

Dr. Elisabeth Herrmann-Otto

Professor

Universität Trier, Lehrstuhls für Alte Geschichte

herrman1@uni-trier.de

THE SO-CALLED EDICT OF MILAN AND CONSTANTINIAN POLICY

The focus of the paper is on the so called Edict of Milan in light of its 1700th anniversary that is being celebrated in 2013. Author reflects on the historical, religious and political implications surrounding the “Edict of Tolerance”, its specific character and underlying legal context as well as its historical significance in the proclamation of religious tolerance. The particular emphasis is given to the analysis of the influence of the predating Edict of Galerius on formation of the Edict of Milan, the general interconnectedness between the politics and religion of the time and the legal and cultural interplay of these documents in the religious policy of the Roman Empire.

Key words: *Edict of Milan. Constantinian policy. Edict of Galerius. Religious tolerance.*

The year 2013 witnesses the 1700th anniversary of the so-called Edict of Milan, sometimes also called the Edict of Tolerance, promulgated by the emperors Constantine and Licinius in the year 313 AD. The characterisation of the edict as a proclamation of tolerance is however strongly contested. A widely used German-language historical dictionary has the following to say about it: “The Edict of Tolerance of Milan (*Mailänder Religionsedikt*), a constitution proclaimed by the Roman emperors Constantine the Great (306–337) and Licinius (308–324) that granted freedom of worship to Christians and any other cult and restored church property. The designation as Edict of Tolerance is imprecise since from a legal point of view it is not an Edict at all, but a delineation of spheres of influence and a proclamation of general religious tolerance.”¹

¹ Fuchs, Konrad, Raab, Heribert (ed.): DTV Wörterbuch Geschichte, s.v. Toleranzedikt, München¹¹ 1998, 794 795: “Das Toleranzedikt von Mailand (*Mailänder Religi*

This slight emendation as to the edictal character of the accord between two emperors must be fully supported: more than strictly religious matters, the agreement also settled political differences.

1. THE PROVISIONS OF THE MILANESE CONVENTION (313)

Our main sources for the agreement between the tetrarchic emperors Licinius and Constantine, so often mislabelled as the Edict of Milan, are Eusebius and Lactantius. The official bulletin distributed by Licinius in the eastern part of the Roman Empire after his defeat of Maximinus Daia has sometimes been called the Nicomedian Rescript, the Rescript of Licinius or the *litterae Licinii*.² This missive comprised several innovations, or rather clarifications as compared to the Edict of Tolerance issued by Galerius in 311: for one, the emperors now proclaim a policy of universal tolerance, that is to say the unhindered practice of any and all cults, not only the Christian religion. Still further, the church was now recognised as an institution under public law. Consequently, the properties and assets of the church, previously confiscated during the persecutions of Diocletian and Maximinus Daia, could now be restored directly to individual communities and need no longer pass through the bishops as trustees. The church itself, as a public corporation, could now directly inherit and bequeath property, a capability that was to contribute enormously to its growing influence and power over the next centuries. Both these innovations are worth citing in full, before we begin to analyse their importance.

On the matter of religious tolerance, the so-called Edict of Milan, as cited by Lactantius, has the following to say:

onsedik), eine 313 n. Chr. von den römischen Kaisern Konstantin dem Großen (306–337) und Licinius (308–324) erlassene Konstitution, wonach den Christen die gleiche gottesdienstliche Freiheit wie allen übrigen Kulturen eingeräumt sowie das Kirchenvermögen der Christen zurückgegeben wurde. Die Bezeichnung Toleranzedikt ist ungenau, da es sich staatsrechtlich hierbei nicht um ein Edikt, sondern um eine Abgrenzung der Einflussphäre und die Proklamierung einer allgemeinen Religionsfreiheit handelte”.

