This of course included elaborate refutations of the various crimes of which Christians were accused, but also the occasional attempt to re-cast Christianity in terms that would be both acceptable and understandable to the Roman authorities, like an ancestral religion or indeed a philosophical school. While this approach does not appear to have been able to compensate for the lack of established institutions and recognisable leadership that facilitated the negotiation between Jewish communities and the Roman authorities, it is nonetheless telling that Christian authors attempted to employ it. The same holds true for the use of precedents by these authors. While Jewish communities were able to present concrete rulings by previous Roman officials to support their requests with some frequency, the same did not hold true for early Christian groups. Nevertheless, we find some evidence of Christian authors referring to earlier legal measures, both in order to suggest that attempts to repress Christianity originated with so-called 'bad emperors', and to prove that Roman officials had on occasion been lenient – although the latter measures were focussed on procedure, rather than outcome, and as such did not constitute unambiguous evidence. Nevertheless, these types of arguments show that Christians themselves were not fully positioned outside the Roman legal system, but instead attempted to participate in and interact with it in ways that suited the needs and interests of their communities.

The importance of negotiation, and the apparent pluriformity of measures aimed at Christian, furthermore speak against the common idea that the Roman authorities soon adopted a relatively systematic approach to Christianity – an assumption that remains either implicitly or explicitly present in many studies on the subject, despite the fact that the so-called 'general law theory' is now commonly rejected. The exchange between Pliny the Younger and emperor Trajan

(Appendix 3.iv and 3.B) in particular is often seen as a centrally important source of precedent, but this seems to be due more to its rather unique status in scholarship than to any concrete evidence for its continued use by later Roman officials. There is no evidence that later magistrates were aware of the correspondence, or even Trajan's rescript on its own, and the emperor's ruling furthermore hardly appears to have been systematically followed. It is particularly telling, in this regard, that the governor in Lyon (Appendix 3.vii) seems to have found it necessary to once again ask many of the same questions that were posed by Pliny some decades earlier, which serves to aggravate existing doubts regarding the extent to which previous rulings would have been widely available to either Roman magistrates or the general population of the empire. Pliny himself, does, however, refer to a general knowledge that Christians had been tried and convicted in the past, and it is this type of precedent in the most general sense of the word that seems to have been most influential on the part of the Roman officials. The approximate knowledge of previous measures thus likely served to validate actions against Christians in the eyes of Roman governors, rather than prescribing their exact shape and character, while emperors were by all appearances more concerned with public procedure and the stability of the provinces than with the particular outcome of individual trials. As was the case for measures involving diviners, then, coherent procedures for the legal treatment of Christians appear to have emerged only gradually, and were likely deduced by retroactively combining a variety of different measures – a similarity that is further confirmed by the fact that the legal basis for measures against both group was a point of explicit debate for Roman officials.

The lack of fixed procedures for the treatment of Christians is even visible in the case of the famous sacrifice-test, which was not uniformly employed, and could in fact take a variety of different shapes. While the application of the sacrifice-test is frequently regarded as particular to the legal position of Christians in the Roman world, we have seen that this reasoning does not fully hold up. Certainly, such procedures appear more frequently in the available sources related to early Christianity, but as we have seen members of Jewish communities likewise faced significant pressure to participate in different traditional Greco-Roman religious practices on a number of occasions, which suggests a desire both to recognise perceived religious outsiders, and to force compliance with the religious and socio-political status quo. Similarly, diviners, like Christians, were explicitly or implicitly given the chance to escape punishment by giving up their religious practices with some frequency, despite the fact that both groups had become closely associated with disruptive, and potentially even criminal, behaviour.

All this is not to say, of course, that the treatment of Christians was in all respects identical to that of other religious groups – which, given the profound importance of negotiation and the particular circumstances of each individual

interaction could hardly have been the case. Certainly, the fact that Jewish communities had access to organisational structures and formal representatives that were recognisable to the Roman authorities generally allowed them to be more easily incorporated in the existing legal framework, as did the availability of positive precedents. Such tools of negotiation were not available for early Christians, while those who opposed them could on an important number of occasions count on the backing of the local elite. Diviners likewise lacked such structures, which may serve to explain why their legal interactions with the Roman authorities generally took a more repressive turn, but benefited from the fact that divination in general was more widely prevalent throughout the Greco-Roman world, and furthermore from the fact that their religious practices did not demand exclusivity, and were more easily shed or disguised. This may serve to explain why trials dealing with the practice were more often focussed on specific behaviours rather than more general accusations, and why execution, as far as we can tell from the available sources, was more prevalent in trials against Christians. What stands out most, however, is that the underlying legal and administrative mechanisms, structures and principles that shaped legal interactions between the Roman authorities and the aforementioned religious groups did not differ in any significant way: the treatment of all three groups discussed above was primarily intended to safeguard established religious and socio-political structures, whether this meant repression of certain practices in the form of expulsion or trials, or incorporation of the group in question – either by acknowledging its position, or by pressuring its members to conform.

