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**LEGAL ANALYSIS OF EARLY CHRISTIAN MARTYRDOM AND
SUFFERING STORIES**

Theses of the PhD dissertation

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I. Subject and objectives of the thesis

The surviving sources in the field of early Christian martyrdom and passion stories are mainly concerned with the victims of the Christian persecutions of antiquity, but they can also be used to describe Roman penal legislation and legal institutions of the first three centuries, as well as the functioning of the criminal justice system in the period, in addition to a comparison of other ancient sources of the period, such as imperial decrees, the works of contemporary historians and the writings of the Christian church fathers. The study of the early Christian martyrdom and passion narratives provides a wealth of information on the early stages of legal history, reflecting the encounter of Roman legal development with the problem that the emergence of the Christian religion created, both legally and socially. In examining this topic, one might ask how Roman law was able to relate to Christianity in religious, moral, legal and social areas, as a result of a fundamental difference of thought from the religious conception of the time.

The Roman emperors' attitude to Christianity varies from one area to another and from one period to another, according to the sources studied. The primary focus of the research has therefore been to clarify the main motivations for imperial actions towards Christians.

After the political and legal background of the persecutions was explored, the content of the imperial regulations on Christians and their impact and consequences for Christians provided an opportunity to determine whether this explicitly anti-Christian mindset on the part of the Roman emperors could be detected, or whether other motives motivated the measures under scrutiny.

Secondly, from a historical point of view, I have sought to uncover the legal and social basis of the proceedings and the possible political reasons and background to the anti-Christian emperors' actions. In this respect, I drew heavily on the available research, comparing and critiquing it. Taking a stand on the much-debated question of whether or what legal basis there was for the persecution of Christians. Did this specific anti-

Christian decree exist, which led to the launching of the persecution of Christians in the 1st century AD? What were the main features of Christian thinking that gave rise to the anti-Christian statism and led to the making of several other accusations.

Thirdly, in the light of the legal and historical background, and with a view to the prosecution of Christians, it is possible to outline the basic legal institutions of the period's criminal proceedings and their practical application, in order to achieve the main objective of the research. In this context, special emphasis is placed on the procedural bodies and their specific procedural practices, considering the decision-making autonomy and influence of the procedural bodies of the time.

Lastly, conclusions can be drawn on the regularity of the conduct of proceedings against Christians, with particular attention to the detailed illustration of the penal system of the period, the rules of criminal procedure, the penalties applied and the characteristics of the execution of sentences, in comparison with the regulations of the time, for which the sources provide a wide range of information. In conclusion, the hypothesis formulated as the main objective of the dissertation can be outlined from the contemporary sources. The examined martyr documents provide an illustrative picture of the background and circumstances of the persecutions of Christians, their procedural characteristics, which, in addition to the details concerning Roman legal history - with a special focus on Roman criminal proceedings - also adds closely related social history to the picture of the thinking of the period.

II. Structure of the thesis

In order to achieve the objectives outlined above, the treatise will discuss in ten chapters the areas concerning the legal aspects of the early Christian martyrdoms and passion stories. After the introductory reflections, the thesis proceeds along the following lines in examining the Acts. By examining the historical and legal background to each persecution, it outlines the legal measures taken by each emperor against Christians, examining the emperors' attitudes towards the Christian religion, and comparing research findings on the subject.

In the next chapter, the evidence for the legal basis of the persecution of Christians is explored, examining the question of the Christian name as a criminal offence, which is one of the main legal grounds for all proceedings, and then the question of the Christians' opposition to the state and its refutation, presenting the characteristics of the Roman religion and the role of the Roman religion in law and administration, and interpreting the references to the conflict of religious and state theory issues arising from Roman and Christian thought, based on the sources. It also examines the reasons and justifications for refusal of military service as a procedural ground, also appearing in the sources, and discusses the contemporary rules on the performance of military service.

The other offences charged include the most well-known accusations (incest, cannibalism and infanticide, magic), outlining their legal regulation and the reasons for the accusations against Christians, which were based on a misunderstanding of religious practice.

