A FRESH LOOK ON AN OLD TEXT -
The recent discussion about Pliny’s Letter to Emperor Trajan concerning the Trials against Christians

Pliny the Younger, who was born 61 AD. came from a family of the Roman nobility. His uncle and adoptive father was Pliny the Elder, commander of the Roman navy in the Gulf of Naples, author of a famous Natural History and eye-witness of the eruption of the Vesuv in 79 AD. Pliny the Younger, his nephew and adoptive son, made a career as lawyer, orator and politician in Rome. In 109 AD he was sent by Emperor Trajan as governor to the province of Bithynia in Northern Asia Minor. There he stayed for several years. The end of his tenure as governor is unknown. Perhaps he died in Bithynia. While he was governor he had to make many decisions in very different administrative matters, concerning public buildings, financial problems, and questions concerning the self-government of certain towns, etc.

In many cases, he addressed letters to the Emperor Trajan, and thus to the Imperial administration in Rome, to get advice or support in his duties (once, for instance, he asked for a competent architect from Rome). These letters, and the answers of the Emperor, were collected and published after Pliny’s death as book 10 of the letters he had already published during his lifetime. In this 10th book there is the famous letter concerning the trial against the Christians. The sequence of questions, arguments and information in the letter is not easy to understand and the historical circumstances, the legal background, the intention of Pliny and the nature of Trajan’s answer are heavily disputed. So, I would like to begin with a brief outline of the letter.

At the beginning, after the address in paragraph 1, Pliny says that he has never attended trials against Christians until now. Therefore, he has many questions, which he puts forward in paragraph 2: whether the age or the gender of the accused persons are of any importance, whether the repentance of a former Christian has any value or not, and whether the name Christian as such (nomen ipsum) is to be punished or only crimes connected with this name (flagitia cohaerentia nominii).

Then in the next paragraph (3) he reports how he has acted in the meantime. Here we recognise that Pliny actually had a clear strategy in place for judging those accused as Christians, despite the uncertainty displayed in the questions put forward just before. This strategy was to ask the accused not only once, but three times whether they were Christians. Those who confessed to be Christians were sentenced to death - in the case of Roman citizens he sent them to Rome to be punished there. As reason for his procedure he says that he had no doubt that "stubbornness and inflexible obstinacy deserved punishment".

Then Pliny says in paragraph 5 that the matter extended more and more. An anonymous indictment was submitted to him containing a large number of names. In order to find out whether an accused person was a Christian or not he started a rather ingenious inquiry: He ordered that an image of the Emperor and the statues of the Deities were brought to him and then he asked the accused to repeat an invocation of the Gods that Pliny himself had formulated and then they had to offer wine and incense to the Gods and the Emperor and curse Christ. Those who showed in this way that they are actually not Christians were dismissed.

In these paragraphs (5-8) Pliny gives, by the way, some interesting information about the Christians.
But he only tells about former Christians and what they have done in former times when they belonged to this 'superstition'. Even in that time, Pliny emphasises, they only performed innocent deeds (§ 7): "they were in the habit of meeting on a certain fixed day before it was light, when they sang in alternate verses a hymn to Christ, as to a god, and bound themselves by a solemn oath, not to any wicked deeds, but never to commit any fraud, theft or adultery, never to falsify their word, nor deny a trust when they should be called upon to deliver it up; after which it was their custom to separate, and then reassemble to partake of food - but food of an ordinary and innocent kind. Even this practice, however, they had abandoned after the publication of my edict, by which, according to your orders, I had forbidden political associations."

All those who reported this to Pliny had abandoned these customs at least from the time when the prohibition of the associations was proclaimed by Pliny on behalf of the Emperor. Others had stopped three years or even twenty years earlier.

Even two female slaves, called ministrae (English: servants, Greek: diakonoi), who were examined by torture did not reveal anything more but only confirmed Christianity in Pliny's mind as a 'depraved and excessive superstition' (§ 8). Pliny does not say explicitly what was his decision concerning those who confessed that they have been Christians in former times but now are no longer and proved it by worshipping the Gods and cursing Christ. As they never committed any crime, as Pliny stressed, Pliny implies that he had to dismiss them as those who have never been Christians. But instead of telling the Emperor that he had dismissed such people, he informs the Emperor that he has interrupted his investigation in order to get advice from him (paragraph 9). But for getting advice Pliny does not repeat, however, his questions, put forward at the beginning of the letter, he rather stresses the importance of the case: He emphasises how widespread this superstition already has become, yet he closes his report with a rather optimistic outlook (§ 10): According to Pliny, it is possible to avert the danger if there the possibility for repentance is offered to those who were afflicted with this dangerous superstition. This letter has given rise to many scholarly discussions and even in my brief overview I pointed to some peculiarities of the text.

