Black-Robed Fury:
Libanius’ *Oration* 30 and Temple Destruction in the Antiochene Countryside in Late Antiquity

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Abstract

Oration 30 (Or. 30) has been commonly used in scholarship as positive affirmation of religious violence and temple destruction in late Antique Syria. This view of widespread violence in late 4th century Syria was previously supported by scholarship on temple destruction and conversion, which tended to argue that temple destruction and conversion was a widespread phenomenon in the 4th and 5th centuries. Recent archaeological scholarship, however, argues against this perspective, in favour of temple destruction and conversion being a rather exceptional and late phenomenon. The question must therefore be asked, to what extent can Libanius’ Or. 30 be used as a source of temple destruction in the Antiochene countryside in Late Antiquity? This question is explored through three chapters which examine: the text and context of Or. 30, the use and application of Roman law in Or. 30, and the archeological evidence for temple destruction and conversion in the Antiochene countryside. This research has revealed that Libanius tends to use similar arguments in his ‘reform speeches,’ that there was no legal basis for temple destruction in the late 4th century, and that there is no archaeological evidence for widespread temple destruction occurring around the composition of Or. 30. Thus, the evidence shows that Libanius’ claim of widespread violence must be seen as an exaggeration. Meaning that Or. 30 cannot be used to support the idea of widespread destruction and religious violence in the Antiochene countryside at the end of the 4th century or, for that matter, Late Antiquity in general.
General Introduction

This black-robed tribe who eat more than elephants and, by the quantities of drink they consume, weary those that accompany their drinking with the singing of hymns, who hide these excesses under an artificially contrived pallor – these people sire, while the law yet remains in force, hasten to attack the temples with sticks and stones and bars of iron, and in some cases, distaining these with hands and feet. Then utter desolation follows, with the stripping of roofs, dismantling of walls, the tearing down of statues and the overthrow of altars, and the priests must either keep quiet or die. After demolishing one they scurry to another, and to a third, and trophy is piled on trophy, in contravention of the law. Such outrages occur even in the cities, but are most common in the countryside.¹

Thus in his 30th Oration (henceforth, Or. 30), commonly known as De templis, Libanius highlights one of the main themes of his oration, ravenous monks who demolish temples, contrary to imperial legislation. Libanius addressed Or. 30 to Emperor Theodosius I (379-395), presumably in the hope that the emperor would take action against the perpetrators of these attacks.

Libanius (314-394) was a sophist who spent most of his life in Antioch, where he was an influential teacher of rhetoric and promoted the revival of Greek literature. Libanius, and his writings in general, have been widely studied, from notable scholars such as Norman, who has translated many of Libanius’ orations and letters, even observing the city of Antioch through Libanius’ eyes, to Cribiore, who has written an important book on Libanius’ school of rhetoric in Antioch.² Norman’s English translation of Or. 30 has been used extensively in the first chapter of this thesis and his introductions and comments on all his translations are invaluable resources. Recently, a German translation of Or. 30 has been published, which also provides a detailed examination of Libanius’ life and works as well as specific elements in Or. 30.³

Libanius wrote over 64 orations, consisting of orations that were meant to be read publically and those which were meant only for private audience; Or. 30 is widely thought to belong to the latter category. Libanius’ autobiography (Or. 2) is arguably his most well-known

¹ Lib. Or. 30.8-9.
³ Nesselrath et al. 2011: 3-40, 42-94.
oration, largely due to its dualism, portraying Libanius as both a beloved, devoted teacher and a cynical old man.\(^4\) Or. 2 was composed nearly contemporaneously with Or. 30, and some scholars have related the ambivalent nature of the former with the latter, though the interrelation of both works is still not entirely clear.\(^5\) In addition to Or. 2, the Julianic orations have also been widely studied by modern scholars. These orations, composed either for, or in relation to Emperor Julian (360-363), most clearly display the religious views of Libanius, who never converted to Christianity and continued to favour the traditional Roman religious cults and practices.\(^6\) On account of this and the religiously diverse population of Antioch, Libanius has been further studied in regards to religion. This can be seen in the scholarship of Sandwell, who has published a collection of essays on religious identity in Late Antique Antioch and has further studied Libanius in terms of religious diversity and the spread of Christianity.\(^7\)

Among his works Or. 30, which was most likely published between the years 385 and 387, is well-known as one of the main witnesses to religious violence in Late Antiquity.\(^8\) The 4th century saw an important shift in imperial religious policy, stemming largely from the so-called ‘conversion of Constantine’ in 312. From that moment onwards all Roman emperors, with the exception of Julian, whom Libanius supported, and the one more than the other, began favouring Christianity. This process culminated in the reign of Theodosius I who promoted Christianity most openly and worked towards unifying the Christian Church to strengthen the empire.\(^9\) Thus, it is easy to see why Libanius’ plea to Theodosius I for the preservation of the temples has attracted so much attention. While Libanius generally avoids names, he does accuse certain high officials in the imperial government and, as seen in the above quotation, monks for the attacks against temples. The colourful passage of black-robed monks demolishing temples has often been cited by scholars to promote the view of widespread religious violence in Late Antiquity. Such negative portrayals of monks are known from other ancient authors and has even been carried over into modern portrayals of ancient events. This can be seen in the 2009 film *Agora*,

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\(^4\) Cribiore 2007: 1.

\(^5\) The attitude of Libanius in Or. 30 is only lightly touched upon in chapters one and two. Wiemer (2011) has argued for a cynical attitude of Libanius in Or. 30. However, as we shall see, the arguments Libanius employed in Or. 30 display the skills of a well-trained rhetorician and can hardly be called cynical.

\(^6\) The context of Or. 30 in relation to Libanius’ other orations is discussed further in the third section of chapter one.


\(^8\) The date of Or. 30 is discussed in chapter one.

\(^9\) Errington 1997: 24-25.
about the destruction of the Alexandrian Serapeum and murder of Hypatia, where Christian zealots are portrayed as violent, black-robed extremists.\textsuperscript{10}

The first reason as to why we embark on this study is the manner in which some scholarship has dealt with \textit{Or.} 30, as it has been largely taken as positive affirmation of religious violence and temple destruction in Late Antique Syria. The scholarship on temple destruction and religious violence is vast, and for this reason only a few examples of its use in scholarship will be given here. In his important study of Late Antique Antioch, Liebeschuetz uses the vast corpus of Libanius’ writings to study many aspects of the city. Liebeschuetz discusses both Libanius and \textit{Or.} 30, in which most of the emphasis falls upon its date of publication. Later \textit{Or.} 30 is used because of its content and what it can tell us about religious violence in the territory of Antioch.\textsuperscript{11} Thus, \textit{Or.} 30 is used twice, once in relation to the oration itself and once as a source of temple destruction, yet its validity as a source for temple destruction is not questioned.

In his study on violence in Late Antiquity, Sizgorich gives significant attention to \textit{Or.} 30 and notes that it is widely studied among scholars as its imagery is closely tied to the modern perspective of a growing branch of militant Christianity. Despite making this observation, however, Sizgorich then focuses on the strategy employed by Libanius, highlighting his key arguments and concluding by assessing the effectiveness of \textit{Or.} 30.\textsuperscript{12} The trustworthiness of the source does not appear to be a concern for Sizgorich and furthermore, comments made about \textit{Or.} 30 later in this work suggest that he accepts the view of zealous monks roaming and ravishing the Syrian countryside.\textsuperscript{13} This can be seen further in the publication of Gaddis who covers a broad spectrum of themes related to religious violence, in which \textit{Or.} 30, therefore, is addressed. While Gaddis does highlight the rhetorical nature of Libanius’ attack, focusing on the literary theme and portrayal of monks as criminals, \textit{Or.} 30 coupled with other literary accounts is used to support the idea of religious violence fueled by monks.\textsuperscript{14} Once again, the validity of Libanius’ claim is not further explored.

\textsuperscript{10} The zealots in this film are not monks, but their portrayal obviously follows this ancient stereotype.
\textsuperscript{11} Liebeschuetz 1972: 30, 238.
\textsuperscript{12} Sizgorich 2009: 81-103.
\textsuperscript{13} Sizgorich 2009: 108.
\textsuperscript{14} Gaddis 2005: 208-250.
These examples were chosen as they incorporate *Or. 30* into distinct areas of study, the first is a study on Late Antique Antioch, while the second and third are studies on religious violence in Late Antiquity that focus on separate aspects of *Or. 30*. *Or. 30*, therefore, has been regarded as a significant work for multiple areas of research, yet in all of these examples it can be seen that scholars have often cited *Or. 30* without looking at its wider context. Furthermore, *Or. 30*’s validity has not been sufficiently explored by scholars who are proponents of the view of widespread religious violence in Late Antiquity.

The second reason is the recent changes that have taken place in the study of religious violence in Late Antiquity, especially in the study of temple conversion and destruction. The study of religious violence in Late Antiquity is not only the domain of ancient historians but has also intrigued many archaeologists, who have searched for signs of purposeful and religiously motivated violence, often in the form of temple destruction and temple conversion, that is, the reuse of a temple as a church. On this topic, past scholarship has tended to argue that temple destruction and conversion was a widespread phenomenon in the 4th and 5th centuries. An example of this would be Gaddis, who uses this point of view to support his historical study of religious violence in Late Antiquity. Recent archaeological scholarship, however, has argued against this view, in favour of temple destruction and conversion being rather exceptional and in the case of temple conversion taking place predominantly after the second half of the fifth century. Ward-Perkins (2003) and Bayliss (2004), for instance, have shown that the archaeological evidence for temple destruction and conversion is not as self-evident as previous scholarship may suggest. The destruction of temples could have occurred for a variety of reasons that had nothing to do with religion and Bayliss has demonstrated that the number of temple destructions that could be attributed to Christian violence is extremely low.\(^\text{15}\)

Most recently the edited volume *The Archaeology of Late Antique 'Paganism'*. has driven these points home, as it contains several case studies of temple destruction and conversion from a regional perspective by a series of internationally renowned specialists.\(^\text{16}\) The introduction to this volume offers an in-depth discussion of the archaeological background and growing tendency among archaeologists and historians alike to view temple destruction and conversion as being a

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\(^{15}\) The scholarship dealing with temple destruction and conversion in Late Antiquity will be discussed in detail in the first section of chapter three.

\(^{16}\) Lavan and Mulryan 2011.
rare and late occurrence, which is supported by the regional studies found throughout the book from both the western and eastern provinces.\(^{17}\) It is this scholarship that further motivates this thesis, as it gives a whole different picture than Libanius’ claim of widespread temple destruction in the late 4th century.

