

THE OPERATION OF POLICE BODIES IN THE ACTS OF THE EARLY CHRISTIAN MARTYRS

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Abstract

It was not the primary purpose of noting down the early Christian acts of martyrs and their stories of suffering to present the contemporary legal system and administration of justice. Yet these documents are not to be ignored during the examination of the legal characteristics of the given era as they include court records and testimonies of eyewitnesses, the value of which is indisputable. We can obtain knowledge on how the early Christian martyrs were searched for and arrested as well as the implementation of the various actions of the procedures, which will help us to understand the operation of the criminal justice administration and law enforcement of the time. The civilians who wrote the surviving sources knew the special terms of the Roman military and administration, which can mostly be matched with the data found in the legal sources, inscriptions and papyrus documents of the time, thereby serving as valuable evidence as to the operation of these bodies.

Keywords: Christianity, policing, army, local bodies, clerical office

1. Policing activities in ancient Rome

Before I begin to deal with the text of the specific martyr acts, it is worth examining whether there were police bodies and if organised policing activities were performed in the empire. Until the penultimate century of the republic, there were no police forces in Rome in order to support the administrative tasks of the state and it was forbidden to keep soldiers in the city. The army could only enter the city gates with special permission (in the case of the triumphal procession). The policing duties were performed by the *lictors*¹, who escorted the officials with *potestas* (*consuls, praetors, aediles*) with a fasces and an axe (and later with a sword). Thus they could act in terms of keeping order but their number was not significant. Mommsen mentions the system that worked this way as a weakness of Rome since, according to him, the strong police force was the precondition of the strong state so he maintains that the reason why the republic failed was that it did not establish a strong system of the police organisation. On the other hand, Zlinszky finds that for a while the respect of the power, which enjoyed the trust of the people, was sufficient to maintain the internal order. We only have information about definite mass resistance at the very end of the republic. (by Clodius, Milo and their companions). To sum it

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¹ "Lictors were magisterial attendants in the Roman Empire during the era of the Republic." ... "Lictors primarily participated in the execution of punishments applied against Roman citizens. Besides, the execution of judgments delivered in civil cases was assumedly also part of the lictor's duties." [https://romaikor.hu/romai_allam_es_allamrend/vegrehajto_testuletek/magistratus_fogalma_es_fajai_hivatalnokok_\(magisztratusok\)/cikk/lictor](https://romaikor.hu/romai_allam_es_allamrend/vegrehajto_testuletek/magistratus_fogalma_es_fajai_hivatalnokok_(magisztratusok)/cikk/lictor) (Date of download: 15.05.2022).

up, it can be established that the city of Rome did not require a police force until the rise of the Gracchi (163 BC).² The increased significance of the role played by the army was an obvious consequence of Rome's imperial expansion, which also led to their involvement in policing activities.

Considering the period of the empire, researchers' opinions vary regarding the existence of police bodies. The studies conducted in the early 1900s maintained that Rome had a well-organised and efficient police organisation. Military and paramilitary units were stationed in Rome and in the cities of the provinces. During the era of the Principate we find cities full of soldiers: city guards, city watch units and the Praetorian Guard. There were approximately 8,000 soldiers stationed in Rome during the time of Emperor Augustus (27 BC–14 AD), while their number was 20,000 under Trajan (98–117), and 31,500 during the reign of Emperor Septimius Severus. These soldiers marched wearing easily recognisable clothing (belt, sword, cloak, toga and military insignia). The purpose of deploying such numbers of military forces was to reinforce the forces of the reigning power, which eventually served to maintain public order. All this led Edward Echols to draw the conclusion that the soldiers belonging to the military troops of the city were quasi law enforcement officers who patrolled the streets armed and in uniform. In fact, 3 groups were assigned from the Praetorian Guard, who performed the task of the city police.³ According to these opinions, peace could only be maintained in the first two centuries by effective police forces established in this way. The studies conducted in the late 1900s and during the 2000s, on the other hand, make more cautious statements in this regard. According to Nippel, it is a fact that the main task of the urban military units was the protection of the city but at the same time he establishes that their regular policing function is only a conclusion that can be drawn from the tasks of the city prefect. In his opinion, it became typical in the 2-3rd centuries that soldiers from the legions were ordered to perform policing duties among the civilians in order to ensure public order. The monarchs of Rome had control over the Praetorian Guard, who ensured the political security of the city and it was them who could intervene in the city's public affairs.⁴ On the other hand, Fuhrman sets out that the primary purpose of the extensive presence of military forces was to protect the monarch's position. From the fact that praetorian guards were assigned to quell riots in the cities, some conclude to the existence of the police service and organisation.⁵ Nieuwkoop, however, comes to the conclusion that a measure taken by the state can only be regarded as a police measure if it can be characterised by deterrent or coercive force and it is lawful. His point of view is that the Romans basically used measures of the administrative type. If this was not enough because the threat was considered more dangerous, they resorted to stricter measures, deploying the military force. Nieuwkoop examined the operation of policing bodies on the basis of a specific case study. In his opinion, during the first occasion that the state took measures against Christians, for example, the most likely scenario is that soldiers (guards) took action against the alleged arsonists in the case of the Christians accused of setting fire to the city of Rome in 69 during the reign of Emperor Nero. However, there is no specific source to be found about this. In the Digest, Paulus mentions that during the 3rd century it was the task of the *praefectus vigilum*, the *prefect* of the city guard, to fight fires, during which he was assisted by seven *cohortes* (military units) assigned under his command.⁶ While performing his activities, he cooperated

² ZLINSZKY János: *Ius Publicum*. Osiris-Századvég, Budapest, 1994, 63–65.