All the more puzzling is Trajan’s response: Despite the fact that Pliny asked at the beginning of his letter a lot of questions Trajan answered only that Pliny’s procedure is quite right, and he adds a statement that it is impossible to give a general rule for Pliny’s situation. That means the Emperor does not give detailed orders; his governor can go on as before and can act flexible against Christians according to the actual needs. But the basic decision is clear: "when they are denounced and found guilty they must be punished". But if somebody is accused and denies being a Christian he must be pardoned. Even if he was formerly a Christian by his repentance he will avoid punishment.

Besides this there are three directives: The first directive is: "No search should be made for these people". The Roman authorities shall act only if they are informed by someone else and not start activities by themselves. The second directive is concerned with the procedure of Pliny to test whether an suspect person is a Christian or not: This test is the offering for "our Gods". Here the Emperor approves Pliny’s procedure, yet also includes a tacit correction: Trajan does not mention the offering before his own image and omits the cursing of Christ. At the very end of the letter, the Emperor gives a third directive: Anonymous accusations are not to be accepted. The reason for this is not in the special character of the problem but the Emperor gives this order on the ground of general considerations: "This would be a very dangerous precedent, that is not in accordance with our century". Of the many problems related to these two letters I want to discuss two primary questions:
1. Was there a legal foundation for the procedure of Pliny, especially: What was the basis for him to sentence Christians to death?
2. What was Pliny’s intention in writing this letter?

The first question: was there a legal foundation for Pliny’s procedure? The most prominent interpretation, at least in Germany, that was predominant until now runs as follows: No Roman Proconsul is allowed to condemn somebody to death without legal basis. Unfortunately Pliny does not mention this basis. Therefore, for instance Joachim Molthagen, a German scholar of Ancient History, says, we are forced to postulate such a basis, a decree (mandatum) of an Emperor that prohibited Christian communities and threatened membership with death. Molthagen argues: Pliny himself testifies the innocence of the Christians; when he nevertheless condemns them to death we have to presuppose that a decree of the Emperor forced him to do so.

But not only does Pliny not mention such a decree, there are no other writers prior to Pliny who mention such a decree either. Therefore, the advocates of this theory are forced to guess which Emperor issued this alleged decree, and the usual suspects are Nero and Domitian, those two bad guys of the 1st century C.E. Both candidates, however, are not very suitable. The actions of Nero against the Christians in Rome are well known, but they were governed by selfish reasons - there is no mention of a general decree issued by Nero against the Christians and Nero’s actions were limited to the city of Rome.

Therefore, another Emperor, Domitian (81-96 C.E.), is suggested as having promulgated such a decree. Domitian's bad image, however, is a product of writers such as Tacitus, Pliny and Suetonius. But all these writers are talking about Domitian after his death. They praise the new epoch of Trajan and condemn Domitian. There have been indeed severe conflicts between Domitian and the Roman Senate, but these are conflicts within the ruling class in Rome, and these conflicts did not affect Asia Minor. Therefore it is not a great surprise that there are no substantial records about persecutions of Christians initiated by Domitian. The first author who labels Domitian as an Emperor that persecuted the Christians was Eusebius.

According to historical scholarship the bad image of Domitian has turned out to be a product of literary propaganda of the time after his death. And in New Testament scholarship we have to accept that it is no longer possible to argue for an alleged persecution of Christians under Domitian. Therefore all proposals that 1Peter, the Revelation of John, and 1 Clement were written in the time of Domitian on the ground that there was a great persecution, have to be abandoned. We have to look for other arguments when we try to date these writings.