The question must therefore be asked, to what extent can Libanius’ *Or. 30* be used as a source of temple destruction in the Antiochene countryside in Late Antiquity? As said above, scholarship has paid insufficient attention to the context and background of *Or. 30* and, furthermore, there has been a shift in thinking concerning the view on religious violence in Late Antiquity, moving towards a process of religious transformation that was more complex and less violent than previously thought. Archaeology, and the study of the fate of temples, has especially influenced the latter part of this study as it emphasises the complexity of religious transformation and the practical aspects of temple conversion, leading away from the monolithic view of a development from temple to church. Temple conversion is significant for its relation not only to the changing sacred landscape of Late Antiquity, but also to its social and political system.\(^{18}\) Determining the validity of Libanius’ claim is, therefore, an important step for the study of many aspects of Late Antiquity society.

The study of Late Antiquity has changed considerably following the scholarship of Peter Brown in the 1980s. This Brownian paradigm shift, leading away from the view of Late Antiquity as a period of ‘decline’, demands modern scholars to take a multidisciplinary approach when examining this period. Accordingly, the major research question will be addressed through three chapters, all of which will approach the validity of *Or. 30* from a different perspective. The first chapter will discuss the context and background of *Or. 30*. The first step in this chapter will be to establish the most probable date of composition of the work. As it is often difficult to relate literary works to actual historical events, many scholars studying *Or. 30* have come to different conclusions regarding its date. Following this, the contents of *Or. 30* will be summarized. The summary will leave aside any interpretation of the text, so that the reader will not only be familiarized with *Or. 30* but will be presented with Libanius’ main arguments as they occur in the text. The chapter will be concluded by examining the context of *Or. 30*, first in relation to

\(^{17}\) Lavan 2011.

\(^{18}\) For the changing sacred landscape in Late Antiquity, see in general Caseau 1999.
Libanius’ other orations and then in relation to other contemporaneous writers. This analysis will demonstrate that the arguments used within are similar to those used in other orations by Libanius and by other contemporaneous authors. The similarity of these arguments and the use of common themes must be taken into account in order to evaluate Libanius’ claims.

The second chapter will examine Libanius’ use and interpretation of Roman law in Or. 30. This chapter will begin with a discussion on the *Cod. Theod.* and Roman law in Late Antiquity. The *Cod. Theod.*, a collection of general Roman laws published by Theodosius II in 438, is an invaluable resource for any discussion on law in the 4th and early 5th centuries. Thus, following an overview of the different types of Roman laws, both the scope and limitations of this source will be discussed. Next, all the laws from the *Cod. Theod.*, during and prior to the reign of Theodosius I, that mention temples, will be addressed in chronological order. This section will, therefore, establish the best possible understanding of imperial legislation on the temples. With a thorough understanding of these laws in mind, Libanius’ use and interpretation of them in Or. 30 will then be examined. The second and third sections of this chapter, therefore, work closely together. Understanding imperial legislation on the temples makes it possible to determine what Libanius does with it.

The third chapter moves away from literary evidence and examines the archaeological evidence for temple destruction/conversion in the Antiochene countryside. Is there any physical evidence to support the view of widespread religiously motivated destruction? As the existence of such widespread destruction would stand in contrast to the evidence collected from other archaeological studies conducted throughout the empire, first the results from regional studies will be summarized. This overview will make it possible to establish a general trend for temple destruction and conversion throughout the empire. Moving on to Syria, the key areas of study must be identified and discussed, as the Antiochene countryside incorporates two large and densely populated areas, the Limestone Massif and Amuq Valley. This section also provides a brief overview of the excavations which have been conducted in these regions. Finally, the known temples from these regions will be discussed and analyzed. It must be determined whether or not there is any physical evidence of temple destruction datable to the late 4th century. The number of known temples will first be discussed, followed by an examination of the temples which have received sufficient attention to say what happened to them in Late Antiquity.
Or. 30 is an important and fascinating piece of ancient literature, but its trustworthiness must be assessed before it can be properly used in the debate concerning religious violence. The combination of these three chapters will present a thorough and well-rounded examination of Libanius’ claim and add to our knowledge of the fate of the temples in both Late Antique Syria and the Roman Empire in general. If Libanius’ claim is accurate, then the Antiochene countryside stands out from the rest of the Empire as an area of widespread and early temple destruction. From the outset it seems more likely, however, that Or. 30, like many other Christian and ‘pagan’ literary accounts, exaggerates the scale of religious violence. While religious conflict and the treatment of temples does differ on some level from region to region, what was occurring in the Antiochene countryside probably fits more closely with the Empire wide paradigm than Or. 30 would suggest. Prior to a full examination of the evidence this is the hypothesis, which will be tested throughout the chapters that follow. In the general conclusion, the accumulation of all the evidence, the hypothesis will be revisited and it will be determined to what extent Libanius’ Or. 30 can be used as a source of temple destruction in Late Antique Syria.
Chapter 1

Text and Context of Or. 30
Introduction

This chapter discusses the complex text and context of Or. 30. The chapter has been divided into three main sections; the first consists of an examination of the date of composition for Or. 30. This section will be discussed first, as establishing a date is a principle step towards establishing context. In the next section the content of Or. 30 will be summarized in order to familiarize the reader with the text, while drawing attention to its complexity. Finally, with a thorough understanding of the oration in mind, the context shall be discussed with specific focus on its literary context; the legal context will be examined in the following chapter. This chapter is the logical starting point when answering the over-arching question of this thesis, that is, to assess to what extent Libanius’ Or. 30 can be used as a source for temple destruction in the Antiochene countryside.

Date of Composition

In the introduction to his translation Norman offers an excellent synopsis of the debate concerning the dating of Or. 30. Therefore, the following discussion will depart from the arguments presented by Norman. We shall then take a more detailed look at the question and incorporate more recent scholarship in order to establish what the current consensus is on the date.\(^{19}\)

The *terminus post quem* for Or. 30 is 381, as it was in this year that Flavianus (381-404) was appointed as the bishop of Antioch. Libanius mentions Flavianus directly in Or. 30.15, and this reference clearly portrays Flavianus as carrying out the duties of a bishop. Further, one can turn to Libanius’ Or. 2.2, where Libanius discusses how he had turned down Julian’s offer to take up the position of *quaestor*. Yet it is known that Libanius was granted and accepted an honorary prefecture by Theodosius, which Libanius states he has in the opening chapter of Or. 30. The significance of this is that the tone and wording of Or. 2, which was composed in 381, makes it clear that Libanius did not have an honorary title at the time of its composition. Therefore, Or. 30 could not have been composed before 381. The *terminus ante quem* can likewise be clearly determined. In Or. 30.44 Libanius states, “I have even heard it argued which

\(^{19}\) See Norman 1977: 95-98 for an overview of the debate concerning dating.
temple held the greater marvel, this that is now no more or that of Serapis, which I pray may never suffer the same fate.” The Serapeum at Alexandria was destroyed by a Christian mob in 391 or 392.\textsuperscript{20} If the temple was still standing when Libanius composed \textit{Or}. 30, it could not have been written later than 391/392. With these dates now established it is time to turn to the arguments for a more specific date within this range of 386 put forward by Petit, and supported by Norman.

Earlier scholarship had attempted to place the date of composition in 388/389; this position was most notably argued by the eminent German scholar Otto Seeck (1850-1921).\textsuperscript{21} The primary piece of evidence used by Seeck was Libanius’ \textit{Or}. 1.257 and 258.\textsuperscript{22} In these chapters Libanius discusses how both he and his son came under attack by one of his former pupils.\textsuperscript{23} He states, “…he went off on an embassy with this in view, but returned humbled by the honours which the Emperor bestowed upon me…” According to Seeck this passage is a direct reference to Libanius receiving his honorary prefecture from the emperor. The context of these chapters within \textit{Or}. 1 would suggest a later date of 388/389 for \textit{Or}. 30. In relation to this, Seeck further argues that a law issued in 390 came in direct response to Libanius’ \textit{Or}. 30. This law (\textit{Cod. Theod.} 16.10.1) reads, “If any person should be found in the profession of monks, they shall be ordered to seek out desert places and desolate solitudes.” Used together, these two arguments present a strong case. Petit, however, does not agree with Seeck’s identification of Libanius’ honorary prefecture.

For Petit, Libanius’ acknowledgement of his honorary prefecture appears in \textit{Or}. 1.219.\textsuperscript{24} Here, after discussing his own relationship with Flavianus Richomeres,\textsuperscript{25} Libanius writes,

When he returned to the Emperor to be appointed consul, he summoned me by two dispatches, one from himself – something others had done – but the other from the Emperor – something quite without precedent.

\textsuperscript{20} Norman 1977, states that the temple of Serapis was destroyed in 391, which presents the majority view up until Hahn 2006, who argues for a date of 392, mainly on the basis of the so-called ‘Alexandrian World Chronicle’. But see now Burgess and Dijkstra forthcoming, who provide a re-edition and detailed commentary of this text and refute Hahn’s arguments in favour of the wider date of 391 or 392.
\textsuperscript{21} Seeck 1910-1921.
\textsuperscript{22} See Liebeschuetz 2006: 264-276 for a discussion of Libanius’ \textit{Or}. 1 (Autobiography).
\textsuperscript{23} Petit 1951: 285.
\textsuperscript{24} Petit 1951: 293.
\textsuperscript{25} Jones, Martindale and Morris 1971: 765 (s.v. Flavius Richomeres).
It is therefore argued that these ‘unprecedented’ summons were on account of Theodosius’ desire to grant him a prefecture; as Richomer was made consul in 383, this would suggest a date earlier than 388/389.\textsuperscript{26} This then becomes the key point to a further argument by Petit. In the opening statements Libanius mentions his prefecture saying (Or. 30. 1), “Apart from anything else, reflect upon the great distinction you have bestowed upon me and consider that the beneficiary cannot but reasonably feel the strongest affection for his benefactor.” The importance of this passage is because of its connection to the introduction of Libanius’ \textit{De vinctis}, which is virtually identical, and the date of the \textit{De vinctis} has been identified, nearly irrefutably, as 386.\textsuperscript{27} Thus, the similarity of the two introductions suggests a contemporaneous composition of both works in 386.\textsuperscript{28}

Petit further identifies the unnamed ‘villain’ from \textit{Or.} 30.46 as Cynegius,\textsuperscript{29} who was the praetorian prefect of the East between 384 and 388. Libanius’ describes him as follows: “He profited by fortune’s folly and abused his fortune foully, a slave to his wife’s whims, obliging her in all and regarding her as his all.” Cynegius is most well known for his actions against temples, which Libanius evidently opposed.\textsuperscript{30} It is also known that Cynegius stayed in Antioch while on his way to Egypt in the summer of 385. Liebeschuetz, though disagreeing with the date of 386 for reasons which will soon be addressed, agrees with Petit’s identification of Cynegius. Further, he believes that Cynegius, who on his way from Constantinople to Egypt closed several temples, would have, “encouraged, if not promoted” a campaign against temples.\textsuperscript{31} Thus it seems likely that Libanius would have written his oration soon after Cynegius’ visit. Petit further demonstrates that the tense used by Libanius when discussing Cynegius suggests that he was still alive at the time of writing. The use of Cynegius for dating \textit{Or.} 30, however, is perhaps the most highly disputed of Petit’s arguments.