In the detailed analysis of specific proceedings against Christians, the study of the various actors in Roman criminal procedure will first examine the workings of the executive, which are also referred to in numerous references in the various documents. Their functioning, their powers, their system, and their names in the different provinces are also well traced in the sources. It should be noted, however, that these bodies, mostly military, or local officials, also played a significant role in the spread of Christianity, since the influence of Christians who behaved differently from other criminals during prolonged detention was often felt by them.

A special focus will be given to the chief officers of the criminal justice system, looking at their legal age of influence and their conduct during the proceedings. Here, it is pointed out, in relation to the conduct of the Roman judiciary, that in some cases Roman judges were fair in their decisions towards Christians, and there are also examples of judges who did not pass sentences of condemnation, even in the face of popular pressure.

In the next main part of the paper, the course of the proceedings will be examined, followed by an examination of the various forms of punishment that can be found in the files. It does this by using sources and comparing the legal provisions of the time to detail the different ways in which the death penalty was carried out. There are often very detailed accounts of the practical application of the punishments of beheading, crucifixion, beheading, burning alive, etc. Restrictions on liberty and ancillary punishments are also described, as far as the files allow. Thus, the specific features and methods of application of pre-trial detention, punishment for work in mines, exile, corporal punishment, torture, and burial ban are also detailed.

A separate chapter examines other rules of criminal procedure in the case files, such as the deferral of sentences for women with children, which were also applied to Christian women, regardless of the period or place of trial. Lastly, mention is made of the protocols on which the sources themselves are based and of the specific features of the preparation of protocols in the Roman Empire of the period, since the development of literacy and bureaucracy made it possible to study these procedures by recording them in contemporary documents.

III. Methods used in the research.

During the writing of the thesis, I processed the relevant national and foreign literature (books, textbooks, articles, studies) and national PhD theses. There is no evidence of constant bloody persecution of Christians by the Roman state, and indeed there were periods when Christians could live in peace within the empire. Of course, this was always due to the personal convictions of a ruler of the time. In the light of the above, a much more complex analysis of the phenomena thus compared is needed. In this context, it is essential to study the historical, cultural, moral, and political background of the period in question and to recognise the interrelationships between them. The decision of the Roman state to declare Christians enemies was the result not only of the ruler but also of a combination of the factors mentioned above which shaped the thinking of the Roman people. Accordingly, I have drawn on the findings of disciplines such as history, literature, and religious history. Since the period under study covers some three centuries of the history of ancient Rome, a chronological comparison provides an opportunity to examine changes in Roman law, particularly in the rules of criminal law and the means of enforcing punishment, when studying the phases of the persecution of Christians.

During the course of my research, I compared surviving documents referring to provisions affecting Christians with academic studies on this period. In many respects, the study of the proceedings against Christians is difficult because it is not possible to draw clear and factual conclusions and conclusions from the surviving sources. On the one hand, the number of available sources is not very large, and on the other hand, the texts recorded in the martyrs' writings are often mixed with legendary elements or value judgements resulting from the personal emotional attitude of the describer. Research is further complicated by the lack of specific documents and minutes from this period. In Eusebius, we find evidence that the periphrases concerning Christians were destroyed under the emperor Diocletian (284-305). The study of the subject has therefore been based on the sources available and on a comparison of the findings of previous research.

IV. Summary of research findings

I would like to approach the summary of the thesis from a slightly different perspective. Agreeing with the position of Krisztina Hudák and Levente Nagy in their study "Pannonian Early Christian Martyrdoms and their Political Aspects", the reason for the persecution of Christians can, in my opinion, be explained from a fundamentally eschatological perspective, which is outlined in the struggle between good and evil, based on the examination of the ultimate fate of humanity. In this regard, however, when examining the persecution of Christians, there is rarely any discussion of why it was at this particular time in history that Jesus was born, initiating the spread of the Christian faith in the world. Many prophecies in the Old Testament refer to the date of the birth of the Saviour, and in the New Testament the Apostle Paul refers to the birth of Jesus as a time appointed and fulfilled ('the fullness of time has come' Galatians 4:4-5). We can think of the days of Noah and the cities of Sodom and Gomorrah. It can therefore be said that the time was ripe for the birth of the Saviour and for him to begin his work on behalf of humanity during the period in which the Roman Empire was in operation, in terms of its social and moral standards.

