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on alternate pairs of leaves, that is to say, on foll. 1 a : 2 b 3 a : 4 b 5 a : 6 b 7 a : 8 b of each sheet. I have noticed the same feature in some early Vulgate MSS, e. g. the Gospel fragments at St Gall; I wish that Prof. Lake had been able to throw some light on the currency of this practice.

The second remark is only the expression of my regret that Prof. Lake still speaks (p. xiv) as though 'a certain Evagrius' was only busied with the Euthalian apparatus at some later stage of its history than its original production. The preponderance of probability appears to me to be quite overwhelming that the illustrious Origenist Evagrius, whose literary work falls in the last quarter of the fourth century, was the original author of the so-called Euthalian edition. One would even like to speculate as to whether Evagrius, himself a calligrapher of no mean order, may not have had something to do with the production of Codex  $\aleph$ .

C. H. TURNER.

### TERTULLIAN AND THE PLINY-TRAJAN CORRESPONDENCE (*Ep.* 96).

THE purpose of this note is to suggest an interpretation of a phrase in Tertullian's reference (*Apol.* 2) to Pliny's famous letter to Trajan on the subject of the Bithynian Christians, by which the supposed discrepancy may be eliminated and the substance of the two accounts brought into complete agreement. The point would seem to be one of some importance for Roman law, for the text-tradition of the Pliny-Trajan correspondence, and also for definitive pronouncement on the authenticity of the Plinian letter.

It may provoke a smile even to hint that this last question has not yet reached the haven of *res iudicatae*. This particular heresy, however, has had the bad taste to survive a number of refutations. Lightfoot (*Ignatius* i 54) and Boissier (*Revue Archéologique*, 1876, pp. 114 sqq.) have between them subjected the general arguments urged against the Plinian authorship to a searching and destructive analysis, while at a later date Mayor (*Class. Rev.* iv p. 210) strongly supported the same conclusion on stylistic grounds. How comes it then that many modern scholars, such as Reinach and De la Berge, like Aubé and Desjardins before them, have entrenched themselves on narrower grounds, maintaining that while the 96th letter is in its general tenor authentic, it cannot be regarded as a complete or exact copy of the original document?

The answer is not far to seek. The residual objection has still to be met that Tertullian (*Apol.* 2), in giving the substance of Pliny's letter,

apparently interpolates a detail of capital significance into the governor's account of the measures taken against the Christians, a fact for which (on the traditional and hitherto unquestioned interpretation of the words) Pliny's letter gives no warrant at all. A very real difficulty is here presented, and it can be resolved only by a close examination of the two passages in question.

First, then, the Plinian letter. Here four classes of offenders are mentioned as brought before his judgement-seat on the charge of Christianity :

(1) Those who persisted in their profession of faith after the third warning from the governor, and were then taken off to execution.

(2) A second class of those who shewed similar *amentia* or *obstinatio*, but, as being Roman citizens, were despatched to take their trial at Rome ('*quia cives Romani erant, adnotavi in urbem remittendos*').

Apparently, then, in the first part of the proceedings against the Christians, none of the accused wavered in his profession. But arising out of this stage further prosecutions are instituted, partly because the investigation of the first cases had led to the incrimination of others, and partly in consequence of the receipt of an anonymous letter of accusation. Hence we have

(3) '*Qui negabant esse se christianos aut fuisse.*' These would appear to have been falsely accused and were discharged on complying with the formal tests for loyalty.

(4) '*Alii ab indice nominati esse se christianos dixerunt et mox negaverunt : fuisse quidem, sed desisse,*' &c. These also complied with the test. Pliny continues : '*adfirmabant autem hanc fuisse summam vel culpae suae vel erroris, quod essent soliti stato die ante lucem convenire carmenque Christo quasi deo dicere secum invicem seque sacramento non in scelus aliquod obstringere, sed ne furta ne latrocinia ne adulteria committerent, ne fidem fallerent, ne depositum appellati abnegarent,*' &c.