³ Edward ECHOLS: *The Roman City Police Origin and Development*. Stanford University Press, *Classical Journal* 53 (8): 377–385. 377.

⁴ Wilfried NIPPEL: *Public Order in Ancient Rome*. Cambridge University Press, 1995. 89.

⁵ Christofer J. FUHRMAN: *Policing the Roman Empire*. Oxford University Press, 2012. 207.

⁶ M.J.E. van NIEUWKOOP: *The Police Apparatus of Early Imperial Rome*. Leiden University, 2020. 53–55.

with the official responsible for water supply (*curator aquarum*). As part of his duties, he regularly checked whether the Romans had the basic tools to prevent the propagation of fire. He also fulfilled law enforcement duties in public squares and baths so his judicial powers also gradually increased during the early imperial period. He presided over the court that acted in the case of thefts committed during the night and he also acted as the judge in proceedings against those who caused fires intentionally or out of negligence. Thus, according to the *Digesta*⁷, his criminal law powers were: arson, burglary, pickpocketing, robbery, and punishing receivers (of stolen goods). All in all, it can be established that the duties of the *praefectus vigilum* were partly military (law enforcement) and partly legal in nature.⁸ It is assumable that it was the joint task of the army and the city *praefect* to punish the Christians for setting the fire. An administrative police procedure was conducted, which was in fact implemented by the soldiers. The Christians were called the enemies of humanity in this procedure according to the writings of Tacitus; therefore, their punishment for causing the fire was death by fire as customary at the time, which could be executed by the *praefectus vigilium* with the help of the military on the basis of the above. So it is more than probable that this procedure required soldiers, which supports the assumption that it depended on the extent of dangerousness of the riots whether administrative measures or stricter military actions were applied. This military force was in fact formed by the guards, who were part of the army.⁹ However, the Roman authorities only accepted military intervention, as a form of active repression, for the purpose of eliminating major threats to public order; in other words, it was primarily used as a deterrent and as a lawful coercive measure.

2. The system of police forces in the old Christian documents

Moving on to the specific stories of martyrdom and examining them against this background, it can be established that some of the documents offer us a detailed insight into the policing measures. Certain documents make absolutely no references to the bodies performing law enforcement duties, mentioning only the person of the judge and focusing on the interrogation that took place before the judge. However, other documents give us detailed account of how the arrest, imprisonment and detention took place, the way the coercive measures were applied and the conditions of executing the sentence. In many cases, the authenticity of these documents is questionable and the person writing down the document can be dated to a later period based on their vocabulary and the system of concepts used; still the descriptions and technical terms relating to the law enforcement procedure provide useful information when we compare them to other contemporary sources. In the case of police forces, these documents not only inform us about the tasks within the competence of these bodies but also reveal details describing the special characteristics of the persons performing the task, such as the behaviour of the given body or person during the implementation of the task, their relations with the accused or, possibly, cases of exceeding their competence. The primary goal of my investigation, as far as the sources permit, is to present the behaviour and operation of the enforcement bodies and individuals during the performance of their duties, as well as the examples of cooperation between the individual police forces.

⁷ PAUL. D. 1,15,3,1

⁸ PÓKECZ KOVÁCS Attila: A principatus közjoga. Dialóg Campus Kiadó, Budapest-Pécs, 2016. 111–114.

⁹ NIEUWKOOP op. cit. 53–55.

2. 1. *The police forces participating in the persecution of Christians*

2.1.1. Army

During the early imperial period the number of quasi-administrative tasks performed by Roman soldiers increased, including police tasks performed among civilians. The deployed soldiers often found themselves working between watchtowers, forwarding messages, guarding roads, fighting bandits and participating in the judgment of border disputes. The examination of the acts on Christian martyrs also supports the conclusion that various levels of the military were used during the proceedings taken against the martyrs. The deployment of soldiers for policing purposes in civilian areas dates all the way back to the precedents set by Augustus and was already known to Christians during the first century

Unfortunately, the documents on the earliest Christian martyrs contain few references to the acting law enforcement bodies. The document presenting the trial of Ignatius, dated to the time of Emperor Trajan (early 2nd century), only mentions that the accused was accompanied and “chased” by soldiers during his sea voyage from Antioch to Rome.¹⁰ The only note the document recording the proceedings of Justin and his companions makes about the acting law enforcement bodies is that the defendants were taken to the place of execution by soldiers and that it was them who carried out the sentence.¹¹

The source about the martyrdom of Saint Polycarp is the first to contain a slightly more detailed description in this subject. In the first half of the 2nd century the most important Christian leader of Asia Minor and the bishop of the city of Smyrna (today’s Izmir in Turkey) was Saint Polycarp, who suffered a martyr’s death around 155/156 according to the documents of the time. The person acting in this case (according to a letter from the Church of Smyrna and the correspondence of the sister churches in Asia Minor)¹² was *Proconsul* L. Staius Quadratus during the reign of Marcus Aurelius.¹³ In 142 Quadratus was *consul ordinaries* and then *proconsul* in Asia a few years before 155.¹⁴ The sources on the proceedings conducted against Polycarp also report on the circumstances of the arrest thus the description contains the details of the procedure preceding the interrogation by the judge, including the names of local officials. Polycarp was arrested by the so-called *eirenarkhos* (police captain). A police captain was appointed to each city by the governor of the province and his task was to maintain order and peace in the city.¹⁵ The text also mentions *asiarch* Philip, an official whose position was the president of the Asia Council and who was also the high priest of the province and the director of public games.¹⁶ The decision on the form of punishment to apply during the execution of the accused was made on the basis of his statement. As for the circumstances of the arrest, all we can read is that the chasers attacked him on their horses, armed with their usual weapons, at a late hour. The police captain was probably accompanied by soldiers during the police arrest. Regarding the circumstances of the arrest, the narrator of the story mentions that Polycarp offered food to the soldiers and asked them to allow him an hour for prayers, to which they

¹⁰ The Testimony of the God-bearer Holy Martyr, Ignatius 5.1.