While most scholars believe that Petit’s identification is correct, they do not believe that Libanius would have risked publishing \textit{Or.} 30 while Cynegius held this position. This was argued by Liebeschuetz, who believes that Libanius held too much discretion to risk instigating a

\begin{itemize}
\item[26] Petit 1951: 292-294.
\item[27] Petit 1951: 294.
\item[28] See Norman 1977: 155-157 for an overview of this conclusion.
\item[29] Jones, Martindale and Morris 1971: 295-296 (s.v. Maternus Cynegius).
\item[30] Matthews 1967: 440-441. See the full article for a detailed examination of the relationship between Cynegius and Theodosius I.
\item[31] Liebescheutz 1972: 238.
\end{itemize}
confrontation with Cynegius, stating that, “Neither Libanius nor anyone else in the Empire could afford to antagonize the praetorian prefect”.\textsuperscript{32} It is for this reason that Liebeschuetz suggests the date of 388. Libanius, however, was known to read letters containing controversial material to only a selected audience, thus significantly limiting the number of people who might report its content. Further, by 386 Cynegius was no longer in Syria, and the destruction of temples does not seem like an issue on which Libanius would stall publication.

The recent studies of Wiemer must now be addressed. On similar grounds as Petit, Wiemer comes to the conclusion that \textit{Or.} 30 was probably written during the prefecture of Cynegius. Wiemer, however, does not attempt to provide an exact date of composition and instead argues that \textit{Or.} 30 was composed between 385-387. Moreover, he agrees with Liebeschuetz that it would be dangerous to openly publish and/or send this letter to the emperor during the prefecture of Cynegius.\textsuperscript{33} Therefore, incorporating both points, Wiemer suggests that while the composition of \textit{Or.} 30 lies somewhere between 385-387, Libanius could have waited with its publication until after the death of Cynegius in 388. Thus, \textit{Or.} 30 was likely not published immediately after its composition. Accepting this argument means that \textit{Or.} 30 must be viewed in a different manner. In this case, \textit{Or.} 30 was not meant to bring an immediate end to the destruction of temples, but was rather intended to rally support from a more sympathetic prefect. \textit{Or.} 30, therefore, may have been publicised at the time of Cynegius’ successor, the ‘pagan’ Tatian.\textsuperscript{34} Wiemer’s date seems to represent the current consensus in scholarship and is accepted by Nesselrath in his introduction to the German translation of \textit{Or.} 30.\textsuperscript{35} The three year range does little to detract from \textit{Or.} 30’s context, as it importantly establishes that its composition took place during the prefecture of a particularly intolerant Christian.

\textit{Text}

\textit{Or.} 30, is composed of 55 chapters, and can be divided into seven distinct sections, as has been done in the translation of Norman. However, it has proven difficult to discern precise

\textsuperscript{32} Liebeschuetz 1972: 30.
\textsuperscript{34} Wiemer 1995: 123-128.
\textsuperscript{35} Nesselrath et al. 2011: 35-38.
breaks within the text, as Libanius’ oration was clearly meant to be continuous and seamlessly transitions from one argument to another. Chapters will often seem to belong distinctly to neither the previous nor the following argument, but contain information relevant to both. While the following overview of Or. 30 will be divided and discussed within these seven divisions, an attempt will be made to exemplify the smooth transitions used by Libanius. Finally, little analysis of the text will be presented here, as the goal of the chapter is simply to familiarize the reader with the contents of the oration.

The first three sections constitute Libanius’ plea to the emperor. These hold the important task of convincing the emperor to receive this oration with an open mind, and absent outside opinion. (1) Libanius first reminds the emperor that he himself has agreed with his conclusions on other matters in the past and assures him that this oration bears no intent of insult. The general issue of temple destruction is mentioned only briefly and as part of another statement. (2) Libanius acknowledges that many people find this address dangerous, as he is writing about the need for temples not to be harmed. He asserts however, that those who believe this to be dangerous are in fact misjudging the emperor. In this way Libanius is able to effectively compliment the emperor while discrediting his opponents. (3) His wish is simply that the emperor will listen to the entire oration before listening to those who will refute him out of hand. In regards to these men Libanius states to the emperor, “… they too should allow me to develop my argument quietly and without abuse and afterwards attempt by argument to refute what I have said.”

Chapters four to seven, forming the second section, discuss the legal status of temples, briefly addressing their ancient importance before focusing upon fourth-century developments. (4) Libanius claims that primitive people first gained knowledge of the gods, and then, when they began to build cities, built temples second only to the walls of the city, believing that they would provide the utmost protection. (5) Further, it was under the protection of such gods that Rome grew to its current power. Roman cities were founded upon these temples and grew strong under their protection. Libanius then turns to a decisive time in Christian history, the reign of Constantine. (6) On the policies of Constantine Libanius states that although he saw fit to recognize another as God he made no changes to the traditional form of worship, though temples suffered from poverty. (7) Sacrifices, he continues, were only banned during the reign of

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The information following the number, including quotes, belongs to the corresponding chapter.
Constantius II, and this was simply because he acted upon poor advice. This misstep was set right under Julian, who is described as being the ‘paragon of virtue’, though sacrifices were once again banned under the two imperial brothers, with an important exception being the burning of incense.

Moving into chapter eight, Libanius quickly continues with Theodosius’ own laws before addressing the primary villains of the oration, and through chapters eight to eleven, classified as section three, he attacks the character of the monk and highlights the significance of temple destruction. (8) Libanius begins this assault by stating that the emperor has neither closed temples nor banned entrance to them, and continues with, “…you have banished neither fire nor incense, nor the offering of other perfumes.” Despite this he states that monks hasten to attack temples, and the destruction caused by them is both extensive and severe. Wherever they strike there is utter destruction, and they are not satisfied with destroying one temple, but move from one to another. (9) While the destruction is said to be most common in the countryside, Libanius emphasises that attacks have even occurred within cities. Temples however, are the soul of the countryside, and where they are destroyed, “that estate is blinded and lies murdered.” (10) It is in these temples that farmers place all their hopes, and, “…they believe that all their labour will be in vain once they are robbed of the gods who direct their labours to their due end.” (11) Thus attacks mounted against these temples are essentially attacks on the state.

Libanius then, in chapters twelve to twenty three, section four, discusses the war that is being waged against the peasantry, despite the complete lack of evidence against them. (12) This section opens with the following statement, “Yet, Sire, these victims are your subjects too, and as workers are more useful than the idlers, so are they more useful than their oppressors.” Further, he accuses the monks of purposefully targeting the wealthiest estates and flaunting their excesses. (13) Simply put, this is war in peace, and the victims are the peasants. (14) Libanius poses the question to the emperor, “What is the point in maintaining armies and defending the Empire against external enemies if the internal enemies are ignored?” (15) Libanius then asserts that the monks’ claim that they are destroying these temples to punish the peasants for conducting illegal sacrifices is “always a lie.” (16) Libanius challenges the guardians of this law, whether they either saw, or could produce, a single witness to testify that these people were in fact performing sacrifices in the forbidden manner. (17) Libanius does not deny however, that

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37 See below, chapter 2 for a discussion on their identity.
sacrifices are being conducted, but he claims that they are being conducted in a manner prescribed by law. They did not break the law because, “…no altar received the blood offering, no single part of the victim was burned, no offering of meal began the ceremony, nor did libations follow it.”

Continuing in the fourth section, (18) Libanius argues that despite the fact that the peasants are sacrificing in another fashion this should be acceptable because, “By banning the performance of one specific action you automatically permit everything else.” (19) On specific holidays people used to gather in order to offer a sacrifice, and while they still gather, no sacrifices are offered. (20) Libanius turns to attacking the Christian populace, beginning with the governors who claim that they will not administer the death penalty to those guilty of even heinous crimes, and the Christian violence during their riots, robs other men of their ability to provide for them and their families. (21) Further, while monks may quote scripture, they are deliberately committing crimes. (22) Libanius presents the example of the statue of Asclepius in Boroea; while no sacrifices were committed in its vicinity, a Christian mob nevertheless destroyed it. (23) This is essentially what is occurring in the country, as Libanius claims, as temples both large and small are being demolished absent of sacrifice.

Libanius’ approach switches once again as his focus turns to highlighting the usefulness of temples; this is accomplished in chapters twenty-four to thirty-seven, comprising the fifth section. (24) This chapter begins with the following question, “Which party, then, deserves to be punished? Those who have kept the law or those who have replaced it by their own inclinations?” (25) Libanius asserts that all cities are presided over by a magistrate, to whom the accused should be brought. (26) Monks are only responsible for providing proof of guilt, yet they are playing the part of judge, jury, and executioner. (27) Libanius then recognizes the emperor’s wishes to Christianize the Empire, exclaiming that the monks are harming even this for if the destruction of temples truly brought about conversion, they would have all been destroyed already. (28) No one is actually converted through force, and those who say they have, truly have not. (29) Persuasion, not constraint is necessary for true results, and their rules state that compulsion is deplorable.

Continuing in the fifth section, (30) Libanius states that the monks think the very absence of temples is a blessing. (31) Addressing the monks, Libanius then asks under which god it was that the Roman Empire came to power. Heracles gained the support of the gods
through sacrifice. (32) Further the glory of Marathon does not truly belong to the Athenians, but to Heracles and Pan. The victory at Salamis, likewise, does not belong to the Greek fleet, but to the helpers of Eleusis. (33) Most importantly to Libanius, their chief opponents would not dare rob Rome of its sacrifices, and as sacrifices are permitted in Rome they must be seen as beneficial; thus, he asks, are not all sacrifices beneficial? (34) Libanius then compares this to the overall contribution a soldier makes to the army. (35) More so, it is not only in Rome that sacrifices have been maintained. In Egypt feasts are held in honour of the Nile, hoping this will bring about a flood. (36) Libanius asks if anyone would dare propose the abolition of the Nile feast. If no one would dare speak against this, then, by their silence, “they agree that the honouring of the temples is to the benefit of mankind.”