² For the historical tradition see Keil, Volkmar (ed., transl.): *Quellensammlung zur Religionspolitik Konstantins des Großen*, Darmstadt 1989 (Texte zur Forschung 54), 58/9; Doerries, Heinrich: *Das Selbstzeugnis Konstantins des Großen*, Göttingen 1954, 228–232; for older research see Herrmann, Elisabeth: *Ecclesia in Re Publica. Die Entwicklung der Kirche von pseudostaatlicher zu staatlich inkorporierter Existenz*, Frankfurt 1980, 201 Anm.155, for more recent studies Kuhoff, Wolfgang: *Diokletian und die Epoche der Tetrarchie. Das römische Reich zwischen Krisenbewältigung und Neuaufbau (284–313 n. Chr.)*, Frankfurt 2001, 926–928 Anm. 1700 / 1701. The bulletin, recorded by Lactantius (mort. pers. 48), was addressed to the governor of Bithynia and publicly displayed on the 13th June 313 in Nicomedia. The same missive is found in Eusebius (HE 10,5,1–14), here addressed to the governor of Palestine. Some textual differences notwithstanding, the individual stipulations are identical. On these see further Nesselhauf, Herbert: *Das Toleranzgesetz des Licinius*, in: *Historisches Jahrbuch* 74 (1955) 44–61.

“When I, Constantine Augustus, and I, Licinius Augustus, happily met at Milan and had under consideration all matters which concerned the public advantage and safety, we thought that, among all the other things that we saw would benefit the majority of men, the arrangements which above all needed to be made were those which ensured reverence for the Divinity, so that we might grant both to Christians and to all men freedom to follow whatever religion each one wished, in order that whatever divinity there is in the seat of heaven may be appeased and made propitious towards us and towards all who have been set under our power. We thought therefore that in accordance with salutary and most correct reasoning we ought to follow the policy of regarding this opportunity as one not to be denied to anyone at all, whether he wished to give his mind to the observances of the Christians or to that religion which he felt was most fitting to himself, so that the supreme Divinity, whose religion we obey with free minds, may be able to show in all matters His accustomed favour and benevolence towards us.”³

Concerning the new corporate right of the church, the Milanese accords include a lengthy description of various properties to be restored, and then specify:

“And since these same Christians are known to have possessed not only the places in which they had the habit of assembling but other property too which belongs by right to their body – that is, to the churches not to individuals – you will order all this property, in accordance with the law which we have explained above, to be given back without any equivocation or dispute at all to these same Christians, that is to their body and assemblies, preserving always the principle stated above, that those who restore this same property as we have enjoined without receiving a price for it may hope to secure indemnity from our benevolence. In all these matters you will be bound to offer the aforesaid body of Christians your most effective support so that our instructions can be the more rapidly carried out and the interests of public tranquillity thereby served in this matter too by our clemency.”⁴

³ Lact. mort. pers. 48, 2 3: (2)cum feliciter tam ego Constantinus Augustus quam etiam ego Licinius Augustus apud Mediolanum convenissemus atque universa, quae ad commoda et securitatem publicam pertinerent, in tractatu haberemus, haec inter cetera, quae videbamus pluribus hominibus profutura, vel in primis ordinanda esse credidimus, quibus divinitatis reverentia continebatur, ut daremus et Christianis et omnibus liberam potestatem sequendi religionem quam quisque voluisset, quo, quicquid <est> divinitatis in sede caelesti, nobis atque omnibus qui sub potestate nostra sunt constituti, placatum ac propitium possit existere. (3) Itaque hoc consilium salubri ac rectissima ratione ineundum esse credidimus, ut nulli omnino facultatem abnegandam putaremus, qui vel observationi Christianorum vel ei religionem mentem suam dederat, quam ipse sibi aptissimam esse sentiret, ut nobis summa divinitas, cuius religioni liberis mentibus obsequimur, in omnibus solitum favorem suum benivolentiamque praestare. Translated by J. L. Creed. In: Lactantius. *De mortibus persecutorum*. Edited and translated by J. L. Creed. Oxford 1984 (Oxford Early Christian Texts, ed. Henry Chadwick). See also Eusebius *HE* 10,5,3 5.