¹¹ The Martyrdom of Saint Justin, Chariton, Charito, Euelpistos, Hierax, Liberianos and companions, Version “C” 6.1.

¹² Cf. EUSEBIUS: The Ecclesiastical History 4.15.

¹³ EUSEBIUS: The Ecclesiastical History 4.15. During the reign of Marcus Aurelius.

¹⁴ Cf. The Martyrdom of Saint Polycarp.

¹⁵ EUSEBIUS: The Ecclesiastical History 4.15.15.

¹⁶ EUSEBIUS: The Ecclesiastical History 4.15.27.

agreed. The text also refers to the fact that the police captain accompanied him on his cart to the venue of the trial, the stadium. Along the way, the police captain and his escort tried to convince him to meet his religious duty and offer sacrifice to the gods of the state. After they had failed to persuade him, they started beating him and pushed him off the cart, breaking his leg.¹⁷ It seems that even the old age and widely respected personality of the accused did not prevent the soldiers from being violent with him. The role of the soldiers during the procedure is mentioned again in relation to the execution. The Romans soon realised that Christians were in the habit of making relics from the bodies of martyrs. In some cases, the governor used his military troop after executing the sentence to deny the burial, guard the body, or otherwise prevent it from becoming accessible. Let me just mention how the tomb of Jesus was guarded in the 1st century. After the execution of Jesus, the Jewish high priests and the Pharisees asked Pilate to order the tomb to be guarded so that the disciples would not steal the body. However, Pilate replied to the Jews “you have guards, have it guarded as you can!”¹⁸ So this extract refers to the proper police force operating in relation to the local authorities. In the case of Polycarp, the hateful crowd also asked the governor not to release the remains of the martyr, otherwise they would “start respecting it.”¹⁹

In the end, the *centurio*²⁰ had the remains burnt²¹ in order to avoid conflicts.

We can find similar contribution of the army in the source text describing the sufferings of *Perpetua* and *Felicitas*, which can be considered a particularly rare document among acts on martyrs and the stories of suffering as we can read a woman’s personal experience in the form of a diary, written in her own words. Another reason why this writing is unique is that it can be listed as one of the few documents coming from a direct eyewitness. During the reign of Emperor *Septimius Severus* in 202 the main character of the story, *Perpetua*, and her companions were arrested in the city of *Thuburbo Minus* (North Africa). *Perpetua* was a woman of around 22 with a young child she was still breastfeeding. However, the diary tells us nothing about how they were arrested, who denounced them, whether the proceedings were initiated based on an anonymous accusation or what was the actual crime for which they were imprisoned. According to the text, the accused had spent “many days” imprisoned before the interrogation.²² In the prison, she was guarded by soldiers and this is what the writer of the diary refers to with her comment about harassment by the soldiers. Assistant officer Pudens was the warden of the prison. Describing the prison, the author noted down the following: “...I was scared as I had never experienced such darkness before. Oh, what a grim day it was! All that heat, along with the violence of the crowds and the harassment by the soldiers...”²³ What the writer of the diary mentions here is that the soldiers performed not only the tasks of the arrest, but also those of detention. *Perpetua* also suggests that the guards accepted a certain sum to let

¹⁷ The Martyrdom of Saint Polycarp 7–9.

¹⁸ Cf: Mt. 27.62.

¹⁹ The Martyrdom of Saint Polycarp 17.2.

²⁰ During the era of the Roman Republic, when the legion consisted of 30 manipuli, a centurion headed each manipuli. The manipulus was later divided into two centuria so the number of centurions increased to 60. This number stayed unchanged during the imperial period as well. The centurions were ranked among the officers, but this was the only officer rank open to principales (non-commissioned officers) after long and tiresome service. The centurion could not step any further in the legion so most of them retired to private life at the end of their service. As the centurion was usually the commander of a group of 100 men, their designation on the inscriptions was the reversed form of the letter C for 100. <https://www.arcanum.com/hu/online-kiadvanyok/Lexikonok-keresztven-bibliiai-lexikon-C97B2/c-cs-C9A45/centurio-C9A5E/> (Date of download: 14.05.2022.).

²¹ The Martyrdom of Saint Polycarp 18.1.

²² The Sufferings of Perpetua and Felicitas 3.9.