From chapters thirty-eight to fifty-one, composing section six, Libanius discusses the deeds of an emperor and the crimes of officials. (38-39) Libanius begins by mentioning the bloodbath of 337 following Constantine’s death, and criticises the reign of Constantius. (40) He then states that an emperors’ deeds should be worthy of eternal remembrance, such as those of the former Emperor Julian. (41) Julian is compared in a manner to Achilles, for he died on account of his glory, “…after humbling the pride of Persia…” (42) Adding the argument that temples should, if nothing else, be used as buildings, why would one destroy imperial property? (43) “Any man who hurls his purse into the sea is out of his mind: if the pilot cuts the cable on which the safety of his ship depends, or bids the sailor jettison his oar, he would be thought a lunatic.”

Still in the sixth section, (44-45) Libanius further draws an example from a temple which once stood on the border to Persia and rivalled that of Serapis, which had been destroyed and is now mourned not only by those who saw it, but those who never had the opportunity. (46) Libanius does not believe that the destruction of the temple is the fault of Theodosius, but that a corrupt official deceived him. (47) Libanius then defends the emperor by stating that even the gods can be deceived. (48) This man put his selfish interests before everything else, and then wrongly sought influence with the monks. While many officials do care for him deeply, they jump at any opportunity to further their own interests. (49-51) These men if challenged always claim that they are simply doing the Emperor’s bidding, but the continued existence of the

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38I.e. Cynegius.
temples of Fortune, Zeus, Dionysus and Athena within the city prove that they do not have the authority to demolish temples.

Finally, in chapters fifty-two to fifty-five, forming the seventh section, Libanius concludes his oration by mentioning the emperor’s own hesitation and if he had so desired, he could have published an edict stating none of his subjects were permitted to honour the gods in any manner. (52-53) Libanius states, “You regard your religion as better than the other, but that is no act of impiety nor yet just cause for punishment either.” (54) Libanius compares the treatment of pagans under Theodosius to that of Christians under Julian. (55) He concludes by stating that if the emperor had indeed commanded all temples to be destroyed, that the pagan population will bear those actions with sorrow, but put up with them. If these people however, continue to act without the emperor’s permission, “you may be sure that the landowners will defend both themselves and the law.” One can now see the depth of Or. 30, as well as Libanius’ keen rhetorical skills.

**Context**

With a thorough understanding of the text in mind, it is time to address the context of Or. 30. Historians studying the work of Libanius do not suffer from a lack of evidence, as the body of texts that survive include more than 60 orations and 1500 letters.\(^{39}\) Thus the difficulty does not lie in procuring evidence, but in narrowing one’s scope and placing the given work(s) into relevant categories. The content of the oration itself represents a certain aspect, as religion plays a dominant role. It must be noted that this makes Or. 30 stand out, as the majority of Libanius’ orations do not deal with religion in a direct manner.\(^{40}\) However, as the date of Or. 30 has already been discussed, it can therefore be immediately noted that this oration belongs to a distinct category within Libanius’ Orations, which are known as the ‘reform speeches’. This division will be discussed first, as it highlights the spectrum in which Or. 30 must be viewed.

The ‘reform speeches’ consist of all the orations that were composed by Libanius during the 380s, which coincide with Theodosius’ reign. Liebeschuetz, who discusses this division, believes that the year 379 constitutes the beginning of a new phase in Libanius’ orations.\(^{41}\) This

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\(^{39}\) Norman 2006: 12.

\(^{40}\) Sandwell 2007: 91.

\(^{41}\) Liebeschuetz 1972.
is due to Libanius’ response to the death of Valens at the battle of Adrianople (378), as he saw this as the Empire’s punishment for not avenging the murder of Julian. Liebeschuetz writes,

With this opens the later series of surviving speeches dealing with public affairs… The Picture of Antioch which we can reconstruct from this information is a gloomy one, as might be expected in view of the circumstances of the empire in these years.  

This division is widely accepted and can be easily viewed in the translations of Norman, who dedicated a book to those orations that were published during the Theodosian Era. The reform speeches present a relatively broad contextual boundary, which is, however, both appropriate and necessary for properly examining this oration.

It is necessary to examine Or. 30 in regards to a selection of other ‘reform speeches’, as many of them help to demonstrate the context in which Or. 30 belongs. This will be done by examining Or. 50, 45 and 2. Or. 50 was composed in 384, and was written in defence of the peasantry against the administration of Icarius, who was the comes Orientis in 384 and 385. Libanius’ main concern with Icarius stems from his brutality and the extreme measures which he put in place to combat the social problems related to the famine that had plagued the city since 382. Libanius’ concern with the famine should be well noted, as he had personally interfered with Philagrius, the comes Orientis prior to Icarius. Libanius had offered advice to Philagrius, which he initially heeded; following accusations of corruption, however, Philagrius took more extreme measures and had the city’s bakers flogged (Or. 1.207) Libanius was forced to step in and put the flogging to an end, which as he relates, made him the benefactor to all since the fabric of the city “did not go up in flames” (Or. 1.210). While the famine is not a major concern within Or. 30, it is interesting to note that the threat of famine does serve as a grave undertone within several chapters.

The importance of Or. 50 here is the similarity which it bears to Or. 30. Or. 50, although discussing the evils of forced labour, follows a similar structure of argumentation and develops similar themes. In Or. 50.7, after stating that the administration will seize the work animals of the poor, putting them to work without any pay, Libanius remarks that they will not take male or female slaves and put them to work, as they realize that this action is illegal. Libanius asks,

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42 Liebeschuetz 1972: 5-6.
43 Norman 1977. For this division in more recent literature, see e.g. Burr 2006: 66-67.
44 Jones, Martindale and Morris 1971: 455 (s.v. Icarius 2).
46 Jones, Martindale and Morris 1971: 693 (s.v. Philagrius 2).
“How comes it then that they show respect for legality by refraining from these actions and yet violate this very some principle by the actions that they do?” (Or. 50.7). After reading Or. 30 this sounds remarkably familiar, as it is the same argument employed in Or. 30.51. The similarities in argumentation can be further highlighted by observing Or. 50.27, where Libanius is explaining how these crimes are even worse since the poor are not suffering at the hands of their enemies, but at the hands of those who are supposed to provide them with protection. This is soon followed in Or. 50.29 with, “And war is waged in peace time against the poor devils who need the city but are schooled by events to avoid it.” This is nearly identical to the argument put forward in Or. 30.13. As Or. 50 was composed one to three years prior to Or. 30, the comparison between these orations effectively demonstrates that Libanius employs a similar literary framework, making the arguments in Or. 30 appear less genuine. This literary framework can be further highlighted by examining Or. 45.

Or. 45 was composed nearly contemporaneously with Or. 30, and serves as an excellent model of a ‘reform speech.’ Like both Or. 30 and Or. 50, Libanius is writing in defence of the voiceless. He highlights the victims, who in this case are the prisoners, and he asserts that the majority of prisoners are in fact peasants, who have been falsely accused. This is clearly a predominant theme in the reform speeches, the rich abusing the poor, and the powerful abusing the weak. Further, it is not only the main victim for whom Libanius is expressing concern, but also the wives, sisters and daughters of the imprisoned men (Or. 45.9). This is the same argument employed throughout Or. 30 (e.g. in chapter 20), both in terms of the peasantry who depend on the temples for their livelihood, and also how the families of men who are injured by Christian mobs are condemned to starvation.

The element that carries the strongest sense of similarity, however, is Libanius’ employment of the aggressor. In Or. 50 it was the administration of Icarius, in Or. 30 there were both monks and the administration and in Or. 45 he singles out the city governors. Both Libanius’ description and arguments against his target(s) are often exaggerated, as can be seen in Or. 50 with his description of the monks and Cynegius. In Or. 45.3 Libanius introduces the city governors with this statement, “Now, Sire, you must realize that the governors sent out to the

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48 Or. 45. 4-5: 163-165.
49 See e.g. Or. 30 for monks against the peasantry and Or. 50 for the administration against the peasantry.
50 This argument is also employed extensively Or. 50.
51 See Slootjes 2006: 61-68 for an overview on the corruption of governors in Late Antiquity.
provinces are murderers.” Thus it is imperative to bear in mind that Or. 30 follows similar patterns compared to his other ‘reform speeches,’ and the method of “blackening ones opponent beyond recognition” is in fact a common rhetorical tactic among contemporaneous writers, such as Ammianus Marcellinus, Synesius and Gregory of Nazianzus. Thus, Or. 30 must be seen following a known literary format. While discussing the literary context, it cannot be ignored that Or. 30 has been widely studied for its religious content, and thus this context must also be addressed.

Sandwell, exploring the theme of ‘religious allegiance’ in Late Antiquity, extensively explores Libanius’ orations; it is therefore no wonder that Or. 30 is specifically discussed. Looking at Libanius’ large body of orations, few can be said to “deal directly with religion,” and Sandwell specifically identifies the Julianic orations and Or. 30 as being the most important. However, the historical contexts in which these were written are quite different, as the Julianic orations were written under a ‘pagan’ emperor who was attempting to create a ‘pagan’ Church. It was, therefore, a safe and beneficial environment in which they were written; the same cannot be said for Or. 30. Thus, in the sense of religious content, Or. 30 seemingly stands-out from the other ‘reform speeches.’ If Or. 30 is that unique within the context of the ‘reform speeches’ than it would seem more likely that it represents a genuine plea for the preservation of the temples. There are, however, several ‘reform speeches’, which deal with religion to a lesser extent. The use of religion in these orations will now be examined to further determine the extent to which Or. 30 represents a ‘reform speech.’