As regards the social situation of the Roman Empire, by the imperial period Roman traditions had been increasingly eclipsed, the conquered peoples had different cultural traditions and customs, which was accompanied by an extraordinary spread of pagan idolatries and customs in the religious sphere, and a deterioration of moral values, often accompanied by a desperate desire to save the emperors. The imperial system encouraged the spread of barbaric customs, but it also encouraged the spread of Christianity.

As far as legal proceedings against Christians were concerned, it can be said that the development of Roman law may have justified the 'proper time', since Christians were dealt with in the context of proceedings that were regulated by law at some level. These legal procedures were recorded for posterity in the martyrs' acts and the Passion narratives, and although they were written with a predominantly Christian doctrinal purpose, they contain numerous legal references. Thanks to the legal regulation of the time, the proceedings also provided a degree of legal framework for the sometimes

extremely vicious judicial manifestations, typically using deterrent measures.

Religious freedom today includes all the freedoms that early Christian thought and, more specifically, the Christians on trial, spoke out in their testimonies against the religious obligation imposed by the Romans. This freedom, according to Christian thought, is a right guaranteed and guaranteed by God, a fundamental human need, the advocacy, and promotion of which among the Roman people has shaken the traditional moral and legal foundations of Rome. This is why Christians were seen as a threat and an enemy. It was not their behaviour, their concrete actions, that posed a real threat to the state, but the way of thinking they adopted. And it is difficult to fight against this way of thinking if there are no punishable manifestations. In order to condemn Christians, it was necessary, as Frensdorff notes, to apply the 'victimhood test' to them, and thus to distinguish them from subjects loyal to the state. The refusal to offer sacrifices and to take an oath was a concrete manifestation of an ideal which could now be punished as a breach of the obligation imposed by the state. But this was only a punishment for the person, not for the idea itself. Time and again, the Roman emperors made efforts to strengthen the Roman tradition against Christian thought. In fact, what was at stake was the survival of the ancient Roman ideology.

It proclaimed a new way of thinking, pure morality, truth and justice, and the right to individual liberties. In the view of Hudák and Nagy, the Romans believed that the unity of an empire threatened by crises and barbaric attacks was threatened by a well-organised religious minority that did not respect traditional gods and leaders. Verbal or physical violence and persecution against an enemy thus declared to be an outsider has been a frequently used tool in communities in crisis throughout history. Social tensions could be defused against those thus excluded from the community without retaliation. According to Hamman, however, the Roman state was late in recognising the danger inherent in the Christian mindset and was late in taking legal action. Despite the Roman state's attempts to use increasingly harsh and cruel measures against the 'human representatives' of Christianity, it was unable to suppress Christian thought itself, which brought a new approach to morality and law. Hudák and Nagy conclude that the Roman leadership's systematic persecution of Christians was intended to divert attention from the problems of the crisis of the tetrarchy, whose opposition was ultimately motivated

by conscience and not by politics.

In the sources examined, there are numerous references to imperial decrees and senatorial decisions, and to the various officials and officers involved in the proceedings. As regards the conduct of the proceedings, we read about the various forms of procedure, the circumstances of arrest, and in some cases the detailed conduct of the proceedings. The prisons used for pre-trial detention, with a detailed, contemporary, eyewitness account. Often mentioned are the crimes charged, such as following the Christian religion, breaking the ban on assembly, breaking the military oath, allegedly performing magical acts. In the majority of cases, however, the offence was committed by failing to make the sacrifices required by imperial decree. The sources under study also describe the particularities of the time and place of the trials, detailing the methods and characteristics of the interrogation of the accused, with particular reference to the forms and means of torture and mutilation used to break them, which are described in very graphic detail. The special practice of postponing the trial, which was used against Christians, whereby the accused was given 30 days to think things over.

