



Constantine's Prohibition of Pagan Sacrifice

T. D. Barnes

The American Journal of Philology, Vol. 105, No. 1. (Spring, 1984), pp. 69-72.

Stable URL:

<http://links.jstor.org/sici?sici=0002-9475%28198421%29105%3A1%3C69%3ACPOPS%3E2.0.CO%3B2-P>

The American Journal of Philology is currently published by The Johns Hopkins University Press.

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/about/terms.html>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/journals/jhup.html>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

JSTOR is an independent not-for-profit organization dedicated to creating and preserving a digital archive of scholarly journals. For more information regarding JSTOR, please contact support@jstor.org.

CONSTANTINE'S PROHIBITION OF PAGAN SACRIFICE

When he died on May 30, 339, Eusebius of Caesarea had not yet put the finishing touches to his *Life of Constantine*: another hand gave it to the world as Eusebius left it, with many obvious doublets, inelegancies, and other signs which reveal that its author had not completed his final revision.¹ The *Life of Constantine*, as it survives, represents a conflation of two literary genres, two conceptions, two drafts. The earlier was a conventional panegyric of the dead emperor; the other, which resembles Eusebius' *Ecclesiastical History* in presentation and technique, is an account of Constantine as a Christian emperor, with an almost exclusive emphasis on his actions and policies in the religious sphere and with relevant documents quoted entire.

The central section of Book Two, between the defeat of Licinius (narrated in II.1–19) and the origins of the Arian controversy (described allusively and tendentiously in II.61–62), begins with a relic of the earlier draft. Eusebius summarizes legislation in favor of the Christians which Constantine enacted immediately after he defeated Licinius in 324 (II.20–22). There immediately supervenes, however, a long and homogeneous stretch of the *Life* which quotes the full text of the law just summarized, and summarizes other documents which Eusebius does not quote. It may be analyzed schematically as follows:

- II.24–42 Letter of Constantine to the provincials of Palestine. Constantine expounds his view of his imperial mission to convert the Roman Empire to Christianity (24–29), orders the restitution of status and property to Christians who lost them under Licinius' anti-Christian legislation, or to relatives or the church in the case of martyrs (30–36), and ordains that all present owners of confiscated Christian property, including the imperial *fiscus*, shall surrender it with all speed (37–42).
- II.43–46 43 Constantine's will was obeyed.
44 Constantine appointed mainly Christians to be provincial governors and forbade pagan governors the long-

¹ G. Pasquali, *Hermes* 46 (1910) 369 ff.; F. Winkelman, *Eusebius Werke* 1.1 (Berlin GCS, 1975) liii ff.

established custom of preceding official business with a sacrifice.

45 Next Constantine issued two laws: one forbade “the disgusting idolatry performed of old in cities and countryside,” specifically the erection of cult-statues, consultation of oracles, and sacrifice (ὥς . . . μήτε μὴν θύειν καθόλου μηδένα), while the other ordered the building of new churches and enlarging of existing ones to receive converts to Christianity.

46 Letter of Constantine to Eusebius instructing him to enlarge existing churches or build new ones and to apply to imperial officials for funds.

II.47–60 Introduction to (47) and text of (48–60) a letter of Constantine to the eastern provincials.

The significance, even the meaning, of the last letter depends on its date and context. Eusebius expressly sets it later than the prohibition of sacrifice (47.1): hence its guarantee to the eastern provincials that they may retain possession of their “shrines of falsehood” should be less important than its total silence about their right or ability to perform ritual acts of sacrifice in pagan temples. On the assumption that Eusebius’ report is reliable and accurate, it may be argued that in 324 Constantine established Christianity as the official religion of the Roman Empire, and that he carried through a systematic and coherent reformation, at least in the eastern provinces which he conquered in 324 as a professed Christian in a Christian crusade against the last of the persecutors.²

* * *

Such was one of the main theses of a recent study of Constantine and Eusebius, whose interpretation of Constantine proceeded from the prohibition of sacrifice which Eusebius attests. A long and careful review by Dr. H. A. Drake contests both the overall interpretation of Constantine there advanced and the very existence of a prohibition of sacrifice, which is twice characterized as a “posited law.”³ A protest must be entered. In the normal meaning of words, a “posited law” is a law whose existence is posited, postulated, or assumed as a hypothesis

² *Constantine and Eusebius* (Cambridge, Mass. 1981) 210 ff., 245 ff.

³ *AJP* 103 (1982) 462–66.

to explain either other evidence or a historical situation which otherwise seems inexplicable. A "posited law" is by no means an apt description of a law whose existence Eusebius asserts in categorical and explicit terms. However, something more serious is at issue than Dr. Drake's use of words: did Constantine issue a prohibition of pagan sacrifice or not?