Of these, Or. 2 is the earliest, dating to 380/381, which is Libanius’ reply to those who find his character tiresome. Or. 2 paints a particularly dark picture of the current state of the Hellenic religion, and a major theme throughout this oration is a comparison of the Hellenic religion of his time with that of the Hellenic religion under Emperor Julian. Libanius, reflecting on this writes, “I said that in the past there were sacrifices a plenty: the temples used to be full of worshippers, there was good cheer, music songs, garlands, and the treasure in every one was a

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52 Liebeschuetz 1972: 33.
56 See e.g. Bowersock 1978, for a historical examination of Emperor Julian and Smith 1995, for an in-depth study of Julian’s religious beliefs.
57 Norman 1977: 3.
means of assistance to those in need”. For Libanius the flourishing of the Hellenic religion under Julian was directly related to the previously positive state of Antioch, and likewise, the poor status of the Hellenic religion in the 380s negatively affected the state of Antioch; an argument which Libanius again employs in Or. 30. In fact, like the other orations which have been previously discussed, much of Or. 2 can be seen in tandem with Or. 30; the condition of ‘paganism’, the peasantry, and the corruption within the city’s administration are all key interrelated themes. While Or. 30 is more focused on religion than Or. 2, the use of religion in both is very similar. The other ‘reform speeches’ that deal with religion more so than the others are all connected with the Riot of Statues, namely Or. 19, 20, 21 and 2.

The orations which deal with the Riot of Statues, however, make no reference to a conflict between Christians and ‘pagans’. Instead, the use of religion is more indirect and falls in line with what is generally expected from Libanius. For instance, in Or. 19.7 Libanius writes, “The present situation surely must be regarded as the responsibility of the same spirit which has gained the aid of an outraged Nemesis, -the outrage being the disappearance of her temple.” Libanius here is not directly discussing religion, but instead offers an explanation for a current and negative event that is linked to ‘paganism’. Again, this can be seen in relation to both Or. 30 and Or. 2. The disappearance of a temple is producing a negative outcome for the city. Another manner in which Libanius indirectly uses religion can be seen in both Or. 19 and 20. In these the main employment of religion is a comparison of an emperor’s clemency to that of the gods.

In Or. 19 Libanius states how the way of the gods is to show mercy even to those who heinously offend them, while in Or. 20 Libanius is congratulating the emperor for displaying clemency equal to that of the gods. Libanius, more than anything, seems to employ religion to support or emphasize an argument, making the key similarity the calm, rhetorical approach that he takes to religion. As Liebeschuetz keenly remarked, Libanius, unlike Julian, simply “…does not display his soul in his writings, and among the many references to gods and religious practices it is not at all obvious which represent his own feelings and which are literary reminiscences or rhetorical commonplaces.” Or. 30 is a prime example of this, as Libanius calmly goes through his arguments, guiding the reader through what feels like a court case. It is

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58 Or. 2. 30: 27.
59 Norman 1977: 3.
60 Sandwell 2007: 92.
61 Notably, this discussion appears in chapter. 12 of both orations.
the subject of Or. 30 that makes it stand out from the other ‘reform speeches,’ but its use of religion is not unique.

The specific manner in which Libanius employs religion in Or. 30 is also not unique to Libanius. This can be demonstrated by examining the letter of Aurelius Symmachus concerning the removal of the Altar of Victory. The Altar of Victory was a symbol of Roman victory, and had been erected in the Senate by Augustus following the battle of Actium in 31 BC.63 Gratian, in 382, among other measures, had the Altar of Victory removed. This concerned the Roman Senate, as “they believed that if the cults were not officially recognized they ceased to be valid and lost their efficacy.”64 Therefore, Symmachus first attempted to receive an audience with Gratian, and after being refused sent a letter to the young Emperor Valentinian. Symmachus was the praefectus urbi of Rome when he sent this letter in 384. This attempt, however, also failed, as the Bishop of Milan, Ambrose, demanded from the young emperor that the letter be immediately sent to him. With a summary of the course of events now given, the arguments used by Symmachus can be examined.

The first similarity, reading through this letter, comes in respect to the deeds of previous emperors, as Symmachus also points out their position on traditional worship. Here, Symmachus discusses how the earlier emperors had respected traditional worship, and while the later emperors did not do so, they at least did not abolish them. Therefore he argues, “If the religious attitude of the earlier emperors did not set a precedent, let the policy of the blind eye adopted by more recent emperors set a precedent” (Relat. 3). Libanius clearly adopts this argument through Or.30.6 and 7, where he discusses Constantine’s stance on traditional worship and the attitudes of the following emperors, highlighting which stances were best. Further, addressing Valentinian, Symmachus writes, “We are safeguarding the perpetuity of your good name, ensuring that future ages will not find it necessary to reverse your measures” (Relat. 3). This argument is again used by Libanius, who while addressing Theodosius states, “An emperor’s conduct in life should be such that even after death he lives on in the praise that he has won” (Or. 30.40). Once again the relationship between the two arguments is clear.

The basis of Symmachus’ argument can be found in Or. 30.8-9, where he discusses the validity that time lends to religion. Symmachus (Relat. 3) states that if time lends validity to

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63 Barrow 1973: 32.
64 Barrow 1973: 32.
action, it would make sense to follow in the footsteps of our forefathers who succeed following in the footsteps of their forefathers. Soon after this, Symmachus takes it upon himself to argue on behalf of Rome herself. For, if she could give voice she would say, “This worship of mine brought the whole world under the rule of my laws, these sacred rites drove back Hannibal from my walls and the Senones from the Capitol.” This is the same argument used by Libanius in Or. 30.5, where he states that it was under the traditional gods that Rome grew to her current state and in Or. 30.31 he demonstrates how the Athenians owed their success to these gods. Through this comparison it is evident that both Symmachus and Libanius employed similar arguments. Symmachus, writing his Relatio in 384, is only slightly prior to Libanius Or. 30. Libanius, thus either read Symmachus’ letter and then adopted and adapted several of his arguments, or both Symmachus and Libanius are employing motifs current among the ‘pagan’ elite at this time.

Conclusion

This chapter reveals the difficulty which is inherent when studying a single oration from the rhetorician Libanius. In regards to Or. 30, even dating the work is a challenge, though it can be safely determined that its date of composition was between 385 and 387. As the content of Or. 30 is quite dense, the summary given above not only serves as an introduction to the text, but will be a necessary reference point throughout the following chapters. Finally, it has been demonstrated that Or. 30, in terms of both theme and structure, clearly falls into the context of the other ‘reform speeches’; Libanius even employs arguments known to other, contemporaneous writers, in particular Symmachus in his Relat. 3. Thus, if Libanius is known to have exaggerated his attacks for rhetorical effect while employing similar arguments from one oration to the next, and as used by contemporaneous authors, the validity of Or. 30 as an example of religious violence in Late Antiquity must be immediately called into question.
Chapter 2:

The Use and Application of Roman Law in *Or. 30*
Introduction

As has been shown in the previous chapter, Libanius’ key argument throughout Or. 30 is that the attacks against the temples have been carried out without any legal backing, and while there are claims that these monks have only attacked the temples in response to the conduct of illegal sacrifices, Libanius asserts that any sacrifices that have occurred, have not been performed in an illegal manner. It is, therefore, only the perpetrators of the attacks who have broken any laws. Libanius’ use of law is not only a key element within Or. 30, but is also an integral component when determining the extent to which Or. 30 can be used as a source of temple destruction in Late Antique Syria. It must therefore be determined which laws were used by Libanius and the degree to which he manipulates them in order to fit his own arguments.

In light of this the Cod. Theod. will be consulted, in order to determine the legal status of temple destruction in the 4th century. We will first examine the Cod. Theod. and Roman law in Late Antiquity, which will lay the foundation for the following sections. This will be followed by a summary of the laws pertaining to temples in the Cod. Theod., from and prior to the reign of Theodosius I. Finally, with a thorough understanding of this legislation both Libanius’ use and application of the law will be analyzed. At the end of this chapter it will have become clear that the laws preserved in the Cod. Theod. by no means support the destruction of temples.

The Cod. Theod. and Roman Law in Late Antiquity

The Cod. Theod. was published in 438, although the original committee began work nearly a decade earlier. The work was to include all imperial constitutions (constitutiones) bearing the force of general law (lex generalis), beginning with Emperor Constantine and following his predecessors until the year of publication; the compilers were further given the difficult task of shortening and editing the laws. The compilers did have some models upon which they could build, such as the Gregorian and Hermogenian Codes, as well as the Laws of Citations. Not only was the Cod. Theod. supposed to be modelled upon the Gregorian and Hermogenian Codes, but was meant to be later incorporated in a separate volume with the

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formerly mentioned texts. This project was never realised and it must therefore be mentioned that the Gregorian and Hermogenian Codes were collections of rescripts (rescripta), not leges generales.

Thus the Cod. Theod. was not only a unique undertaking for its time but also stands as the first preserved collection of official Roman legislation. There is still much division amongst scholars concerning the methods of compilation. Seeck and Matthews both believe that the compilers must have made extensive use of western legal collections (Rome and Ravenna), while Sirks contests that they could have made use of eastern collections. Both the compilation and editing of the Cod. Theod. were complicated tasks, and therefore present many difficulties to the modern historian, which will be discussed shortly. The final product consisted of 16 books which contained more than 3000 laws; the books themselves were further divided into different titles. All the laws under each title are presented in chronological order making it possible to view the evolution of each aspect of law. After this brief background to the Cod. Theod., let us take a closer look at what constitutes constitutions and which of those bear the force of leges generales.

In Late Antiquity the emperor was no longer considered to be primus inter pares but a monarch and in this government, commonly known as the ‘Dominate,’ he mainly created new laws through imperial constitutiones. These consisted of edicts (edicta), mandates (mandata), (rescripta) and decrees (decreta). However, in regards to these forms of constitutiones, edicta which were considered leges generales were by far the most important. The reason for this is quite simple. An oratio sent to the Senate in 426 declared that a law could be considered a lex generalis, if it was certified by the term edictum. An edictum, traditionally speaking, referred to the proclamations of higher Roman magistrates, however, under the Dominate in Late Antiquity the emperor was basically a monarch, and his word carried the full force of law. Furthermore, the reason for which an edictum was promulgated, whether it was on the emperor’s initiative or in response to a petition, bore no effect on its validity.