This last class, then, is that of the recanters. Some such, obviously, there must have been — '*fuisse quidem sed desisse*' is only the light in which they deemed it expedient to exhibit their conduct after deciding to recant. If we suppose a Christian to be giving a summary account of the above classes, he might without substantial inaccuracy regard them as falling into two groups — *confitentes* (and by consequence condemned, or liable to be condemned, to death) and *negantes*. Class (3) would not be germane to this classification, while (2) would be subsumed under (1). It is my object to shew as against the generally received opinion that both the above groups of *confitentes* (1 and 2) and *negantes* (4) are faithfully reproduced in Tertullian's account.

The passage from his *Apologeticum* (c. 2) runs as follows :—

Atquin invenimus inquisitionem quoque in nos prohibitam. Plinius enim Secundus cum provinciam regeret, damnatis quibusdam christianis, quibusdam gradu pulsus, ipsa tamen multitudine perturbatus, quid de cetero ageret, consuluit Traianum tunc imperatorem, allegans praeter obstinationem non sacrificandi, nihil aliud se de sacramentis eorum comperisse, quam coetus antelucanos ad canendum Christo ut deo et ad confoederandam disciplinam, homicidium, adulterium, fraudem, perfidiam et cetera scelera prohibentes. Tunc Traianus rescripsit hoc genus inquirendos quidem non esse, oblatos vero puniri oportere.

The important phrase here for our purpose is *quibusdam gradu pulsus*, which has universally (so far as is known to me) been translated in the sense 'degraded from their rank'. But since Pliny nowhere mentions the infliction of this punishment on the Christians, a crop of desperate hypotheses has been raised in the endeavour to conciliate the two accounts. We note that one phrase has been added—*ad confoederandam disciplinam*. This in no way affects the substance of Tertullian's account, but it will be shewn later that it is not without importance for the determination of the meaning of *gradu pulsus*. Another minor and quite negligible discrepancy occurs in most of the manuscript readings of the passage, and since this has been obtruded into the argument against Tertullian's accuracy, it too must be mentioned in its place. We may conclude provisionally that with the exception of the seeming divergence in *gradu pulsus*, the passage in Tertullian is in all essentials a quite accurate summary of the Plinian account.

The conventional explanation of *gradu pulsus* is that Tertullian is here quoting from memory and so naturally ascribes to the age of Trajan the judicial practice of his own time. This was originally suggested, I believe, by Le Blant ('Note sur les bases juridiques des poursuites dirigées contre les martyrs', *Académie des Inscriptions*, 1865-1866), and in this explanation he has been followed by Lightfoot (*Ignatius* i 58) and many others. But the Plinian letter was a document of the greatest moment to the early Church, and few Christians of cultivation (and least of all a jurist like Tertullian) would be likely to make so gratuitous an error in citing it. Such an explanation would perhaps have won less acceptance, had it not been offered at a time when Tertullian's repute, as a student of law and of history, had suffered some undeserved discredit.

That Tertullian was a jurist of competence is attested by Eusebius (*H. E.* ii 2), *Τερτυλλιανὸς τοὺς Ῥωμαίων νόμους ἠκριβωκῶς ἀνῆρ*, and the intimate acquaintance with Roman legislation and judicial procedure which is everywhere apparent in his writings abundantly bears out this characterization. Harnack indeed sees no objection to believing that he is the jurist of that name whose writings are cited in the *Digest*.

In the last decade the examination of Tertullian from the juridical point of view has given a fresh impulse to the study of the legal bases of the prosecutions directed against the early Christians, and it is from his armoury that writers like Allard and Callewaert have drawn most of their arguments for the existence of special anti-Christian legislation in the early Empire. It would be beside the point at issue to essay here any detailed vindication of Tertullian's credit as an authority for the history of the relations of the early Church with the Roman Empire. It must suffice to say that here again his critics have set out with a bias against him. A ready instance is his presumed credulity in the matter of the alleged report of Pilate to Tiberius. In this case his critics have even aggravated the indictment against him by confounding the *procès-verbal* which he has in mind with the spurious fourth-century document known as *Acta Pilati*. (For this see Ramsay *The Church and the Roman Empire* p. 221.)