²³ The Sufferings of Perpetua and Felicitas 3.6.

them occupy a better part of the prison to refresh themselves.²⁴ The guards and the supporters of the prisoners were probably in constant contact with each other and it is also clear that the guards sometimes allowed contact with the prisoners in exchange for bribes, thus increasing their income, notes McGowen.²⁵ So the deacons were able to visit them during the imprisonment, and they could even arrange that *Perpetua* could have her child with her for a while.²⁶

Based on the above sources, the army's participation in the proceedings was very diverse. As we have seen, the soldiers were continuously involved from the initial stage of the procedure (arrest, pre-trial detention, bringing the accused to the trial, etc.) to the execution of the sentence and then, where appropriate, guarding the body of the executed person.²⁷ As shown in the above documents, the early persecution of Christians usually took place sporadically at a local level, mostly as a result of the community's pressure. No specific written decree has survived from this period to prescribe the punishment of Christians' offences so the occurrence and intensity of the procedures at a local level show varying characteristics in many cases. The involvement of soldiers, especially their use by governors, particularly carried the danger of their being used as direct instruments of coercion. According to the contemporary account of Eusebius, for example, the powerful Empress Julia Mamaea sent a military escort to take the theologian Origen from Alexandria to Antioch. In this case, her intentions were friendly as she merely wished to talk to him, but she could just as simply have used the soldiers available to her to punish Origen.²⁸

Some of the documents belonging to the examined sources indicate that the governors themselves were the main initiators of the arrest of certain Christian leaders. In this case, the governor used the services of soldiers during the procedure and implemented the individual actions of the procedure through them. One example to be mentioned is Numidia, the North African province, where the source presenting the sufferings of Saints Marianus and James highlights that the anti-Christian action resulted from "the blind rage of the pagans" and the activities of military officers. Here, according to the text, "The ferocious and blind rage of the *prefect* claimed all those beloved by God by the hands of the hostile soldiers."²⁹ The document clearly points out that the *prefect* was the initiator. "It was not just one or two soldiers stationed locally who took action but the violent hands of *centurions* as a whole mean crowd of them gathered at the house where they were staying".³⁰ Then "they were put to the test through many severe tortures by soldiers from the garrison."³¹ The writer provides additional information about the soldier's actions as he goes on to say that the soldier received assistance for his cruelty from the *centurion*, the leadership of the city of Cirta, and the clergy.³² The actual agents of persecution in the case of these defendants were the determined governor, the soldiers closely related to him, and the cruel judges of Cirta. These extracts let us assume that there was very effective cooperation by all concerned bodies during the implementation of the procedure in

²⁴ The Sufferings of Perpetua and Felicitas 1.5–6.

²⁵ Andrew MCGOWEN: Discipline and Diet: Feeding the Martyrs in Roman Carthage. The Harvard Theological Review Vol. 96, No. 4 2003, 455–476

²⁶ The Sufferings of Perpetua and Felicitas 3.9.

²⁷ Cf. The Martyrdom of Bishop Fructuoso and Deacons Augury and Eulogius 1.1.

²⁸ Cf. EUSEBIUS: The Ecclesiastical History 6.21.3.

²⁹ The Sufferings of Saint Marian and James 2.4. Cf. The Martyrdom of Saint Montanus and Lucius 2.1.

³⁰ The Sufferings of Saint Marian and James 4.3.

³¹ The Sufferings of Saint Marian and James 5.1.

³² The Sufferings of Saint Marian and James 5.1.

the areas where the local population and the leaders of the area showed hatred against Christians.

I would like to touch upon one more source in connection with my examination of the army's participation. The acts on the martyrdom of Saint Cyprian, bishop of Carthage, is among the most valuable sources of the literature on early Christian martyrs, the data of which agree with the data found in Cyprian's correspondence. In terms of its authenticity, it can be classified as one of the most objective documents. The proceedings conducted against the bishop show slightly different features compared to similar sources of the time. It is clear to see in the documents examined so far that varying types of bodies were involved in initiating proceedings against the Christians. In some cases, the main initiators of the arrest of the Christians were members of the population or the local civil offices, while in other cases it was the governors. Some of the governors eagerly searched for Christians³³ and judged them according to the practice of the time. Other governors, on the other hand, did not consider Christians to be dangerous criminals but if they chose to treat them leniently, they had to take it into account that they would get in conflict with the local denouncers of Christians. Starting from the 250s³⁴ governors could no longer ignore imperial decrees. Thus the trial of the bishop of North Africa (13th September 258) serves as a good example of the proceedings initiated by a governor. The *proconsul's* own officers acted in the case of arresting Cyprian instead of the civil policemen.³⁵ According to the 81st letter of the bishop, it is likely that the extremely agile military police called the *frumentarii*³⁶ were sent out, who served both the emperors and the governors. These soldiers served as messengers, spies and executioners and they were known to arrest important criminals. Cyprian was first taken to the estate of a certain Sextus, where the malicious *proconsul* Galerius Maximus had retired due to his health condition. The members of the Roman elite treated the accused with full respect during this journey. This special treatment characterised the entire procedure. The accused did not have to walk, but the soldiers "took him on their cart and seated him among themselves".³⁷ They allowed him to stay in the house.³⁸ The execution of Cyprian also took place in an extraordinary way, with the participation of the Christian community.³⁹ The last step of the execution was the public display of the body of the executed person, which was also unusual. In this case, the governor did not even consider the possibility of ordering the soldiers to guard the remains of the martyr. The believers could freely take the body and bury it properly.⁴⁰

2.1.2. Local bodies

Whereas most of the acts on martyrs indicate the participation of soldiers in the proceedings against Christians, several sources available for examination report that the proceedings were implemented by the local bodies. In Lugdunum, the capital of Gaul (the city that stood on the

³³ Cf: The Sufferings of Saint Marian and James 2.2.