Eusebius, fortunately, does not stand alone. The Theodosian Code preserves a brief extract from an imperial constitution addressed in 341 to Crepereius Madalianus, the *vicarius* of Italy, which prescribes quick and appropriate punishment for anyone who "contra legem divi principis parentis nostri et hanc nostrae mansuetudinis iussionem ausus fuerit sacrificia celebrare" (*CTh* XVI.10.2). That might seem confirmation enough: not only Eusebius writing between 337 and 339 in Palestine, but also the emperor Constans in 341 affirm that Constantine forbade pagan sacrifice. In an earlier publication, Dr. Drake addressed himself to the law of 341: he seized on the fact that Constantine's law is not extant, construed it as "a curious lack of documentation," and argued that "it is permitted to wonder whether it is not another example of the method of tardy attribution that Constantine's sons engaged in rather freely."⁴ In his review, Dr. Drake brings into play Libanius' claim, made in 386 or thereabouts, that Constantine "made absolutely no alteration in the traditional forms of worship" (*Orat.* XXX.6, trans. A. F. Norman), and he puts Libanius on the same level as Eusebius, since "neither statement is documented." He contends, moreover, that Eusebius cannot be believed: "his tendency to see everything through a pro-Christian filter is too well known for a statement this broad and general to be taken at face value."⁵

Such thoroughgoing skepticism about Eusebius is hard to refute. It should perhaps be left to defeat itself. However, two considerations deprive the skeptical arguments of almost all their force. First, the loss of Constantine's law prohibiting sacrifice is not in itself suspicious. There is a perfect parallel in Constantine's legislation on another subject. The lawyer and ecclesiastical historian Sozomenus had read three laws issued by Constantine on the manumission of slaves *in ecclesia* (*HE* I.9.6). But the Theodosian Code and the Justinianic Code preserve only two of Constantine's laws on the subject (*CJ* I.13.1; *CTh* IV.7.1 = *CJ* I.13.2), and it is the innovatory law first establishing *manumissio in*

⁴ H. A. Drake, *In Praise of Constantine: A Historical Study and New Translation of Eusebius' Tricennial Orations* (Berkeley 1976) 150, n. 17.

⁵ *AJP* 103 (1982) 465.

ecclesia as a valid legal form which has perished, even though it is clearly presupposed in the two extant laws.⁶

Second, Eusebius' failure to quote the law prohibiting sacrifice can readily be explained. Like the law prohibiting provincial governors, *vicarii* of dioceses, and praetorian prefects from sacrificing before they commenced official business (II.44), the prohibition of the erection of cult-statues, the consultation of oracles, and sacrifice on any occasion was probably enacted by letters addressed to imperial officials. Eusebius, therefore, had probably never seen a copy of the original law. He knew the law through the regulations which the praetorian prefect residing at Antioch or the governor of Palestine issued on receipt of Constantine's instructions in order to put them into effect. Eusebius could normally quote only those imperial documents whose text he possessed: his failure to quote a letter of Constantine to praetorian prefects or provincial governors is neither surprising nor suspicious, and it lay beyond the scope of the *Life of Constantine* to quote proclamations which prefects or governors issued in compliance with the emperor's orders.

It is hardly legitimate, moreover, to prefer Libanius to Eusebius, or even to regard his testimony as being of equal weight. Not only was Libanius writing nearly five decades after the death of Constantine and in an apologia addressed "to the emperor Theodosius on behalf of the temples," but he does manifestly exaggerate. Libanius does not claim merely that Constantine did not prohibit pagan sacrifice; he claims that he "made absolutely no alteration in the traditional forms of worship" apart from confiscating temple treasures. Even Dr. Drake concedes that Constantine forcibly suppressed some pagan cults, as Eusebius attests (*Panegyric to Constantine* 8.4 ff.).⁷

* * *

The point at issue is no trivial one. It concerns more than the validity of a modern interpretation of Constantine. It concerns the accuracy and probity of Eusebius of Caesarea, the most voluminous and most important surviving witness to the "Constantinian revolution."

T. D. BARNES

UNIVERSITY OF TORONTO

⁶ *Constantine and Eusebius* (1981) 50 f. *CTh* IV.7.1 is unambiguously and unproblematically dated April 18, 321, while the correct date of *CJ* I.13.1 appears to be December 8, 316; cf. *The New Empire of Diocletian and Constantine* (Cambridge, Mass. 1982) 73.

⁷ H. A. Drake, *In Praise of Constantine* (1976) 65 ff.