The orthodox theory has lately been revived in a more elaborate form by Prof. E. T. Merrill of Chicago in a learned and ingenious article 'Zur früheren Überlieferungsgeschichte des Briefwechsels Plinius und Traians' (*Wiener Studien*, 1909, pp. 250 sqq.). He contends that the Pliny-Trajan correspondence was probably not added to the general collection in nine books until about the tenth century, and he essays to prove that no early writer exhibits any certain knowledge of the so-called Tenth book. For this latter point he seems to me to make out a good case in respect of Symmachus and Sidonius Apollinaris, though the difference of key and of subject-matter may quite well explain why the latter does not 'play the sedulous ape' to the Pliny of the official letters. He might also have added the striking case of Jerome, who (*Interpret. Chron. Eus. Ann.* 2121) almost verbally retails Tertullian's abridgement of Letter 96 and not the letter itself, and this although he declares (*Ep.* 125) that Pliny ('lenitas Plinii') had been one of his earliest models of style. The Eusebian account, too, is manifestly borrowed from Tertullian by way of an indifferent Greek translation. The same silence obtains, Prof. Merrill contends, among writers before Tertullian—Pliny's famous letter is not mentioned by any of the apologists of the second century. (It may be remarked in passing that the argument from silence is here, as generally, a slender reed. We have exactly the converse with the next great imperial rescript—that of Hadrian to Minucius Fundanus. This document was known to Melito and Justin, yet its authority is nowhere invoked by Tertullian.)

Prof. Merrill thus recognizes that the reference to Pliny in the second chapter of the *Apologeticum* is the one bar to the acceptance of his theory of the text-tradition of the Pliny-Trajan Correspondence. Accordingly he seeks to convict Tertullian of two errors in his citation, and so to

prove that the apologist had never seen the actual letters but had recourse for them to some secondary authority.

The first of these 'errors' is the reading *Christo et Deo*, given by most of the MSS of the *Apology*, while Pliny (see above) writes *Christo quasi Deo*.

Prof. Merrill does well to place little weight on this discrepancy, for, as Lightfoot observes (*op. cit.* i 57, note), there can be no question that the correct reading is *ut*. Oehler indeed accepted *et*, and protested against Scaliger's emendation (followed by Havercamp) as 'contra librorum optimorum et paene omnium fidem'. But the only passage which he adduces in support of the reading which he retains is *De Spectac.* 25 'εἰς αἰῶνας ἀπ' αἰῶνος alii omnino dicere nisi Deo et Christo', and here the reversed order is surely decisive against a parallelism.

The crux of the whole question, however, lies elsewhere. This first 'error' is meant to be merely a makeweight to the second—Tertullian's supposed interpolation of *gradu pulsus*. Here he attaches himself to the conventional assumption that this expression means 'degraded from their rank' &c., and proceeds to furnish this 'error' with a psychological genesis in the following argument which I summarize (*Wiener Studien* p. 252).

It is clear that Pliny speaks of the death-penalty as the only punishment which was used against unrepentant Christians. Now we may infer from his words 'multi omnis aetatis, omnis ordinis, utriusque sexus etiam vocantur in periculum' that some decurions were included in this multitude. But by a rescript of Hadrian (*Digest* 48. 19. 15) decurions were exempted from the death-penalty save in cases of parricide. Tertullian then (or an earlier compiler on whom he may have drawn for Pliny's account), having in mind the exemption which obtained in his own day and which he wrongly imagined to date back to Trajan, transferred it into Pliny's letter, which he corrected in the supposed interests of strict historical accuracy. In this way, according to Prof. Merrill, 'der scheinbar willkürliche Zusatz' of Tertullian finds an adequate solution.