⁴ Lact. mort. pers. 48,9 10: (9) et quoniam idem Christiani non [in] ea loca tantum, ad quae convenire consuerunt, sed alia etiam habuisse noscuntur ad ius corporis eo

The agreements concluded in Milan in 313 are hotly contested in modern research. Some see in them a compromise between both emperors, who supposedly had to agree to the toleration of all religious cults, although Constantine had originally only planned to grant this toleration to the Christian faith, whose primacy he intended to impose on the Roman religious landscape. In this view, the so-called Edict of Milan must seem no more than the smallest common denominator between both emperors.⁵ But this is to fundamentally misunderstand the importance of the Milanese convention and does no justice to the historical significance of the proclamation of religious tolerance. To fully appreciate this, it is necessary to first consider the Edict of Galerius, which laid the foundations for the later Constantinian and Licinian understanding.

2. THE EDICT OF GALERIUS (311)

The great persecutions of Diocletian (303–311) ended in complete disaster for a number of reasons. One contributing factor indubitably was the fact, that the Edicts of Persecution were not uniformly and systematically applied throughout the whole empire.⁶ Other important factors were political differences between individual tetrarchs and the unwillingness of parts of the civil service and the populace to participate in the violent persecution of Christians with whom they had peacefully coexisted up to that point. The determined resistance of Christians also did its part by

rum, id est ecclesiarum, non hominum singulorum, pertinentia, ea omnia lege quam superius comprehendimus, citra ullam prorsus ambiguitatem vel controversiam isdem Christianis id est corpori et conventiculis eorum reddi iubebis, supra dicta scilicet ratione servata, ut ii, qui eadem sine pretio sicut diximus restituant, indemnitate de nostra benivolentia sperent. (10) in quibus omnibus supra dicto corpori Christianorum intercessionem tuam efficacissimam exhibere debebis, ut praeceptum nostrum quantocius compleatur, quo etiam in hoc per clementiam nostram quieti publicae consulatur. Translated by J. L. Creed. See also Eusebius HE 10, 5,10–11.

⁵ Brandt, Hartwin: *Konstantin der Große. Der erste christliche Kaiser. Eine Biographie*, München² 2007, 70–71; Girardet, Klaus Martin: *Die Konstantinische Wende. Voraussetzungen und geistige Grundlagen der Religionspolitik Konstantins des Großen*, Darmstadt 2006, 99–105, especially 104. Recent source books tend to include only the Edict of Galerius, though this intransigent bias does not apply to church historians. The last source book to include the Edict of Milan as featured both in Lactantius and Eusebius was that of Volkmar Keil (1989).

⁶ Eusebius mart. Pal. 13: “But the countries beyond these, all Italy and Sicily and Gaul, and the regions toward the settings sun, in Spain, Mauritania, and Africa, suffered the war of persecution during less than two years, and were deemed worthy of a speedier divine visitation and peace [...]” Translated by Arthur Cushman McGiffert. In vol. 1 (ser. II) of *The Nicene and Post Nicene Fathers, Second Series*, eds. Philip Schaff and Henry Wallace, New York 1908.

evoking admiration as well as distaste.⁷ In addition, ever since the abdication of Diocletian and his co-Augustus Maximianus Herculius in 305, the empire had suffered a period of near-constant political upheaval that culminated in the crisis of 311, with Galerius terminally ill.⁸ In the face of renewed power struggles after his death, Galerius proclaimed the following edict in his name and those of his co-rulers Licinius, Constantine, and Maximinius Daia, in the hope of restoring peace among the populace and concord with the Gods:

“When finally our order was published that they should betake themselves to the practices of the ancients, many were subjected to danger, many too were struck down. Very many, however, persisted in their determination and we saw that these same people were neither offering worship and due religious observance to the gods nor practising the worship of the god of the Christians. Bearing in mind therefore our own most gentle clemency and our perpetual habit of showing indulgent pardon to all men, we have taken the view that in the case of these people too we should extend our speediest indulgence, so that once more they may be Christians and put together their meeting-places, provided they do nothing to disturb good order. [...] Consequently, in accordance with this indulgence of ours, it will be their duty to pray to their god for our safety and for that of the state and themselves, so that from every side the state may be kept unharmed and they may be able to live free of care in their own homes.”⁹

What was the point of this proclamation that has been interpreted by some historians as a proclamation of tolerance and by others as a reluctant acceptance of the failure of the Diocletianic persecutions and their

⁷ Liebs, Detlev: Umwidmung. Nutzung der Justiz zur Werbung für die Sache ihrer Opfer in den Märtyrerprozessen der frühen Christen, in: Ameling, Walter (ed.), *Märtyrer und Märtyrerakten*, Stuttgart 2002, 19–46.