We can learn about the special practice of postponing the trial, which was used against Christians, whereby the accused was given 30 days to think things over. We can also get some insight into the keeping of the minutes, and there are also references to the way in which sentences were handed down. The different ways in which the death penalty was carried out are illustrated (beheading, crucifixion, burning alive, throwing to wild animals) and the arrangements made for the bodies of the executed and the refusal to accept them. However, not all Christians were subjected to the death penalty, so other forms of punishment (penal servitude, exile, sending women found guilty to brothels).

As regards the conduct of proceedings, it is clear from the sources that in the period before the reign of the emperor Decius, the action taken against Christians was motivated by hatred based on accusations and slander. By contrast, the proceedings of Decius' time show that Christians were executed not because of hatred but because they did not comply with the emperor's specific orders. However, the ultimate reason for the trials was their Christianity, since it was precisely because of this that they refused to obey the emperor's orders.

According to John Walter, the accusations of the pagans were not all of such a nature that they could have been subjected to legal retaliation. For these, the legal basis was replaced by the anti-Christian sentiment that arose in their wake, which made the people themselves feel justified in exercising judgment, in total disregard of legal norms and in total blindness to prejudice. For Roman law made every man feel like an armed soldier against the enemies of the common cause. This thinking gave rise to many popular prejudices during the first three centuries. The hatred that arose in the wake of accusations and slanders against Christians created a legal privilege before which a mere name was a justified accusation.

A much-debated issue in the context of the Roman state's action is the legal provisions on which the prosecutions of Christians were based, or whether there was any anti-Christian decree at all at the time of the early persecutions of Christians. The opinions of scholars researching this question fall into three categories, depending on which view they consider more likely. Accordingly, one group of scholars (French and Belgian scholars) believes that there was a general decree prohibiting the practice of Christianity throughout the empire. The origins of this decree are usually attributed to the Emperor Nero, but the name of the Emperor Domitian is sometimes mentioned.

According to another group Christians were punished by the Roman magistrates by virtue of their general power (*imperium*), without special legislation (*coercitio* theory). Proceedings against Christians, arrest and punishment were a pure police procedure.

The third group disagrees with this, arguing that Christians were simply accused and punished for crimes known at the time, such as infanticide, incest, magic, illegal gatherings and for anti-state activities - based on their refusal to glorify the Roman emperor's god.

The tradition, based on available sources, is that the Emperor Nero was the first to take organised action against Christians. Suetonius, Tertullian and Eusebius are ancient historians who refer to this. Many scholars, including C. Callavert and P. Allard, are of the opinion that Nero issued a decree which could have read "Non licet esse Christianos", i.e., Christians must not exist (Sulp. Sev. 2,29,3) John Walter also points out that, although it is not possible to establish the date of the first anti-Christian law,

there are sources which suggest that a law called "Institutum Neronianum" existed in Nero's time, and that it is referred to in Tertullian.

Based on the basic early Christian sources and the opinion of modern scholars on the subject, it seems most likely that Christians were not condemned for arson in Nero's time, but for spreading the Christian faith. Sary points out that the text of the law forbidding the practice of Christianity is not to be found in the works of either pagan or Christian authors. The main reason for this, in his view, is that the existence and content of this law were well known. This is also confirmed by the later references to the law in later writings.

As regards the Roman police organisation involved in the proceedings, it can be said that, although no specific police organisation was established in its name, there was effective cooperation between the various agencies operating in the administrative field. On the basis of the sources examined, it can be concluded that the Roman army, which was deployed among the civilians, was the main body involved in the proceedings against Christians. The use of military power as a law enforcement force came to the fore during the imperial period, when all military power was slowly transferred to the princeps. Previously, the power enjoyed the confidence of the people and was sufficient, with one lictor to appease the citizens, when the army was essentially the armed body of Roman citizens. Under the principate, the army came increasingly to the fore and replaced the people as a factor of power. Diocletian, on the other hand, built a new structure that now strictly separated the powers of military and civil officials. The function of absolute power was now one of subordination. These jurisdictional factors can be clearly seen in the surviving sources, where the different levels of the military authorities can be identified in all the documents. The predominant influence of the imperial military can be outlined in the imperially motivated proceedings, while the involvement of the territorially outsourced governorate level in the proceedings can also be observed in a significant number of cases. Provincial governors, however, mostly conducted their proceedings with the assistance of 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 illustrate the diversity of the Roman system of officers involved in the policing of the city, with

particular attention to religious officials, whose administrative responsibilities were particularly prominent among Christians.