This explanation has a mechanical ring about it, Tertullian's memory being conveniently elongated and contracted to accommodate the theory. But with such mechanical solutions we have often to content ourselves, in default of better. This particular theory, however, has the fatal demerit of creating more difficulties than it succeeds in solving.

(1) Such 'apices iuris' would make no special appeal and would cause no serious disquietude to Tertullian's readers; for though he is nominally addressing himself to Roman provincial governors, he really conceives of the whole Roman world as his audience. Legal refinements of this fine-spun character would certainly be wasted on the ordinary man.

(2) Conceding for the moment that Tertullian conceived the difficulty in the terms in which this explanation states it, I cannot see why the *decuriones* should not be supposed to come under group (2) in my classification above, i. e. the *cives Romani in urbem remittendi*. Ex-magistrates, at any rate, would possess the *civitas*, and soon after Trajan (from the time of Hadrian according to Mommsen and Hirschfeld) the privilege is extended to *decuriones* as well by the *maius Latium*, by which 'et hi qui decuriones leguntur, et ei qui honorem aliquem aut magistratum gerunt, civitatem Romanam consecuntur' (Gaius). It is permissible to infer, in my opinion, that this is an index of partial extension even before the date at which the privilege was granted to decurions as a corporation.

(3) Prof. Merrill applies undue pressure to the text from the *Digest* to make it yield proof that the decurions enjoyed almost absolute exemption from the death-penalty. It is practically certain that to the exception there mentioned should be added the case of *maiestas*, an indictment to which the Christian was peculiarly exposed. All immunities of this nature were qualified by the formidable and overriding exception which Tacitus records in a different connexion of an earlier reign—'Si maiestatis quaestio eximeretur'. It can be abundantly shewn from the law-books that to be guilty of *maiestas* removed all distinction between 'honestiores' and 'humiliores' and at once depressed the offender to the status of a slave, e.g. 'Cum de eo (*sc. maiestatis crimine*) quaeritur, nulla dignitas a tormentis excipitur' (Paul. *Sentent.* v. 29. 2). Moreover, it is just during this period (the second half of the second century) that the death-penalty becomes the ordinary visitation of serious crimes of any kind, and that the magistrate receives or assumes more and more freedom to determine arbitrarily according to the particular case before him.

(4) I will content myself with adding that this theory, like all others which suppose *gradu pulsus* to refer to loss of civic status, has to meet two general and antecedent objections—the first, that *gradu pulsus*, so interpreted, cannot afford a just antithesis to *damnatis*; the second, that it is very questionable whether any instances of degradation on account of Christianity can be cited before, at least, the middle of the third century.

A review of these considerations makes it far from easy to assent to Prof. Merrill's assumption that either Tertullian or his readers would have found a stumbling-block in the infliction of the death-penalty on decurions in the time of Trajan. The probabilities indeed would seem to lead us to exactly the opposite conclusion.

But may not *gradu pulsus* mean 'forced from their position', i. e. constrained to recant? The expression is then the exact opposite of *damnatis*,

as 'negantes' would be of 'confitentēs'. It is a military metaphor of the type common in all early Christian literature since the time of St Paul. ('Lapsus' in the sense of 'recanter' seems not to occur before Cyprian.) The saturation of the vocabulary of the early fathers with metaphor and analogy drawn from warfare and the gladiatorial games is too familiar to require much in the way of illustration. For the subject as a whole reference may be made to Harnack's *Militia Christi* and various sections of his *Expansion of Christianity*; while on this particular point we may note the interesting remarks in the latter work (Eng. Tr. ii 415) on the 'strong military element in the vocabulary of the African Church'. Especially instructive in this regard is the very general acceptance won by Zahn's explanation of 'pagani'—that it means 'civilians' ('outsiders' in a still more vital sense than that of the old interpretation) as opposed to the Christians who in virtue of their *sacramentum* are 'milites Christi'.