⁸ A first climax had been reached with the conference at Carnuntum: here, a total of four legitimate tetrarchs as well as three usurpers struggled with each other for power and the imperial retiree Diocletian tried in vain to prop up the system he had designed. On this see in detail Kuhoff, *Diokletian*, 826–840. On the illness of Galerius see Lact. mort. pers. 33. Clauss, Manfred: *Konstantin der Große und seine Zeit*, München 2010³, 33 rightly rejects the interpretation of Galerius’ Edict of Tolerance as the capitulation of a terminally ill man.

⁹ Lact. mort. pers. 34,3 5: *denique cum eiusmodi nostra iussio extitisset, ut ad veterum se instituta conferrent, multi periculo subiugati, multi etiam deturbati sunt. Atque cum plurimi in proposito perseverarent ac videremus nec diis eosdem cultum ac religionem debitam exhibere nec Christianorum deum observare, contemplationem mitissimae nostrae clementiae intuentes et consuetudinem sempiternam, qua solemus cunctis hominibus veniam indulgere, promptissimam in his quoque indulgentiam nostram credi dimis porrigendam, ut denuo sint Christiani et conventicula sua componant, ita ut ne quid contra disciplinam agant...Unde iuxta hanc indulgentiam nostram debebunt deum suum orare pro salute nostra et rei publicae ac sua, ut undique versum res publica perstet[ur] incolumis et securi vivere in sedibus suis possint.* Translation by J. L. Creed.

termination? Some scholars see it as a restoration of the status quo ante, while others recognise in it the approval of Christianity and its church and the intent to integrate the Christian faith into the state structure. To arrive at a valid explanation, it is necessary to closely examine the wording of the decree.¹⁰

This analysis has to be based on the incontrovertible interconnect-edness of politics and religion in antiquity, as evident for instance in the fact that all four *Augusti* styled themselves *Pontifices Maximi* and thus regarded themselves as having final say in all matters of religious cult and the correct worship of the gods.¹¹ Especially the latter aspect had lately been a growing problem. Ever since the start of the Great Persecution of Diocletian, Christians had neither worshipped the official Roman gods nor the Christian God. They had in fact become godless, *atheoi*, a state of mind that, for ancient Romans, spelled doom and chaos. For that reason alone, if Christians could not be convinced to return to traditional worship, they at least had to be allowed worship of their own God according to their own rites, so that they might entreat him with prayers for the salvation of the emperor and the empire, as well as their own. In allowing this, Galerius had implemented what Christian apologists had been offering for a long time: saying prayers for the emperor as an alternative to imperial and traditional worship.¹² So as to ensure this Christian worship they were now permitted again to congregate freely and to rebuild their ruined and confiscated churches. Galerius did not concern himself with the modalities of this restoration, but left this thorny issue to his successors.

As a precondition for the Christian faith and for prayers offered in support of the emperor gaining acceptance from the state, the legal and judicial condition of Christianity had to be fundamentally changed. This, Galerius did by the simple turn of phrase that Christians should “again be Christians” (*denuo sint Christiani*).¹³ This statement has been an intense-

¹⁰ A discussion of older scholarship can be found in Kuhoff: Diokletian, 876/7 Anm. 1651. Recently, the political aspects of the decree have been stressed. Girardet, Klaus Martin: *Der Kaiser und sein Gott. Das Christentum im Denken und in der Religion spolitik Konstantins des Großen*, Berlin 2010, (Millenium Studien 27), 28–30 sees in the edict of Galerius both the restitution of a status quo ante and the recognition of the inferiority of traditional gods, and Sol invictus especially, as opposed to the Christian God.

¹¹ Herrmann Otto, Elisabeth: *Konstantin der Große*. Darmstadt² 2009, 59–93.