In the Roman provinces, in the absence of central control, there were periods of extremely cruel and irregular persecutions of Christians, despite the existence of imperial provisions which would have allowed for more controlled procedures. However, the conduct of the Roman authorities in these proceedings was also, as the documents under examination show, subject to the considerable influence of Roman public opinion. However, violence and irregularities were not confined to Christian defendants in contemporary proceedings. In Robinson's view, the treatment of prisoners was fundamentally cruel in the ancient Roman world, and there is no reason to think that Christians were treated more harshly than others. Execution, suffering, and humiliation were the expectation of the public, who enjoyed it. Nor is there any evidence that Christians were explicitly expected to suffer more than other offenders. However, it is certainly thought-provoking that in the case of Christians, in the absence of a specific offence, Christian identity itself provoked such anger and resistance that it led to the criminalisation of the Christian name itself (and the denial of God identified with that name), and to unnecessary and inexplicable violence not only from the crowds attending the public proceedings, but also, where appropriate, from the officials who were conducting them.

The use of corporal punishment and torture is the most well-known of the assorted death sentences used against defendants in the context of Christian persecutions. These punishments and ancillary punishments were a natural corollary of the death penalty, which was a qualified punishment, in accordance with the custom of the time. However, the justifications for the use of torture as a method of investigation in the evidence procedure are often objectionable when compared with the legislation of the time. In principle, the purpose of torture in criminal proceedings was to obtain a confession from the perpetrator. In the case of Christians, confession was always given, and torture was used to deny and change their confessions. The aim was not to find out the truth. In these proceedings, a Christian could even make a false confession, provided that it was in accordance with the will of the state. In the case described above.

The forms of punishment used against Christians described above are indeed not

unusual in comparison with the customs of the time, but one cannot ignore the fact that in the case of Christians, the above harsh tortures and punishments were used against defendants who were repeatedly found by the judge himself not to have committed a crime. The fact is that the case files sometimes reveal a kind of compulsion on the part of the judge to pass sentence, even though he himself did not consider guilt to have been proven. However, these judges often submitted to the sentencing decision in order to appease public anger. In order to maintain their position, the outposted officials sought at all costs to ensure the peace and tranquillity of the area under their control, even by failing to uphold the idea of justice and to deliver a just verdict.

In the final analysis, it can be said of the trials against Christians that there was no consistent antipathy on the part of the prosecuting authorities towards the Christian defendants. As far as Roman law allowed, there were judges who tried to favour Christian defendants. In contrast, however, some proceedings, as discussed in this essay, show extreme cruelty. The examples examined illustrate the framework that Roman law provided for the decisions of magistrates with imperial powers. In many cases the application of the procedural rules documented in the protocols was duly carried out, but there are also examples of the non-application of certain rights granted by the legal order, either deliberately or because of the overriding impulse of dislike for the accused.

In proceedings against Christians, the Roman authorities sought to create a legal basis for legal proceedings primarily on political grounds. In the end, however, neither the political nor any other grounds for the accusations examined in this thesis can be found in the trial records. In the final analysis, the basis for the judges' decisions was always the confession of the Christian name. Ultimately, the trials of Christians are a documentary record of the fact that the Roman state used legal means to prevent the spread of Christian spirituality. However, the spread of Christian thought, which was a revolutionary innovation, could not be stopped.

The Christian community, which was growing in numbers, saw itself primarily as citizens of a parallel spiritual world, in earthly conditions, as subjects of the temporal power of the time, respecting its laws, and as the supreme authority, the higher law and legislator of a supernatural world. Consequently, their way of thinking necessarily led to a conflict between the two orders of power. As the small Christian groups multiplied,

so did the antipathy towards them in some sections of society. This resentment eventually led to the Christian name itself becoming reprehensible.