Joachim Molthagen tries to retain the idea of a decree against the Christians issued by Domitian without referring to Domitian’s bad image produced by Tacitus, Pliny and Suetonius. Molthagen assumes that there have been several local conflicts and clashes between Christians and Pagans in the eastern provinces of the Roman empire and that, therefore, Domitian banned the Christian communities. But this, too, is a mere hypothesis, invented to support another hypothesis, namely that Pliny acted on the ground of a decree of Domitian despite the fact that he never mentions it. This is indeed the main obstacle for this hypotheses. Pliny does not mention such a decree, nor does the Emperor in his answer. And both had good reasons to do so - if there was such a decree - to show that they are acting in accordance with a legal procedure. Nor does Pliny refer to the example exercised by former governors of Bithynia. F. Gerald Downing in 1988 made a complete list of existing orders or regulations Pliny refers in his letters to Trajan and he gives a list of 15 cases in which Pliny or Trajan refer to existing directives, regulations or earlier precedents.
One can assume that if a regulation concerning the Christians existed it would be mentioned. That no regulation is mentioned forces us to conclude that none existed.

The second question is, what was the purpose of Pliny in writing to the Emperor. As I noted, Molthagen, as an advocate of the traditional view, claims that Pliny acted according to a decree of an Emperor, but a new situation emerged in the course of the investigation, especially by the anonymous list of names submitted to him. The new problem was, according to Molthagen, evoked by the fact that there were former Christians in this list - those who had abandoned Christianity years ago or who now repented. In these cases Pliny had no directives.

Again, at this point the traditional position is based on questionable assumptions. If there really was a decree from the Emperor concerning the punishment of Christians it would be very strange at least if it did not include some statement about those who repented, either years ago or at the last minute, since it was necessary that such a directive envisaged the case that at least some accused persons threatened with death would abandon their ‘illegal’ conviction. A decree without any regulation of this problem is rather incredible.

In addition, there is a second problem connected with the traditional view of this text, namely the way in which Pliny mentions the problem of repentance and of pardon. And this way is very instructive.

In § 3 he talks about persons who were obviously accused not by anonymous informers but by persons whose names were known. And in connection with these accused persons he only mentions, that the accused persons were sentenced to death if (!) they confessed. Pliny writes: perseverantes duci iussi. Loeb Classical Library translates: "if they still persevered, I ordered them to be executed". I want to propose a translation closer to the Latin text: "Those who still persevered I ordered to be executed".

The Latin text does not say that all persons accused retained in their Christian confession. It leaves open the possibility that there were in this group of accused person others who denied being Christians, but Pliny is not talking about them.

Instead, Pliny goes on and talks in the next paragraph (§ 5) about the anonymous list submitted to him. In connection with this list he only mentions persons who deny that they have ever been Christians (3 5), and in paragraph 6 he talks only about persons who say that they have been in former times but in the meantime have repented and refrained from Christianity.

This presentation of the problems by Pliny is quite strange, because it should be clear that the question of whether an accused person is Christian or not (or did repent or not) does not depend on the fact that his name was submitted with or without an author. Now I want to repeat the two questions I discussed up to this point:

1. Was there a legal foundation for the procedure of Pliny, especially: What was the basis for him to sentence Christians to death?
2. What was the intention of Pliny writing this letter?

To both questions the traditional interpretation of this letter does not provide convincing answers. Therefore it is worth noting that two years ago a new understanding of Pliny’s letter has been proposed.
This new approach has been developed in an article in ZNW by Angelika Reichert, a New Testament Scholar from Münster. She asked: What is the literary strategy of the letter that explains the strange order of arguments and information - and who is the person this strategy is directed to?

Reichert points out that Pliny has no legal foundation to act against Christians; he cannot refer to any decree of an Emperor nor can he point to any established procedure already used before him by the courts of Bithynia. This insight is not totally new. Other scholars, as for instance Downing, have already stressed this very clearly. But Reichert observes that the intention of Pliny goes far beyond mere legal problems. As the last two paragraphs of Pliny’s letter clearly show, Pliny wants to propose to the Emperor a new and comprehensive strategy to push back this superstition.

The central element of Pliny's strategy is leniency for those who repent and refrain from Christianity. Therefore, Pliny talks at length about those who repented, their former errors. He mentions them together with those who have never been Christians. In addition, he stresses that he did not find any crime performed by these former Christians who have repented. Interestingly, he mentions that he did not find any crime only in connection with those who repented, not in connection with those who carried on their confession of being Christians.

The emphasis that the former adherence to Christianity was not connected with any crime is necessary to grant full lenience to those who have abandoned Christianity. Pliny wants the Emperor to accept his procedure, which he thinks to be fruitful.