¹² For prayer on behalf of the emperor see Instinsky, Hans Ulrich: *Die alte Kirche und das Heil des Staates*, München 1963; Tertullian apol. 30–34, especially 32 and on this Guyot, Peter/Klein, Richard: (eds.): *Das frühe Christentum bis zum Ende der Verfolgung gen. I: Die Christen im heidnischen Staat*, Darmstadt 3. unveränderter Nachdruck d. Son derausgabe von 1997, 2006, B Nr.2f, commentary: 426–428 and B Nr. 2c e on other apologists such as Justin, Athenagoras and Theophilus, who offered Christian prayer for Roman political supremacy, imperial justice and prudence.

¹³ Lact. mort. pers. 34,4; Eusebius *HE* 8,17,9.

ly controversial issue in modern scholarship. Some historians have put forward the notion that Christianity had in fact been legalised by a decree of Gallienus in 260 and that Galerius, by annulling the Diocletianic edicts, did nothing more than restore the status quo ante.¹⁴ This is unacceptable. What Gallienus did was to restore goods previously confiscated by his father Valerianus *ad personas* to Egyptian bishops after they had petitioned him to do so. Recurring usurpations across the empire led him try to remedy the political and social upheavals caused by his father's persecution of Christians. The restoration of cemeteries and community centres to bishops not only in Egypt but across the whole of the empire must therefore not be misunderstood as a universal proclamation of toleration in the sense of accepting Christianity as a *religio licita*. It was simply the cancellation of a now obsolete sanction and the return to the previous status quo.¹⁵ There followed a period of relative peace for the church that was to last 40 years until the beginnings of the Diocletianic persecutions.¹⁶ Individual Christians however were still liable to be indicted on the basis of Trajan's famous rescript that criminalised the *nomen Christianum* as such and made it subject to capital punishment.¹⁷ There is today no clear consensus on why the Christian name was punishable. Various reasons might be adduced, political (such as suspicions of treason and conspiracies being plotted under the guise of the Christian faith or the Roman view of Christians as followers of a traitor and criminal) or religious, such as the accusation of superstition (*superstitio*), general hatred of humankind (*odium humani generis*), crimes associated with the *nomen Christianum* (*flagitia cohaerentia nomini*) or the refusal to give sacrifice

¹⁴ On Christianity as *religio licita* see among other Kuhoff, Diokletian, 253 who sees the Christian faith as a *religio licita* not in anyway preferred to other religions but further remarks: "Vielmehr blieb der Vorbehalt des Loyalitätserweises seiner Anhänger für den Staat und seine Lenker weiterhin bestehen." (*ibid.* 253–254 Anm. 696 with a survey of recent scholarship) A similar argument is to be found in Girardet: Der Kaiser und sein Gott, 28: "...den Status einer erlaubten Religion (*religio licita*) wiedergewonnen, der ihm in den Jahrzehnten zwischen Kaiser Gallienus (253/60–268) und dem Beginn der letzten großen Christenverfolgung (303) eigen gewesen war."

¹⁵ Eusebius *HE* 7,13,2. Kippenberg, Hans G.: Christliche Gemeinden im römischen Reich: collegium licitum oder illicitum?, in: Hurlter, Manfred u.a. (eds.): *Hairesis*, Festschrift K. Hoheisel, Münster 2002, 172–183, esp. 182–183 asserts that Christian *collegia*, while operating without official permit as *collegia illicita* (and therefore practice their religious faith as a *religio illicita*), nevertheless were tacitly seen as having corporate rights. According to this view, we are dealing with a legal grey area, in which Christians in the Roman Empire could live in peace, as long as they did nothing to undermine public order or became involved in conflict with other population groups.

¹⁶ Eusebius *HE* 8,1,1–2.

¹⁷ Plin. ep. 10,96/97. Still essential on this point: Freudenberger, Rudolf: Das Verhalten der römischen Behörden gegen die Christen im 2. Jahrhundert, dargestellt am Brief des Plinius an Trajan und den Reskripten Trajans und Hadrians, München² 1969 (Münchener Beiträge zur Papyrusforschung und Antiken Rechtsgeschichte 52).

to the gods or the emperor.¹⁸ But let us now return to the year 313 and the agreement between Constantine and Licinius.