³⁴ The year of issue of the edict by Emperor Decius

³⁵ The Proconsular Acts on the Martyrdom of Saint Cyprian 2.3.

³⁶ A kind of civil guard who was used for political purposes, namely as secret police spies from the time of Hadrian. <https://www.arcanum.com/hu/onlinekiadvanyok/LatinNyelvSztotara-a-latin-nyelv-szotara-1/frumentarius-mn-frumentum-CD70/> (Date of download: 13.05.2022.).

³⁷ The Proconsular Acts on the Martyrdom of Saint Cyprian 2.3.

³⁸ The Proconsular Acts on the Martyrdom of Saint Cyprian 2.4.

³⁹ The Proconsular Acts on the Martyrdom of Saint Cyprian 5.1–5.

⁴⁰ The Proconsular Acts on the Martyrdom of Saint Cyprian 5.6.

site of today's Lyon), hatred against Christians flared up in 177 during the reign of Emperor Marcus Aurelius eventually culminating in a tragic massacre, remarks Eusebius.⁴¹ The accused Christians were first led by the *tribune*⁴² before the leading officials of the city, who interrogated them and then they were kept in prison⁴³ until the arrival of the *legate*⁴⁴. According to the description, the procedure started before the local officials, who carried out the initial interrogation aimed at establishing their identity. For it was either the local court of peregrini or the governor who could judge those inhabitants of the provinces who were not Roman citizens. In the case of a death penalty, on the other hand, the governor acted in any case but he could also decide to send the peregrinus to Rome to be sentenced. However, everyone became a Roman citizen and came under the criminal *iurisdictio* of the governor following the *constitutio Antoniniana* (212). Yet it is likely that the local courts still remained active and they could judge minor criminal cases of peregrini who had become Roman citizens.⁴⁵ Therefore, in the present case, the local *magistrates* had to wait for the arrival of the governor as their (*duoviri iure dicundo*) powers to judge criminal cases did not extend to the conduct of the procedure due to the crime against the state pre-assumed on the basis of the Christian names. According to Keresztes, the *tribune* acting in this case was the *tribune* leading the 13th city *cohort* (army unit) stationed in the city of Lugdunum.⁴⁶ However, the exact name of the person bearing the title *legatus Augusti pro praetor* is not included in the description by Eusebius. Another act that can be classified as one of the martyr stories of Lugdunum is that describing the martyrdom of Saint Epipodius and Alexander, where the procedure took place similarly. This document uses the term bailiff to refer to the police forces. They were the ones who fulfilled the judge's orders, which could include presenting the accused, leading them to the rack and even the torture itself.⁴⁷

The acts on martyrs presented below show how the civil police forces operating in Asia Minor and the Greek provinces of the empire functioned, as well as the special local bodies active there. These documents have survived from the time of Emperor Decius, who issued the decree of general validity applied in the entire empire. This was the first time it was ordered that all inhabitants of the empire should offer sacrifice to the gods of the state, which means that a religious obligation was made universally mandatory. We can talk about uniform persecution by the state from this time onwards. Such persecutions had previously occurred rather sporadically. The document presenting the martyrdom of Presbyter Pionius and his companions has survived from this era. According to the document, the civil police were the first to react to the imperial decree in this case. Temple servant Polemon (a priest of the imperial cult) set out to warn the accused to fulfil their religious obligation, accompanied by the chief officer of the cavalry. When the presbyter and his companions had refused to do so, the army

⁴¹ EUSEBIUS: The Ecclesiastical History 5,1,8.

⁴² The military tribune (6 in each legion) is a high-ranked commander (today: field officer). [https://romaikor.hu/a_romai_hadugyek/romai_legionarius/katonai_rendfokozatok_es_tisztsegek/katonai_tribunus/cikk/tribunus_\(polgari_es_katonai_rang\)](https://romaikor.hu/a_romai_hadugyek/romai_legionarius/katonai_rendfokozatok_es_tisztsegek/katonai_tribunus/cikk/tribunus_(polgari_es_katonai_rang)) (Date of download: 15.05.2022.)

⁴³ EUSEBIUS: The Ecclesiastical History 5.1. 5–8.

⁴⁴ Legates of the Imperial Era: legati Caesaris or legati Caesaris pro praetore consulari protestate or legati consulares, governors of the imperial provinces (1. [Provincia](#), 2. [Propraetor](#)) <https://www.arcanum.com/hu/online-kiadvanyok/Lexikonok-okori-lexikon-CA894/I-CBD82/legatus-CBE10/> (author's translation) (Date of download: 15.05.2022.)

⁴⁵ PÓLAY Elemér: Jogrendszerek az ókori Rómában.. Acta Universitatis Szegediensis Acta Juridica et Politica Tomus VII Szeged Hungaria 1960. 8.

⁴⁶ Paul KERESZTES: The Massacre at Lugdunum. in *177 A. D.* Historia Bd. 16, 1967, 75–86, 76.