Two passages of Tertullian may suffice to establish for *gradu pellerē* the meaning which has been suggested above.

*De fuga* 10 'Pulchrior est miles in pugna pilo transmissus quam in fuga salvus: cum duces (the elders of the church) fugiunt, quis de gregario numero sustinebit ad gradum in acie figendum suadere?'

*Apol.* 27 'Provocati ad sacrificandum obstruimus gradum (= offer opposition) pro fide conscientiae nostrae.'

Such phrases with *gradus* are almost a mannerism with Tertullian—probably no other Latin writer uses the word so often in this metaphorical sense. We find *de gradu pellerē* in *adv. Marc* iv 9 'dum te Marcion de gradu pellam', and *gradu cedere, excludere, expellere, gradum conferre, figere*, and other varieties occur frequently in his writings. Most of these metaphors belong rather to the category of the gladiatorial games than to that of warfare, though these two classes hardly admit of being precisely distinguished. The above quotation from *De fuga* will at least shew that Hoppe (*Syntax und Stil des Tertullian* pp. 206 sqq.) has no warrant for assigning *all* such phrases with *gradus* to the former class (that of the arena).

It is not possible to omit a reference to the instructive variations between Tertullian and Pliny on the one hand and between Eusebius and Tertullian on the other. We notice that Tertullian has infused a decidedly military colouring into his abridgement of Pliny's letter at two points. Not only are the recanters of Epistle 96 described in Tertullian by a natural variant or euphemism as *gradu pulsus*, but he has added *ad confoederandam disciplinam*, which is to be taken closely with *sacramentis*. This colouring, however, is entirely erased from the Eusebian account, or rather from the very inaccurate Greek translation which he had before him. By mistranslating *gradu pulsus* by τῆς ἀξίας



ἐκβαλὼν he contributed to perpetuate the mistake among later writers (we have, indeed, a further remove from the truth in the Armenian translation of the Chronicle, the translation of which published by the Mekhitarists of Venice in 1818 gives the rendering 'condignam suis factis similiter retributionem recipit'). Nor is this all, for he has deleted the other military phrases in Tertullian, omitting *sacramentis*, and mis-translating *disciplinam* by ἐπιστήμην.

Finally, this general misinterpretation has been confirmed by the tendency to regard the passage in Tertullian as calm historical prose, composed in much the same key as a state paper, like Pliny's letter. This is one of the many passages where divorce from the context (as in extracts) or a false assimilation of contexts (to which the device of parallel columns lends itself) precludes any exact appreciation of the method of expression used in them. These sentences of Tertullian are not simply historical. They are sandwiched between passages of fervent rhetoric, occurring as they do in the very exordium of the treatise, and being immediately followed by the famous rhetorical dilemma—'O sententiam necessitate confusam! Negat inquirendos ut innocentes, et mandat puniendos ut nocentes.' Need we wonder, then, that Tertullian's citation has itself tended to take some slight subjective and rhetorical colouring from its impassioned context?

I am under obligation to my friends and colleagues at Aberdeen—Professor A. Souter, Mr J. Fraser, and Mr W. M. Calder—for assistance and criticism in the preparation of this note. This is not to say, however, that I hold them committed to its main contention.

G. A. T. DAVIES.

#### ST MATTHEW xxv 31-46 AS A HEBREW POEM.

It is an interesting fact that if the parable of the Last Judgement is translated into Biblical Hebrew it falls immediately into a rhythmical form quite as regular and striking as the forms which are found in the Old Testament prophetic and poetical books.

I offer here such a translation, followed by a transliteration of the same, and an English rendering in which I have sought, while keeping as closely as possible to the familiar English wording, to reproduce as nearly as may be the rhythm of the Hebrew, with its system of so many beats to the line.

It will be noticed that the first three and last two lines of the first strophe rhyme upon the suffix of the 3rd pers. sing. -ו, 'his', whilst in lines 4, 6, and 7 we have rhyme produced by the plur. masc.