The group of people who emerged from this group of a few, who were the protagonists of a new religious, social, and moral way of thinking and who became the proud proclaimers of the Christian name, came into conflict with the state authorities at an early stage. In spite of the attacks described in this thesis, Christianity ultimately contributed not only to the moral development of the empire, but also to its legal development, becoming embedded in the legal thinking of the time and ultimately laying the foundations for the emergence of Christian Europe. Indeed, the blood of the martyrs was a seed that sowed the seeds of the religious thinking that is still the mainstay of European religious thought today and has become a dominant feature of religious thought in many other parts of the world. In this way, the divine saving will be truly experienced. The individual sacrifice of the martyrs ultimately served the overall interests of mankind by creating the possibility for a transformation of the barbaric social, religious, and legal mindset of the time, at both the imperial and individual levels.

The Christian religion, by its very nature of being based on a supernatural relationship, has and will in every age and society at some level clash with the legal and social conceptions imposed by the secular powers. Despite the fact that in much of the world today the Christian religion is accepted, and even some countries are Christian-based, it cannot be said that all citizens are equally in agreement with a Christian-based way of thinking. The freedom of conscience and religion that is a basic principle of our times is an opportunity to do so. It can also be seen that the thousands of Christian denominations are not united in their thinking on certain issues, which creates divisions even among Christian-minded people. The cultural settlement of divergent practices arising from different religious and moral thinking is a problem that is relevant in every age and requires a specific solution for each period.

V. Own publications related to the subject of this thesis.

A keresztényekkel szembeni eljárások sajátosságai az I. században, Miskolci Egyetem Állam- és Jogtudományi Kar Doktoranduszok Fóruma Szekciókiadványa (szerk.: Prof. Dr. Szabó Miklós) 2017, 145-151.

Traianus császár jogi rendelkezései a keresztényekkel szemben in: Profectus in Litteris X. Előadások a 15. debreceni állam és jogtudományi doktorandusz-konferencián (szerk.: Szabó Béla, Zaccaria Márton Leó, Árva Zsuzsanna) 2018, 239-249.

A keresztények büntetőjogi helyzete a Római Birodalomban, Miskolci Egyetem Állam- és Jogtudományi Kar Doktoranduszok Fóruma Szekciókiadványa (szerk.: Prof. Dr. Szabó Miklós) 2018, 152-157.

The Criminal Law Situation of Christians in the Roman Empire, Miskolci Egyetem Állam- és Jogtudományi Kar Doktoranduszok Fóruma Szekciókiadványa (szerk.: Prof. Dr. Szabó Miklós) 2018, 157-162.

Decius császár vallásegységesítő rendelkezésének hatása a keresztényekre. Publicationes Universitatis Miskolcensis Sectio Juridica et Politica, Tomus XXXVII/1 2019, 57–71.

Bányamunka-büntetés az ókeresztény forrásokban. Miskolci Egyetem Állam- és Jogtudományi Kar Doktoranduszok Fóruma Szekciókiadványa (szerk.: Prof. Dr. Szabó Miklós) 2019, 130-135.

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A scilliumi vértanúk pere, Jog és Állam 42. szám XXIII. Jogász Doktoranduszok Országos Konferenciája (szerk.: Prof. Dr. Miskolczi -Bodnár Péter) 2022, 223-231.

The Operation of the Police Bodies in the Acts of the Early Christian Martyrs, Miskolci Jogtudó 2022/2, 75-87.

The Scillitan Martyrs, Miskolci Jogtudó 2023/1, 43-49.

The Legal Backgrounds of the „Great Persecution”, Miskolci Jogtudó 2022/2, 60-74.

Az ókeresztény mártírok államellenes magatartásának vizsgálata. Publicationes Universitatis Miskolcinensis Sectio Juridica et Politica (megjelenés alatt)

Bíraskodó tisztviselők jellemzése az ókeresztény mártírakták tükrében. Publicationes Universitatis Miskolcinensis Sectio Juridica et Politica (megjelenés alatt)