⁴⁷ The Sufferings of Saint Epipodius and Alexander 6.

officers dragged them away forcibly and escorted them to the main square.⁴⁸ It deserves to be noted here that the Roman clergy had public law duties and powers resulting from the nature of the Roman religion. The bodies assigned to regularly serve the gods also had their legal duties. The main tasks of the priests included regular sacrifices. In Roman law, the religious sphere was completely intertwined with that of the state. The orders of the priests represented the state towards the gods. The state's relationship with religion cannot be compared to religions that target the emotional sphere, such as Christianity. The characteristic feature of Roman religion was that it was regulated by a strict ritual order. In this regard, János Zlinszky compares it to the Jewish religion.⁴⁹ The rules related to the Roman clergy formed part of the *ius publicum* (Roman public law), which set down the rules related to the operation of the Roman state. According to the *Digesta*, the public law included the rules related to the *magistrates*, religion and the clergy.⁵⁰ Therefore, considering the above mentioned powers of the clergy, it was not exceptional that church servants' powers should also include acting as official persons regarding the fulfilment of the obligation to offer sacrifice. According to the contents of the surviving act on the martyrs, their powers included the arrest, initial interrogation and imprisonment of the accused, bringing charges and putting them to trial. They performed the policing duties until the accused were handed over to the proconsul. However, their police power was limited as they could not decide over life and death. This document does not offer specific information on the duties of the prison guards but we do receive some information about their operation here. Like in the description of Perpetua's sufferings, we can read here that the prison guards took advantage of the visitors.⁵¹ As an addition to the procedure of the temple servant, Polemon, it can be mentioned that he made another attempt to force the accused to offer the sacrifice before the arrival of the *proconsul* but this time he used the help of the chief officer of the cavalry, who escorted the accused to the altar with his troop shouting, beating the accused and acting violently with them. It seems that by doing this he exceeded his authority as Pionius himself draws attention to their rights: "the imprisoned have the right to wait for the proconsul."⁵² The officers exercised real policing authority yet after all their powers and jurisdiction were rather limited. The execution of Pionius did not take place until the governor came to the city. So there the cooperation between the governors and the civilian police was obvious not only regarding the suppression of Christianity, but all issues of criminal justice and punishment. Thus all this drives us to conclude that the civil authorities cooperated closely with the relevant body of the army in the event that it was necessary to use violent coercive measures. We can also find a specific reference to this in the file on the martyr Conon. Of the leaders of the city, one alderman and a church servant requested the governor to provide them assistance in searching through the suspicious places. The assistance was provided with the involvement of the law enforcement unit and the soldiers.⁵³

The last stage of Christian persecution was the era of the so-called "Great Persecution" during the reign of Emperor Diocletian. A number of acts on martyrs have survived from this period, presenting the administrative bodies of the era in appropriate detail. Regarding the provinces located in different areas of the empire, we can encounter various names and responsibilities of the local bodies and officials. In the act of Saint Felix, the person of the

⁴⁸ The Martyrdom of Presbyter Saint Pionius and his Companions 3. 1–6.

⁴⁹ ZLINSZKY op. cit. 114–115.

⁵⁰ BAJÁNHÁZY István: Az antik Róma vallási rendszere. Publicationis Universitatis Miskolciensis Sectio Juridica et Politica, Tomas XXXI. (2013), 7-30. 9. Cf: Ulp. D. 1.1.1.2.

⁵¹ The Martyrdom of Presbyter Saint Pionius and his Companions 11. 4.

⁵² The Martyrdom of Presbyter Saint Pionius and his Companions 16. 3.

⁵³ The Martyrdom of Conon 2. 1–2.

curator civitatis appears, who was selected by the Roman authorities from the highest-ranking citizens.⁵⁴ As for his scope, this official had limited policing powers, which extended to conducting interrogations, for instance. During the procedure, we can also find references to the participation of soldiers several times in this document. The imprisonment was effected by the commander of the Praetorian Guard while the soldiers were also mentioned as the executors of the sentence.⁵⁵ During the arrest of Agape, Irene and Chione, conducted in Thessaloniki, the role of the guard or police officer is referred to under the name *stationarius*, who prepared a report on the arrest to be read by the clerk read before the *prefect* at the trial.⁵⁶ The term *stationarius*⁵⁷ was generally applied to refer to the soldiers of low rank forming part of the watch guard and not to the soldiers of the governor. The document also mentions the post of the *beneficiarius*⁵⁸, regarding which the document lets us conclude that it may have been a staff officer entrusted with policing tasks. The execution of the sentence took place with the cooperation of the soldiers as in the majority of the already examined sources.⁵⁹

The account of Eusebius on the Palestinian martyrs also offers us details about the proceedings conducted during the time of Diocletian. The date of issue of the first edict was the nineteenth year of the reign of Diocletian, when imperial edicts were posted everywhere.⁶⁰ The day the persecution started was 23rd February 303. According to the text of the decree, “*the churches shall be destroyed and the Secret Scriptures shall be burned, and it was ordered that those holding offices shall be deprived of their offices and domestic servants of their freedom if they insist on Christianity as their faith.*”⁶¹ According to Takács, the pagans understood that the Christians’ courage and zeal were nourished most by the holy books. So they wanted to cut the ground from under the Christians’ feet and destroyed the writings to the disadvantage of Christian culture.⁶² According to Keresztes, the old emperor was plagued by a guilty conscience because of the edict so the proceedings against the Christians had to be conducted without

⁵⁴ The Sufferings of Saint Felix 2. Cf: PÓKECZ 2016. 114. The curators were responsible for operating the city of Rome. The most important curatorial positions: the two officials responsible for public works (*curator aedium sacrarum* and *curator operum locorumque publicorum*), the official responsible for water supply (*curator aquarum*), and the officials entrusted with the supervision and maintenance of the River Tiber and Rome's canal network (*curator alvei Tiberis et riparum*). These offices were created by the princeps, who appointed their leaders, delegating part of his power to them.

⁵⁵ The Sufferings of Saint Felix 31.