There are two other forms of law discussed in the oratio of 426 which further constitute leges generales. The first are any official writings addressed to the senate in the form of an

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68 Harries 1999: 64.
70 Matthews 1993: 19-44; Sirks 1993: 45-67.
72 Harries 1993: 5.
73 Harries 1993: 5-6.
oratio. The second are the letters (epistulae) sent to high-ranking officials, informing them of new or changed regulations. Unlike edicta and the orationes, however, there were rules for when epistulae could be considered leges generales: only those which either specifically state that they are meant for general application or those published throughout the Empire were regarded as such.\(^74\) Care needs to be taken not to confuse these epistulae with rescripta, which are not considered to be leges generales. Rescripta, which had formally been the most common manner of law-making, lost much of their validity under Constantine, although they did not cease being used entirely. However, differentiating between these two forms of legislation can be difficult, since rescripta directed in the form of a letter to an official were called epistulae.\(^75\) This may have previously been the case, but for Late Antiquity a strict division was made between them. Rescripta were direct responses to either referrals (relationes) or reports (suggestiones) and could only apply to a specific case, therefore they were not considered to be leges generales.\(^76\)

The meaning of decreta developed in Late Antiquity, not in function, but in terms of who issues them. They are the judgements of emperors in regards to either civil or criminal cases. Duties such as these, however, began to be assigned more to lower officials, thus a decline can be seen in the amount of decreta published.\(^77\) Finally, mandata were instructions given to governors and are mainly concerned with administration, especially in regards to civil law. As the Cod. Theod. was only meant to be a collection of leges generales, all the laws preserved in it were meant to have widespread validity. Unlike the rescripta which only had force in a specific case, the leges generales could apply to the entire Empire, entire provinces or even entire cities, never to a single case. What has been discussed thus far are the methods through which the emperor could create new laws. However, the legislative process relied heavily upon outside information. Quite often the motivation to issue a new law came in response to suggestiones from the emperor’s officials. Communication was ever flowing throughout the Empire, reports came from governors to vicarii and then from vicarii to the praetorian prefects, who became the principle source of suggestiones to the emperor. Suggestiones did not necessarily have to be in reference to a specific issue, or even expect a direct response from the emperor; they could simply be the report of a praetorian prefect, in which the emperor might find something that he

\(^74\) Harries 1993: 5-7. All of the information concerning epistulae has come from Harries.
\(^76\) Harries 1993: 6.
believed needed to be addressed.\textsuperscript{78} Having discussed the definition of \textit{constitutiones} and its different components, let us now turn to the difficulties inherent in using the \textit{Cod. Theod.}

There has always been some question concerning the authenticity and usefulness of the \textit{Cod. Theod.} Concerning its authenticity, it is clear that Theodosius II wanted the text to be as authentic as possible, but he also made it clear that only essential information was to be included.\textsuperscript{79} It therefore must be kept in mind that some laws may be missing relevant information, or that information was reworded for brevity. For the compilers, the term \textit{generalitas} must have caused a certain amount of difficulty. It is quite clear what was legally defined as \textit{generalitas}, but it is also clear that not all \textit{leges generales} would have been considered essential information. Matthews highlights the confusion which stems even from the distribution of laws. The emperor could send an \textit{epistula} to a praetorian prefect which could then change in form to an \textit{edictum} when it was sent to provincial governors, who in turn presented it to the civil communities.\textsuperscript{80} When brought together, these laws could therefore appear in the form they had attained in any one of these stages.

Further difficulties can be seen in the nature of the legislation, which was often used as propaganda. Robinson displays how legislation in the later Empire can be more related to the moral climate than actual administrative needs. The wording of such laws tends to have a rhetorical nature, making them far more difficult to interpret.\textsuperscript{81} Moreover, Harries mentions that laws had two major functions: they not only had to control the population but also had to communicate to them what the emperor’s position was on any given topic.\textsuperscript{82} It has also been asked how much the \textit{Cod. Theod.} can actually tell us about history, outside of legal history. This problem can be illustrated by the debate about the repetition of laws.

The repetition of law has been interpreted by some as displaying an ineffective legal system. Harries not only argues against this assumption, but displays the amount of information that can be seen in repetition.\textsuperscript{83} Laws were often created because a current law either needed to

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\textsuperscript{78} Harries 1993: 8-16. It is in this way that \textit{suggestiones} could warrant either a \textit{rescriptum} or a \textit{lex generalis}. The content of a \textit{suggestio} could be in relation to a specific event, a general event or a simple concern.
\textsuperscript{79} Robinson 1997: 109-111.
\textsuperscript{80} Matthews 1997: 26-27.
\textsuperscript{81} Robinson 1997: 122.
\textsuperscript{82} Harries 1997: 6-7.
\textsuperscript{83} Harries 1999: 78.
\end{flushright}
be further clarified or because it was being disobeyed.\textsuperscript{84} Thus, repetition served its own purpose. The enforcement of law was more effective when a recent decree was in hand; while time did not render laws invalid, older laws certainly could be superseded by more recent laws. As emperors largely acted on account of stimulus from within the Empire, the reiteration of a law often came in direct response to a request. Thus repetition had the purpose of both establishing precedent and affirming the continuation of past laws.\textsuperscript{85} This can be seen within the context of book 16, where a certain ban on sacrifices is often reaffirmed, although with certain changes. It is therefore possible to view an emperor’s opinion on a specific issue in the \textit{Cod. Theod.} by determining whether a law was strengthened or weakened. Further, an examination of individual laws allows for answering the question why that law was issued to a specific area at a specific time. Having established that the usefulness of the \textit{Cod. Theod.} extends beyond legal history, let us now examine what is said about the fate of the temples in the \textit{Cod. Theod.}

\textit{The Cod. Theod. on Temples}

Book 16 of the \textit{Cod. Theod.} deals specifically with religion, covering a wide variety of issues through eleven chapters; the laws concerning ‘pagans’, sacrifices and temples are grouped together in the tenth chapter, \textit{De paganis, sacrificiis et templis}. While there are some laws which make reference to temples outside of book 16, and these will be incorporated chronologically, it must be noted that the large majority appears within book 16. This brings up the important question of chapter 10’s context within book 16. When comparing chapter 16 with other chapters it becomes clear that the laws dealing with traditional religion are by no means the most expansive or numerous. For instance, chapter 10 contains in total 25 laws, while chapter two, \textit{De episcopis, ecclesiis et clericis}, contains a total of 47 laws. Furthermore chapter five, \textit{De haereticis}, contains a total of 66 laws. What this demonstrates is that issues concerning traditional religion were not the most pressing concern for fourth- and fifth-century emperors. Concerns within the make-up of the Church and heretical sects received the greatest amount of attention. This being said, it is time to examine the laws which are preserved within the \textit{Cod. Theod.}

\textsuperscript{84} While it is safe to determine that the existence and repetition of laws displays that that law need to be reinforced, the extent to which that law was being ignored cannot be determined.

\textsuperscript{85} Harries 1999: 82-87.
There are twenty-five laws preserved in chapter 10, and only twelve of them are from, or prior to the reign of Theodosius I. These twelve laws will be viewed as they are presented in the *Cod. Theod.*. However, those laws found outside of chapter ten will be incorporated in order to maintain a chronological sequence. From this, not only can the general policy of Theodosius I concerning temples be seen as compared with that of his predecessors, but it will also provide the best chronological overview for imperial legislation on the temples.

The first relevant law is *Cod. Theod.* 16.10.1, which was issued by Constantine in 320/321 to Maximus, and interestingly calls for the continuation of traditional religious practices. In the circumstance that the palace itself or other public works are struck by lightning the “…ancient custom shall be retained…” and so long as the people refrain from domestic sacrifices they too can use this custom. Thus the only practice which is banned in this law is one which could also be expected to be banned prior to Constantine. The use of haruspicy within private homes was banned by Constantine in 319; however, public consultations continued to be permitted. This is the only recorded law from Constantine found within book 16 which mentions temples.

Constantine, however, does make a reference to temples in *Cod. Theod.* 15.1.3, which he issued to Secundus in 326. Book 15 chapter 1 is titled *De operibus publicis*, and therefore deals with the subject of public works. This law decrees that judges must wait until the works of their predecessors are completed before arranging for new works, “excepting the construction of temples.” Little more than a decade after the so called ‘conversion’ of Constantine in 312 this law exhibits a significant drop in the priority of temples, while suggesting at the same time that temples were still being constructed.

While these are the only two laws relevant to our discussion issued by Constantine, there are many relevant laws issued by Constantius II (337-361), which are found exclusively in book 16. The first of these laws, *Cod. Theod.* 16.10.2, makes no reference to temples, yet its contents are extremely important. It was issued to the vicar Madalianus in 341, and contains the first

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86 Rougé and Delmaire 2005: 426-428. English translations have been taken from Pharr’s translation of the *Cod. Theod.*. These translations have been compared to the French translation by Rougé and, furthermore, all dates have been taken from this more up to date edition.
87 Rougé and Delmaire 2005: 427.
89 Pharr 1952:423.
90 Jones, Martindale and Morris 1971: 530 (s.v. Madalianus).
recorded ban on sacrifices. The remainder of Constantius II’s laws are based on this law, as the ban on sacrifices is continued and specified in the following laws.

The first law in book 16 to directly reference temples is *Cod. Theod. 16.10.3*, which was issued to the prefect of Rome, Catullinus, in 342 and despite continuing the ban on sacrifices states that the buildings of the temples located outside the city walls “shall remain untouched and uninjured,” since these buildings “provided the regular performances of long established amusements for the Roman People.” Therefore, the first law to make direct reference to temples is calling not for their destruction, but for their preservation. The reason for which Constantius II is calling for their preservation is also important to note, as these temples were linked to popular traditions such as games and festivals. On account of this, it is possible to see some continuity between this law and Constantine’s *Cod. Theod. 16.10.1*, which also called for a continuity of traditions. It is worth further mentioning that this call for preservation could have come in response to hostile actions taken against these temples. Rougé mentions that temple destruction instigated by bishops and monks during the reign of Constantine has received some attention. Recent research in Late Antique archaeology, however, has shown that religiously motivated temple destruction did not occur under Constantine.

Temples are next mentioned in *Cod. Theod. 16.10.4*, which was issued to the praetorian prefect of Italy and Africa, Taurus, in 356/357. The focus of the law is once again on temples as it states that, “It is our pleasure that the temples shall be immediately closed in all places and cities, and access to them forbidden, so as to deny to all abandoned men the opportunity to commit sin.” There are two elements of this law which are noteworthy. Firstly, this is the first law to call for the closure of temples, which could be used to display growing hostility in regards to temples. However, the second element is the connection between the closure of temples and the performance of sacrifices, as these temples were closed for the sole purpose of eradicating sacrifice. Thus the main force of the law is not targeting the physical body of the temples, rather the sacrifices which occur in them.