3. CONSTANTINIAN POLICY AND THE MILANESE CONVENTION

The so-called Edict of Milan traces back to the same Christian proposition as the provisions of the Edict of Galerius, namely the proposal of Christian faithful to offer prayers to their God on behalf of the Roman Empire. Christian apologists such as the northern African cleric Tertullian had been offering this alternative to traditional and imperial worship for centuries. Tertullian himself in 197 AD had written:

“For see that you do not give further ground for the charge of irreligion, by taking away religious liberty, and forbidding free choice of deity, so that I may no longer worship according to my inclination, but am compelled to worship against it.”¹⁹

Lactantius, a former teacher of rhetoric at the court of Diocletian in Nicomedia who originally hailed from North Africa and was later to be educator to the sons of Constantine in Trier, warns:

“But it is religion alone in which freedom has placed its dwelling. For it is a matter which is voluntary above all others, nor can necessity be imposed upon any, so as to worship that which he does not wish to worship.”²⁰

¹⁸ Hausammann, Susanne: *Alte Kirche. Zur Geschichte und Theologie in den ersten vier Jahrhunderten*. Bd. 2: *Verfolgungs- und Wendezeit der Kirche: Gemeindeleben in der Zeit der Christenverfolgungen und Konstantinische Wende*. Neukirchen Vluyn 2001, 9–11. For an overview of accusations against Christians see Molthagen, Joachim: “Cognitionibus de Christianis interfui numquam.” *Das Nichtwissen des Plinius und die Anfänge der Christenprozesse*, in: Molthagen, Joachim: *Christen in der nichtchristlichen Welt des römischen Reiches der Kaiserzeit (1.–3. Jahrhundert n. Chr.)*, St. Katharinen 2005 (Pharos 19), 116–145.

¹⁹ Tertullian, *apol.* 24,6: *videte enim, ne et hoc ad irreligiositatis elogium concurrat, adimere libertatem religionis et interdicere optionem divinitatis, ut non liceat mihi colere quem velim, sed cogar colere quem nolim*. Translated by Peter Holmes and Sydney Thelwall in vol. 3 of *The Ante Nicene Fathers*, ed. A. Cleveland Coxe, Alexander Roberts, and James Donaldson. American reprint of the Edinburgh Edition, New York 1918.

²⁰ *Lact. div. inst. epit.* 44,1–2: *at quin religio sola est in qua libertas domicilium conlocavit. Res est enim praeter ceteras voluntaria nec inponi cuiquam necessitas est. ut colat, quod non vult*. Translated in: *The Ante Nicene Fathers*, ed. A. Cleveland Coxe, Alexander Roberts, and James Donaldson. American reprint of the Edinburgh Edition, vol. 3, Vol. 7. *Fathers of the third and Fourth Centuries: Lactantius, Venantius, Asterius, Victorinus, Dionysius, Apostolic Teaching and Constitutions, Homily, and Liturgies*, New York 1918.

Universal toleration or freedom of religion not only meant that each and every person should be able to choose his own religion according to his free will. Freedom of religion also meant that each and every faith should be accorded the same attentions and privileges within the Roman Empire. The previously outlawed Christian community could only be said to be really ‘free’ and of equal position to other cults, if the corporate character of the church was to be acknowledged. This included legal privileges for clerics analogous to those of the pagan clergy, i.e. tax exemption, and the grant of monies to rebuild places of worship and/or imperial largesse to support a proper building programme.²¹ Only thus could the proper forms of worship on behalf of emperor and empire be maintained, responsibility for which fell under the oversight of the emperors as *Pontifices Maximi*.