⁵⁶ The Martyrdom of Agape, Irene and Chone in Thessaloniki 3.1.

⁵⁷ “*in other words, the curiosus, who served in the military police of the Imperial Era and whose task was the surveillance of streets, the investigation of crimes, and other similar activities*”. <https://www.arcanum.com/hu/online-kiadvanyok/Lexikonok-okori-lexikon-CA894/s-CCA80/stationarius-CCDIE/> (author’s translation) (Date of download: 13.05.2022.) Cf: The Sufferings of Saint Philip, Bishop of Heraclea 3.

⁵⁸ “*Originates from the noun beneficium, meaning benefit or allowance. It refers to a soldier who was exempted from performing regular activities involving physical work, such as work on the ramparts, carrying water, cleaning, etc., jointly referred to as munus, as he was appointed to other tasks by his commander. The beneficiarius belonged to the middle level of the professional military staff, between the privates or gregalis and the centurios, among the non-commissioned officers or principales, if we classify them in the military ranks and positions. Their service was directly related to senatorial and certain knightly commander positions and it was connected to the offices or officiums belonging to these posts.*” https://romaikor.hu/kislexikon/kislexikon_romai_legiosok/cikk/beneficiarius_2022. (author’s translation) (Date of download: 13.05.2022.)

⁵⁹ The Martyrdom of Agape, Irene and Chone in Thessaloniki 7.1.

⁶⁰ EUSEBIUS: The Ecclesiastical History 8.2

⁶¹ EUSEBIUS: The Ecclesiastical History 8.2.4

⁶² TAKÁCS Ince: Nérótól Diokléciánig: A keresztény üldözések története. Szent István Társulat, Budapest, 1933. 199.

bloodshed for a while.⁶³ In Lactantius, we can read that Diocletian insisted that the execution of this decree should take place without bloodshed. According to Croix, in the interpretation of some modern writers this statement means that the decree completely prohibited death penalty. He firmly rejects this view, which is improbable in his opinion. Because based on the reliable evidence available of the execution of Christians, there is no sign that the decree provided for a more lenient punishment in the case of those who failed to obey the obligation stipulated in the first part of the edict and refused to hand over the holy scriptures. What seems the most probable is that no specific punishment was prescribed for such crimes.⁶⁴ Thus the primary purpose of the measures was to force Christians to offer the sacrifice. Three more edicts were issued subsequently, the provisions of which became stricter and stricter. As a final decision, all citizens of the empire were ordered to offer a sacrifice on pain of death penalty. Eusebius places the publication of this edict in Palestine to the second year of the persecution in the period around 304. We may have doubts about the date of issue and publication of the edict but it is certain that it was issued during the time of Diocletian, who was probably already ill before the edict was issued.⁶⁵ This edict stipulated the obligation for all residents to offer a sacrifice. The city prefects were appointed to ensure that the obligatory religious ceremony was conducted and supervised. Everywhere in the city of Caesarea, messengers went from house to house and drove the people into the temples, where the *chiliarch*⁶⁶ read the names one by one from a list. The text contains a reference to the fact that the governor was present during the ceremony along with the entire military team.⁶⁷ “By way of regulations, letters, and general orders, the governors of the provinces and the supreme commander of the army urged the magistrates of all the cities, as well as the *tabularii*⁶⁸ to carry out the imperial instructions.”⁶⁹ It was prescribed for everyone without exception to offer the sacrifice, emphasising that they should taste the sacrificed animal’s meat and even attempt to contaminate the food sold in the market with food made from the sacrificed animals. The inspectors of the baths were also involved in the performance of the tasks in a way that they were ordered to require those who bathed there to dirty themselves with the dirtiest sacrifices.⁷⁰ Even the pagans themselves regarded these measures to be crazy.⁷¹ All these desperate measures taken by the Roman Empire suggest that it was too late to break the moral power of Christianity. This act therefore involves a number of local officials in the tasks arising from the implementation of the edict, which was also only possible with the increased cooperation of these bodies.

The contemporary documents also contain a special act, namely a copy of a specific trial record. The document read before Consul Zenophilus records the actions of the procedure conducted during the reign of Emperor Diocletian. According to the provisions of the first edict

⁶³ KERESZTES, Paul: From the Great Persecution to the Peace of Galerius. *Vigiliae Christianae*, Vol. 37, No. 4 (Dec., 1983), 379–399. 381.

⁶⁴ G. E. M. De Ste CROIX.: *Christian Persecution, Martyrdom, and Orthodoxy*. Oxford University Press, 2006, 39.

⁶⁵ KERESZTES op. cit. 382.

⁶⁶ The meaning of the Greek word (*chiliarchos*): ‘commander of 1000 soldiers’. Cf: EUSEBIUS: *The Palestinian Martyrs IX. 7*. It is here where we read that Ennathas was insulted by a chiliarch of the soldiers stationed in the area without the knowledge of the higher authorities. It can be concluded from this that the name chiliarch may have been some kind of military position.

⁶⁷ EUSEBIUS: *The Palestinian Martyrs IV. 8*.

⁶⁸ “*recordkeeper and chief accountant in the municipia and provinces during the Imperial Are, later also accountant in Rome and Italy*” <https://www.arcanum.com/hu/online-kiadvanyok/Lexikonok-okori-lexikon-CA894/t-CCE10/tabularius-CCE20/> (author’s translation) (Date of download: 13.05.2022.).

⁶⁹ EUSEBIUS: *The Palestinian Martyrs IX. 2*.