The next law, *Cod. Theod. 10.1.8*, falls under the heading of fiscal law and was issued by Emperors Valentinian and Valens in 364 to Caesarius. This law states that all parcels of land and

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91 Rougé and Delmaire 2005: 429.
93 Rougé and Delmaire 2005: 430-431.
94 See chapter 3, first section.
95 Jones, Martindale and Morris 1971: 879-880 (s.v. Taurus).
landed estates that are currently the property of the temples, and which have been sold/donated by various emperors, are to be reclaimed and added to their private patrimony. It should be noted that most land had already been removed from the temples, and the property in question had only recently been granted to them by Emperor Julian as part of his ‘pagan’ revival. This fact is much more visible in *Cod. Theod.* 5.13.3 which was also issued by Valens and Valentinian in 364, this time to the praetorian prefect of Italy, Illyricium and Africa, Mamertinus.96 This law directly calls for the return of, “All property which was transferred from Our patrimony and placed in the possession of temples by the authority of the Emperor Julian…” Valentinian and Valens were mainly reverting the legislation of Julian. Another law issued by these emperors is *Cod. Theod.* 16.1.1, sent to the prefect for the city of Rome, Symmachus, in 364.97 It states that any judge or apparitor will find his life and fortunes in danger if he should appoint any Christians as the custodians of temples. The meaning of this law is clear; Christians should have nothing to do with temples.

In close relation to the previously mentioned law of Constantius II, *Cod. Theod.* 16.10.4, is *Cod. Theod.* 16.10.7 which was issued by Emperors Gratian, Valentinian and Theodosius to the praetorian prefect of the East Florus in 381.98 This law threatens the proscription of any person who conducts a forbidden sacrifice in relation to divination, or even thinks that he should approach a shrine or temple with the intention to commit such a crime. The emphasis again falls on the conduct of sacrifices, albeit a specific sacrifice, and the treatment of these temples is not mentioned. However, seeing as the temples cannot be approached with the intent of sacrifice, it suggests that the closure of temples as seen in *Cod. Theod.* 16.10.4 did apply to the eastern provinces in 381. Furthermore, this law can be seen in connection with *Cod. Theod.* 9.16.7, which was issued by Valentinian in 364, prohibiting nightly rituals.99 Thus, Valentinian throughout his reign targeted certain specific traditional religious practices, but not the temples themselves.

Entering the reign of Theodosius I, a temple is discussed more directly in *Cod. Theod.* 16.10.8, which was issued jointly by Gratian, Valentinian and Theodosius I in 382 to the dux of

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96 Jones, Martindale and Morris 1971: 540-545 (s.v. Mamertinus).
97 Jones, Martindale and Morris 1971: 863-865 (s.v. Aurelius Avianius Symmachus), not to be confused with Quintus Aurelius Symmachus, who held the same position from 384-385.
99 Rougé and Delmaire 2005: 435
Osrhoene, Palladius.\textsuperscript{100} Here it is decreed that the temple in question is to be continually open for the common use of the people, and the images therein are to be “measured by the value of their art rather than by their divinity.” The temple was to remain open so that it could be seen by the assemblages of the city and the frequent crowds, which would suggest that this was a particularly well-known temple.\textsuperscript{101} From this law it can therefore be inferred that access to all temples was not forbidden, and once again, that popularity and tradition held significant sway. Interestingly, it can also be seen in this law that attempts were being made to circumvent imperial decrees, as it forwardly states that it would not be permitted for any “imperial response that was surreptitiously obtained to prejudice this situation.” Continuity can also be seen, as this law displays that the physical body of the temple should be appreciated so long as it is separated from sacrifice. Finally, \textit{Cod. Theod.} 16.10.8 is the first law to display concern for the preservation of temples as adornments for cities.\textsuperscript{102}

\textit{Cod. Theod.} 16.7.2, was issued by Emperors Gratian, Valentinian and Theodosius to the praetorian prefect of the East, Postumianus in 383,\textsuperscript{103} and forbids all people who turned from the Christian faith towards traditional cults and practices from making any testaments in favour of another. In almost repetitive terms, it further states that all people will be ignored testimony if they are Christians or catechumens and “neglect the venerable religion and go over to altars and temples…” In other words, the law removes their legal right to collect inheritance.\textsuperscript{104} The word temple is in itself being used to summarize traditional religion here, and the emphasis of the law falls not on the temples themselves, but on the betrayal of apostates. It can therefore be inferred from this law that some people in the Eastern Empire around 383 were in fact returning to the temples, becoming apostates, or had never fully become Christians.

Similarly the law \textit{Cod. Theod.} 16.7.3 which was issued in the same year by the same three emperors to Hypatius, the praetorian prefect of Italy and Illyricum,\textsuperscript{105} also threatens the denial of testaments to anyone who turns to altars and temples. This law further establishes a time period limiting the length of inquisitions regarding accusations that a deceased person “…went over to the sacrileges of temples, to the Jewish rites, or to the infamy of the

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\textsuperscript{100}Jones, Martindale and Morris 1971: 660 (s.v. Palladius).
\textsuperscript{101}According to Norman 1977: 141, this temple was in Edessa.
\textsuperscript{102}Rougé and Delmaire 2005: 437.
\textsuperscript{103}Jones, Martindale and Morris 1971: 718 (s.v. Postumianus).
\textsuperscript{104}Rougé and Delmaire 2005: 357.
\textsuperscript{105}Jones, Martindale and Morris 1971: 448-449 (s.v. Hypatius).
\end{footnotesize}
Manichaeans…” Importantly the accusations of becoming an apostate are not focused upon conversions to traditional religions, but also incorporates conversion to Judaism and Manichaeism. Betraying the Christian religion is the crime. Thus the force of this law does not fall against the temples, and further, it does not paint conversion to traditional religions in a more negative light than conversion to another religion.

Prior to the composition of Or. 30 these are the only laws that make reference to the fate of the temples, or even mention the temples. It is further necessary to note, however, the remaining laws that mention temples issued by Theodosius I. While these bear no immediate relevance to Or. 30, they are important when examining the broader picture of temple destruction during the reign of Theodosius I. Cod. Theod. 16.10.11 issued in 391 to the praefectus augustalis Evagrius\textsuperscript{106} states that “…no person shall be granted the right to perform sacrifices; no person shall go around the temples; no person shall revere the shrines.”\textsuperscript{107} It further specifies that in regards to temples, every person is excluded from profane entrance. This final emphasis on ‘profane’ entrance, that is entrance for non-sacred reasons, strongly suggests that all entrance to temples has been banned. However, specifying that profane entrance has been banned leaves room for misinterpretation, as Theodosius has not closed the temples outright. Importantly, the wording places close to equal emphasis on the entrance to temples as it does to the conduct of sacrifices. Theodosius’ policy on temples seems to be growing in severity.

The final law from the reign of Theodosius that mentions temples is Cod. Theod. 16.10.12, issued by Theodosius, Arcadius and Honorius to the praetorian prefect Rufinus in 392. Being much longer in length than the previous laws, the first two paragraphs stress the illegality of sacrifice, and temples are not mentioned until the third. Here the emperors decree that any person will be punished through a fine of twenty-five pounds of gold if they, “…should attempt to perform any such kind of sacrifice in public temples or shrines, or in the buildings or fields of others…” In regards to the temples, this law seems more lenient than that of Cod. Theod. 16.10.11. The entrance to temples is not specifically prohibited here, simply the conduct of sacrifice within. Further, the conduct of sacrifices within a temple does not bear any greater

\textsuperscript{106}Jones, Martindale and Morris 1971: 286 (s.v. Evagrius 7).
\textsuperscript{107}Cod. Theod. 16.10.10. was issued just prior to Cod. Theod. 16.10.11. in 391 to the prefect of Rome and has been excluded as it does not mention the temples. This law, however, is worded similarly to that promulgated in Alexandria, banning forbidden sacrifices and the worship of idols.
penalty than sacrificing in a field. Thus, it can be interpreted that sacrifices are considered here to be the greatest offence, as the temple does not increase the ‘vulgarity’ of the act.

To summarize, between the reigns of Constantius II and Theodosius I there are no laws preserved in 16.10 that call, either directly or indirectly, for the destruction of temples. Temples were being closed, and/or entrance to them was being strictly sanctioned in order to prevent the conduct of sacrifices. Other than this, there is little to no evidence that would suggest that temple destruction was taking place and despite some ambiguous language, none of the previous laws could be used to directly harm the temples. The laws are not concerned with the physical bodies of temples, but rather with what transpires within them.

*Use and Interpretation of Law in Or. 30*

Identifying specific laws in Libanius’ oration can be both simple and highly complicated. While Libanius himself never clearly identifies the laws to which he is referring, he does make it clear when he is referencing a specific law. Further, Libanius often clarifies the manner in which he is interpreting these laws. Difficulties arise, however, when the law which most closely reflects Libanius’ argument was in fact issued after the date of composition of *Or. 30*. An explanation of this occurrence will be given when this law appears. For the most part, all the laws will be discussed in their order of appearance; however, laws which are referenced several times will be discussed together.

The first instance in which Libanius’ makes mention of law is through his brief history of the emperors and their policies towards the temples (*Or. 30*.4-7). Libanius begins with an assessment of Constantine’s reign, which only states that Constantine favoured Christianity, and while this resulted in the poverty of temples, all other worship remained. As there is only one law from Constantine which makes any reference to temples it is difficult to make any definitive statements. However, as there is only one law and it concerns the priority of construction, *Cod. Theod. 16.10.1*, Libanius’ claim of there being little change is in essence supported by the *Cod. Theod.* Furthermore, Constantine’s law forbidding private consultations in no way bans public sacrifices. Following this Libanius claims that Constantius II had adopted several misguided policies, especially the banning of sacrifice. This brief assessment is readily supported by the *Cod. Theod.*, as a number of the laws presented in book 16 could apply here. *Cod. Theod.*
16.10.2 is almost irrefutably this ban on sacrifice, and the other misguided policies could be referring to *Cod. Theod.* 16.10.4-6. These three laws call for the closure of temples and either reaffirm the ban on sacrifices or add specific amendments. Therefore, the *Codex Theodosianus* certainly supports Libanius’ assessment of Constantius II’s reign.

Libanius then makes reference to the two imperial brothers who again banned sacrifices after an untoward incident, with the exception of the burning of incense. The assessment of Valens and Valentinian’s reign raises some debate. The law in question here was originally identified by Van Loy as *Cod. Theod.* 9.16.7, a law which bans wicked prayers, magical preparations and funeral sacrifices during the night. Norman disagrees with this assessment on account of the mentioned unrest. Identifying the unrest with Procopius’ revolt of 365-366, he automatically rules out the possibility of *Cod. Theod.* 9.16.7 as it was issued in 364. Norman therefore puts forward *Cod. Theod.* 9.16.8, which bans the teaching of astrology, and threatens capital punishment for all people involved. This identification, however, is not certain, as the wording of the law bears little similarity to Libanius’ assessment and identifying such a vague reference with historical events is always hazardous. Despite *Cod. Theod.* 9.16.8 being the only law from Valentinian and Valens to fit chronologically, there is not yet enough evidence to attach Libanius’ assessment with either of these laws.