As sole ruler, Constantine would continue to adhere to the principles of religious freedom. In the year 324 he wrote to the inhabitants of the eastern provinces:

“However let no one use what he has received by inner conviction as a means to harm his neighbour. What each has seen and understood, he must use, if possible, to help the other; but if that is impossible, the matter should be dropped. It is one thing to take on willingly the contest for immortality, quite another to enforce it with sanctions.”²²

Apart from some notable exceptions, neither were pagan cults prohibited by Constantine, as later claimed by Eusebius and his own son, nor did the emperor force the Donatists back into the catholic faith or restrict

²¹ Tax exemption (immunity) of Christian clergy: Soc. *HE* 1,7; *CTh* 16,2,1 (313); *CTh* 16,2,5 (323); *CTh* 16,2,7 (330); Sozom. 1,15 (pagan clergy); *CTh* 16,8,2 (330); 16,8,4 (331) (Jews); financial grants: Eusebius *HE* 10,7,2 Keil Nr. 4c Kraft, Brief 3 Doerries 18/19 Maier 13. The letter must be dated to march, since Anullinus’ response is dated to April 15th 313. For a Christian building programme see Klein, Richard: Das Kirchenbauverständnis Constantins d. Gr. in Rom und in den östlichen Provinzen, in: Börker, Christoph, Donderer, Michael (eds.): Das antike Rom und der Osten. Festschrift K. Parlasca zum 65. Geburtstag, Erlangen 1990, 77 101, esp. 80, and Weber, Winfried: “... dass man auf ihren Bau alle Sorgfalt verwende.” Die Trierer Kirchenanlage und das konstantinische Kirchenbauprogramm, in: Fiedrowicz, Michael, Krieger, Gerhard, Weber, Winfried (eds.): Konstantin der Große. Der Kaiser und die Christen. Die Christen und der Kaiser, Trier 2009, 69 96, esp. 71 73; 77; 85, and Brandenburg, Hugo: Die frühchristlichen Kirchen Roms vom 4. bis zum 7. Jh. Der Beginn der abendländischen Kirchenbaukunst, Darmstadt 2004, 20.

²² Eusebius, *vit. Const.* 2,60. Translated by Averil Cameron and Stuart G. Hall in: Eusebius. *Life of Constantine*. Translated and with introduction and commentary by Averil Cameron and Stuart G. Hall, Oxford 1999. On this see Fiedrowicz, Michael: “Freiwillig um Unsterblichkeit kämpfen”. Christliche Einflüsse in der Religionspolitik Konstantins, in: Fiedrowicz, Michael, Krieger, Gerhard, Weber, Winfried (Hg.): Konstantin der Große. Der Kaiser und die Christen. Die Christen und der Kaiser, Trier 2006, 11 30, who stresses the influence of Lactantius, not of Eusebius, on Constantine in this matter.

the privileges of the Jews.²³ He did however exclude heretics from all privileges.²⁴ The experiences of the Diocletianic persecution had impressed on the emperor the insight that brute force seldom led to positive results in religious matters.

It is true that, with time, the equal treatment of Christianity gradually evolved into a preferential treatment, as e.g. with the recognition of episcopal jurisdiction (*episcopalis audientia*), ecclesiastic manumission (*manumission in ecclesia*), imperial promotion of ecclesiastical public welfare programmes for the poor, widows and orphans, and other groups on the margins of society, and the transferral of civic and urban monitoring functions to bishops, as concerned, for instance, municipal elections or the management of urban prisons.²⁵ This favouritism apart, Christianity remained a religion among others, that people could accept or reject of their own free will.

It was not only equal footing in religious or cultic matters that accelerated the spread of Christianity. The granting of corporate status to the church in the Milanese convention created financial opportunities that enabled the church to develop considerable power. In the long run, this would lead to the church being able to rival the state itself, and, after the latter's demise in the West, to replace it. The church not only called prestigious and magnificent ecclesiastical buildings and estates its own, but could also claim the distinction of being the largest slaveholder after the emperors themselves.²⁶ It may therefore rightly be said, that the Milanese convention created the foundation for the later temporal power of the church, by first facilitating the incorporation into state structures of the pseudo-official church organisation and then their instrumentalisation by the emperors in service of the well-being of the Roman Empire.²⁷ Its historical importance cannot be overstated.

²³ *CTh* 9,16,2 (319): permission of pagan sacrifice; *CTh* 16,10,1 (320): reference to the *haruspices*; ILS 705 (cult of the *gens Flavia* in Hispellum); *CTh* 12,5,2 (337): privileges of pagan clergy; Eusebius, *vit. Const.* 2,45,1 and *CTh* 16,10,2 (341): alleged prohibition of sacrifice by Constantine; on this as well as on the closing of temples to Aphrodite or Asclepius see Herrmann Otto: Konstantin, 170 172, 244 25; Girardet: Der Kaiser und sein Gott, 98 103.