However, this emphasis that former adherence to Christianity was not connected with any crime has a downside. If there is so a clear distinction between being a Christian and committing crimes then it was not possible to punish an Christian on the grounds of some crime but only on the grounds of his confession as such. The consequence was that the 'nomen ipsum' turned out as the reason for punishment. Reichert describes Pliny’s procedure as a double strategy, and the downside of the high importance of lenience is the unrelenting severity against those who would not repent.

There was indeed no legal basis to sentence those who remained unreasonable. Pliny knows this very well and proposes a new legal procedure and he tries to find a legal basis, too. He describes in detail the procedure he has developed to find out whether an accused person is Christian or not, and he adds that he had made thorough investigation before recommending this procedure to the Emperor. And he tries to supply a legal basis for the action against those who would not repent. To get this legal basis he appeals to two terms pertinacia and inflexibilis obstinatio (stubbornness and inflexible obstinacy), thus labelling the Christians as persons who stay outside of civilised humanity (§ 3).

It has often been recognised that these two expressions are not legal terms in the proper sense. They do not indicate a crime, but describe at best a negative attitude connected with a crime. This does, however, not rule out that Pliny indeed tries to supply a legal basis for punishment of the Christian confession. On the contrary, Pliny does not find any legal basis other than these two vague expressions. and these vague reasons for his procedure show very clearly that there did not exist any former decree of an Emperor.

The insight that Pliny follows a literary strategy to persuade the Emperor of the procedure he has developed explains several other features of this letter. As I pointed out in the paragraphs 3-7 the order of cases Pliny is talking about is very striking. After his report about those who did not want to
repent at all and the other denounced persons who never have been Christians, he talks about a third group, those who have been Christians but now refrain from Christianity. Here Pliny argues very thoroughly and detailed and he skilfully conducts the Emperor towards the conclusion that the former Christians who did not commit any crime have to be dismissed as those who have never been Christians. Exactly at this point Pliny stops his report and asks for further advice from the Emperor. And it is clear what advice he is looking for. He already has put the answer in the mouth of the Emperor.

The double strategy Pliny tries to recommend to the emperor clearly determines the two last paragraphs of the letter. In the second part of paragraph 9 (Multi enim omnis ....) Pliny stresses the importance of the case. Therefore, he emphasises the great danger of the present situation: "Persons of all ranks and ages, and of both sexes are, and will be, involved in the prosecution. For this contagious superstition is not confined to the cities only, but has spread through the villages and rural districts". But then he shows at once a positive solution: "it seems possible, however, to check and cure it" and he closes with an optimistic outlook that positive developments are already to be seen and that these positive developments will certainly go on - if there is "space for repentance". These are his last words to the Emperor.

Pliny’s literary strategy was successful. The Emperor approved, with slight corrections, Pliny’s double strategy to push back Christianity. And it is interesting to see that the Emperor did not add any legal arguments. He only states: "When they are found guilty, they must be punished."

The new approach for understanding the letter of Pliny is part of an ongoing discussion. Klaus Thraede, an renowned scholar of church history in the first centuries, has welcomed Reichert’s article and said explicitly that she has laid a new foundation for the interpretation of Pliny’s letter. On the other hand, Molthagen has reaffirmed his position but I must say: the problems of his position remain.

At the end of the paper we have to ask: What does the new approach mean concerning the use of Pliny’s letter as source of historical information about early Christianity? As we have seen, this letter is not a report about the situation of Christianity in Bithynia in the fist half of the second century. Pliny writes about his procedure against the Christians in order to persuade the emperor that proceeding in such a way will make it possible to solve the problem. This is the overarching aim of the letter and to reach this aim he arranges, in a very sophisticated way, the pieces of information he uses in his rhetorical strategy. This makes it difficult to use these pieces as basis for a historical reconstruction of the life of Early Christianity in Bithynia, for instance their worship services, their liturgy and their meals. Even the statements concerning the spread of Christianity are governed by the rhetorical purpose of the letter. On the other hand, we can recognise the deep concern of a member of the Roman political class about this new ‘superstition’. It is important to see that it was a political person of high responsibility who tried to defeat this dangerous movement and who was sure that this religious confession was to be punished, despite the fact that there were no other crimes connected with it and despite the fact that it was not easy to find for this procedure a legal basis.

Bibliography