⁷⁰ EUSEBIUS: *The Palestinian Martyrs X. 2*.

⁷¹ EUSEBIUS: *The Palestinian Martyrs X. 3*.

of Emperor Diocletian, as quoted above, Christian books and documents had to be collected and destroyed. This act captures the various steps of this measure put into practice. As a matter of fact, the Romans were basically tolerant of foreign religious cults and tended to adopt them or incorporate them into their own religious system, the decision on which was made by the state. However, they declared fierce battles against officially unrecognised cults. The concrete actions taken during these battles included the expulsion of religious leaders from Rome, banning foreign ceremonies, and burning religious documents.⁷² The trial of the Bacchanalia demonstrates this procedure well.⁷³ The above-referenced record thus preserves the process of implementing such a measure. The acting official was Félix, a permanent flamen⁷⁴, the administrator of public affairs. The flamen's was a clerical office, which means that in this case, too, a religious official acted in a public law role, who appeared in the company of two other office servants during the implementation of the procedural actions. On the basis of the record, it can be identified what measures fell within the competence of the official conducting the procedure. According to the source text, first he had the authority to search the site in compliance with the provisions of the edict and confiscated the Christians' books and other religious objects. If he experienced resistance, he had the right to order the arrest of the resisting person.⁷⁵ Since the Romans considered the will of the gods to be a state-creating factor; therefore the rules and persons determining religious life also formed part of the state's system of power. The rules of procedures conducted against Christianity can only be understood against the background of this religious mind-set.

3. Summary

We can establish about the police organisation of Rome that even though a specific police organisational system was not built under this name, there was effective cooperation between the offices active in the field of public administration. Based on the examined sources, it can be concluded that the Roman armed forces ordered to operate among civilians can be mentioned

⁷² Cf. LIVY 3.25.1. "When the aediles and the triumvirs supervising public order, whom the senate had severely scorned for they did not act against the phenomenon, made an attempt to remove this crowd from the Forum and have the sacrificial tools taken away, were very nearly assaulted. And as this aberration had obviously become too excessive for the officials of lower rank to eliminate it, the senate trusted city praetor M. Aemilius to free these people from the superstitions. At the general assembly, he read the decree of the senate and ordered that everybody who possessed books of oracle, prayers or any written act of sacrifice should submit all such books and writings before the Calends of April; and that no one should offer sacrifice on public or sacred ground after new or foreign rites." 6.39.16. "to search for and burn books of divination; and to abolish every mode of sacrificing that was not conformable to the Roman practice. For they, who had a thorough knowledge of every divine and human law, maintained that nothing tended so strongly to the subversion of religion as foreign sacrifices."

⁷³ Cf. Livy 6.39.16. "to search for and burn books of divination; and to abolish every mode of sacrificing that was not conformable to the Roman practice. For they, who had a thorough knowledge of every divine and human law, maintained that nothing tended so strongly to the subversion of religion as foreign sacrifices." Cf: The Martyrdom of Agape, Irene and Chone in Thessaloniki 6.1. Cf: The Sufferings of Saint Philip, Bishop of Heraclea 5.

⁷⁴ Cf. NÓTÁRI, Tamás: *Római jog*. Lectum Kiadó, Szeged, 2014. The flamen was a clerical function, which can be related to the Indian brahman. The flamen represented the gods. According to the number of the gods, there were 15 flamens (later their number increased), who did not form a body but each acted independently. Cf: BAJÁNHÁZY op. cit. 17. Their person was appointed by the *pontifex maximus*. He performed his duties in the city of Rome, mainly offering the daily sacrifice, while he could also fill other secular offices (e.g. *praetor urbanus*, *praetor peregrinus*, *ensor*).

⁷⁵ Cf. The act read at the trial conducted before Zenophile.

primarily of all the bodies taking action against Christians. The use of military power as a law-enforcement force became common during the imperial period, when all military power was gradually transferred to the *princeps*. Formerly the power enjoyed the trust of the people and one or two *lictors* were enough to quiet the citizens at a time when the army was essentially the armed body of the Roman citizens. During the Principate the army gradually gained more influence and replaced the people as a factor of power. Diocletian, on the other hand, built a new structure, which in turn strictly separated the powers of military and civil officials. The operation of absolute power was then characterised by hierarchic relationships.⁷⁶ These factors of authority can be clearly viewed in the surviving sources, where the different levels of the military bodies can be recognised in all documents. The authority levels established by Fuhman⁷⁷ can be identified clearly in the examined sources. During the procedures put in place by the emperor, the competence of the imperial military can be outlined and we can also observe the participation of the territorially assigned governor level in the procedures in a significant number of cases. However, the provincial governors mostly conducted their procedures with the cooperation of the local offices. The third level of law enforcement authorities was the local civil or municipal police, represented by officers and guards employed and organised by the local community. The sources suitably demonstrate the diversity of the system of Roman officials, which played a role in the performance of police tasks, with particular attention to religious officials, whose administrative duties became especially important in the case of Christians.

⁷⁶ ZLINSZKY op. cit. 182.

⁷⁷ Cf. Christofer J. FUHRMANN: “How to Kill a Bishop: Organs of Christian Persecution in the Third Century” In Rudolf Haensch, ed., *Recht haben und Recht bekommen im Imperium Romanum: Das Gerichtswesen der Römischen Kaiserzeit und seine dokumentarische Evidenz*, *Journal of Juristic Papyrology Supplement*, 24 2016. 241–261.