²⁴ Noethlich, Karl Leo: Die gesetzgeberischen Maßnahmen der christlichen Kaiser des vierten Jahrhunderts gegen Häretiker, Heiden und Juden, Köln 1971.

²⁵ For all privileges see Herrmann: *Ecclesia in Re Publica*, 207 260; 290 348; Herrmann Otto: Konstantin, 164 169.

²⁶ Grieser, Heike: Sklaverei im spätantiken und frühmittelalterlichen Gallien (5. 7. Jh.). Das Zeugnis der christlichen Quellen. Stuttgart 1997 (FAS 28); Harper, Kyle: Slavery in the Late Roman World, AD 275 425. Cambridge 2011.

²⁷ On this see extensively Herrmann: *Ecclesia in Re Publica*.

4. OUTLOOK

From 313 AD onwards, the agreement struck in Milan has often been seen as an ‘Edict’ of tolerance, as starting point for the acceptance of the Christian faith by the Roman state. This is an eschatological point of view first put forward by the court historian Eusebius and is not completely congruent with historical fact, though under the impact of the ultimate success of the Christian church, this view did gain almost universal credence. A specifically political importance was seldom accorded to the agreement between emperors, unlike the fictitious Donation of Constantine of later times.²⁸ The salvific aspect the so-called Constantinian shift (*Konstantinische Wende*) was commemorated a century ago, on the 1.600th anniversary of the so-called Edict. Constantine and his actions providing a template and role-model for both the church and the modern state, both institutions contributed to the festivities: Wilhelm II., emperor of the German Empire of 1870–1918, ordered a reconstruction of the Constantinian *labarum* and then presented it to the Pope. The latter publicly displayed it in the basilica erected to commemorate Constantine’s victory over Maxentius in the vicinity of the Milvian bridge.²⁹

Thankfully, both church and state of today distance themselves from such historicising triumphalism. The political vision of Constantine, who, after the failure of the Diocletianic persecutions, undertook to integrate the already powerful church organisation into the Roman state and, in continuation of the deathbed-policy of Galerius, to allow the inhabitants of the empire free choice of religion, is nowadays soberly acknowledged.³⁰ A general toleration and acceptance was commensurate with previously exercised imperial policy and had been the mainstay of relations with different peoples and exotic religions for centuries. It had also, in the minds of the Romans, helped to ensure the prosperity and safety of the empire – by winning the favour of each and every god.

²⁸ Quednau, Rolf: *Silvesterlegende und konstantinische Schenkung*, in: Demandt, Alexander, Engemann, Josef (ed.): *Imperator Caesar Flavius Constantinus, Konstantin der Große*, Ausstellungskatalog, Darmstadt 2007, 445–447; Miethke, Jürgen: *Die konstantinische Schenkung in der mittelalterlichen Diskussion. Ausgewählte Kapitel einer verschlungenen Rezeptionsgeschichte*, in: Goltz, Andreas, Schlange Schöningen, Heinrich (ed.): *Konstantin der Große. Das Bild des Kaisers im Wandel der Zeiten*, Köln 2008, 35–108.

²⁹ Schlange Schöningen, Heinrich: “Der Bösewicht im Räuberstaat”. *Grundzüge der neuzeitlichen Wirkungsgeschichte Konstantins des Großen*, in: Goltz, Andreas, Schlange Schöningen, Heinrich (ed.): *Konstantin der Große. Das Bild des Kaisers im Wandel der Zeiten*, Köln 2008, 211–262, speziell: 243–247.

³⁰ Kranjc, Janez: *Die religiöse Toleranz und die Glaubensfreiheit – das Beispiel des Edikts von Nikomedia und des Mailänder Edikts*, in: Felber, Anneliese, Groen, Basilius J., Sohn Kronthaler, Michaela (ed.): *Toleranz und Religionsfreiheit 311–2011*, Hildesheim 2012, 57–75.