Before attacking the monks, Libanius quickly states that Theodosius did not ban fire, incense or the burning of perfumes, and he also did not order the closure of temples. The closure of temples can be quickly dealt with, as none of Theodosius’ laws from the previous section make any reference to or even hint at closure. As has been shown, Theodosius bans ‘forbidden’ sacrifices in *Cod. Theod.* 16.10.7, although it is not specified what these forbidden sacrifices are. Rougé comments that this law shows how little credit Libanius’ claim should be given; soon after claiming that Theodosius did not ban fire, incense or the burning of perfumes Libanius defends those who conducted sacrifices despite the ban on sacrifices. This, however, may not be such a blatant contradiction. In *Cod. Theod.* 16.10.9, Theodosius only specifies the illegality of conducting sacrifices through which vain promises of future events may be obtained by means of the inspection of livers or the presage of entrails. Libanius’ argument relies on these specific types of sacrifice. Blood sacrifices, especially those connected with acts of divination, are the

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108 However, the specifications of what Theodosius did ban are hard to know.
109 Libanius could be referencing a law that did not make it into the *Cod. Theod.*
only actions specifically prohibited by these laws. Further clarification of this argument can be found in Or. 30.17.

The key argument at this point, Or. 30.12-23, is that the monks claim to be destroying temples as punishment for the conduct of illegal sacrifices. Libanius does not attempt to argue that no sacrifices have been conducted, but instead states that the sacrifices which have occurred have all been done in a legal manner. In Or. 30.17 Libanius lists the actions that did not occur: “…no altar received the blood offering, no single part of the victim was burned, no offering of meal began the ceremony, nor did libations follow it.”111 He continues by explaining that it should not be illegal for people to gather, slaughter an animal, cook it and then sit down to eat. Finally, Libanius states that the emperor put no ban on these actions, and by “…banning the performance of one specific action you automatically permit everything else.” This is the manner in which Libanius is interpreting both Cod. Theod. 16.10.7 and 16.10.9. Since they do not specify what is acceptable, Libanius is simply inferring from them that everything not specifically prohibited is acceptable. Thus Libanius is clearly interpreting the law to fit his argument.

While this interpretation may seem overly bold, the existence of a later law suggests that Libanius may have been targeting a particularly gray area. Looking past Theodosius to the reigns of Arcadius and Honorius, a law issued in 399, Cod. Theod. 16.10.17, verifies Libanius’ argument. It states that the festal assemblies and common pleasures of citizens cannot be abolished, and following the ancient custom, amusements, so long as they are absent sacrifice can be given to the people, so that whenever desires demand, they may attend festal banquets.112 Interestingly, Libanius further states that it was customary for the country people to gather on holidays, to both feast and sacrifice. That this practice was followed so long as the law permitted, and when it no longer did, everything with the exception of sacrifice continued. The similarity between this law and Libanius’ argument suggests that Libanius’ argument was not far-fetched, and that he was proceeding along a known, and particularly shady line.

Libanius also makes it apparent throughout the oration that the laws Cod. Theod. 16.10.7 and 16.10.9 are not only important on account of their support for his own arguments, but that they are at the same time being used by the perpetrators of the attacks to justify their actions. In

111 Or. 30. 17: 117
112 Pharr, 16.10.17: 475
Or. 30.49, after explaining how Theodosius’ ‘friends’ were in fact acting for their own benefit, Libanius claims that if these men were approached and asked to justify their actions, they would reply that they were simply doing as the emperor decreed. The decree in question has been identified by Norman as *Cod. Theod.* 16.10.9, although the earlier decree of *Cod. Theod.* 16.10.7, on which *Cod. Theod.* 16.10.9 builds further, could also be the decree in question. Most importantly, however, Libanius has expanded the manner in which he is arguing. Whereas he was previously concerned with proving that the country people sacrificed only in a legal manner, he has now evolved his argument to show that a law under which the temples are being destroyed does not exist.\textsuperscript{113}

This line of approach highlights the manner through which rescripts could be overruled. An emperor made his decisions based upon the facts which he received, and so an emperor’s judgement could be averted by challenging the facts of the case.\textsuperscript{114} Libanius is likewise not challenging the emperor’s judgement, but is instead highlighting that the temples have been attacked under a false pretext. If no illegal sacrifices have occurred, then neither *Cod. Theod.* 16.10.7 nor 16.10.9 have been violated. Absent this justification, the temples have therefore been attacked illegally and without provocation. The two arguments which have just been examined form the backbone of Libanius’ oration. In Or. 30.7 and 8 Libanius gives an overview of Theodosius’ laws before proving in Or. 30.17 that no illegal sacrifices have occurred and then finalizes the argument in Or. 30.49 by proving that this law was the only justification the attackers had. The oration is therefore based on a legal argument, which is based equally upon Libanius’ legal knowledge as it does upon his rhetorical skills.

Libanius, when not directly referencing broken laws, relies on rhetoric to convince the emperor to take action. To accomplish this, he aims at evoking the emperor’s anger and convincing him that religious violence in fact hurts his realm. Beginning in Or. 30.44, Libanius brings up the destruction of a great temple which once stood on the border of Persia, taking his time to describe its former magnificence. This temple, as has been argued, was probably that of Edessa, which by the order of Theodosius in 382, *Cod. Theod.* 16.10.8, was to remain

\textsuperscript{113} Bear in mind that neither of these decrees specifically call for temple destruction as an appropriate punishment.

\textsuperscript{114} Harries, 1999: 29. Or. 30 is not a \textit{relatio}, but the similarity with Libanius’ argument is being highlighted in order to display the quality of Libanius’ writing. Libanius does make use of his rhetorical skills, but the argument is nevertheless well grounded and presented.
unharmed. Libanius removes all blame from the emperor and places it squarely on the shoulders of Cynegius, whom Libanius asserts misled the emperor. Thus the argument is clear; a popular temple was destroyed, Theodosius himself is misled and his law is broken.

Conclusion

While the Cod. Theod. may present many difficulties to the historian, it cannot be denied that it in no way suggests that Theodosius or earlier emperors had any imperial policy aimed at temple destruction. Even the most severe laws against the temples only call for the forbidding of their access and on top of this, they are only targeted due to their affiliation with sacrifices. Libanius’ presentation of imperial legislation also appears quite representative. Both his overview of the previous emperors and of Theodosius himself is supported in large part by the Cod. Theod. While Libanius does use his skills as a rhetorician to support and strengthen his arguments, the foundation of his attack is grounded on a solid legal argument. Thus, Libanius presents the modern scholar with another challenge, as he has presented a largely accurate portrayal of imperial religious policy. In light of this it seems highly unlikely that temple destruction could be as widespread as Libanius’ himself decrees, as there was simply no legal backing on which the assailants could base themselves.

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Chapter Three:
Archaeological Evidence for Temple Destruction and Conversion

in the Antiochene Countryside
Introduction

So far in the examination of Or. 30’s validity as a source for temple destruction in Late Antique Syria two questions have been posed and answered. Chapter one explored the text and context of Or. 30, familiarising the reader with Or. 30 and determining its validity based on literary context. In this chapter the date of composition was narrowed to the years of 385-387, and following an overview of Or. 30’s content, it was shown that Libanius used themes common not only to his other orations but to other fourth-century authors. Chapter two then asked what the legal status of temples was in Late Antiquity. Examining the laws preserved within the Cod. Theod., it was shown that there was no legal basis for temple destruction prior to composition of Or. 30 and, furthermore, that the arguments used by Libanius did accurately reflect the current legal status of temples. One final question remains to be addressed in this chapter, namely whether there is any physical evidence to support Libanius’ image of an Antiochene countryside filled with temple destroying monks.

To answer this question first an overview of temple destruction and conversion throughout the Empire will be given. Recently there has been much discussion on the phenomenon of temple destruction and conversion. The first section of this chapter will, therefore, provide a brief overview of this scholarship in order to establish the general scholarly consensus of temple destruction and conversion, while also providing a background with which the data from the Antiochene countryside can be compared. Following this section, the settlement patterns of the Antiochene region will be discussed on the basis of archaeological evidence, highlighting the two key areas of study, the Amuq Valley and Limestone massif. It is important to be familiarised with a greater perspective of these regions before examining individual sites within them. Were the regions experiencing some form of decline during Late Antiquity which might affect the treatment of the temples? Furthermore, the process of Christianisation will be examined through both inscriptions and archaeological evidence. To what extent had Christianity penetrated the region? In the last section the known archaeological remains of temples will be examined in detail to determine the extent and timeline of temple destruction and conversion in the Antiochene countryside.
Scholarly trends concerning temple destruction have quite recently taken a major turn. The early work of Deichmann, followed by that of Fowden and others, argued mostly on the basis of literary sources that temples came both to an early and violent end, and that temple conversion (the construction of churches over temple sites or the transformation of a temple into a church) was a widespread phenomenon in the fourth and fifth centuries.\(^{116}\) In terms of temple destruction, however, Hahn has argued that violence played a significantly smaller role than the literary sources suggest, while Ward-Perkins and the recent edited volume *The Archaeology of Late Antique ‘Paganism’* effectively display that temple conversion occurred only rarely and that the construction of churches often have an indirect relation to the former temple structure.\(^{117}\) In the introduction to the latter work, Lavan largely uses the 2004 monograph by Bayliss as a starting point, who conducted an Empire-wide study in which he found roughly only 120 temples which had been converted into churches and 43 temples which may have been destroyed, and of these only 4 could be archaeologically proven.\(^{118}\) These numbers are surprisingly low, especially when viewed in relation to the large number of temples that must have scattered the countryside.\(^{119}\) With this general picture in mind, the fate of the temples will now be examined by summarizing the results of the regional studies included in *The Archaeology of Late Antique ‘Paganism’* and comparing them in order to establish a general trend for both temple destruction and conversion.

While there are general trends for temple destruction, regional differences are apparent between the Eastern and Western Empire, as are differences within either half between provinces and within provinces between regions and cities. Generally speaking, the Western Empire was Christianised more slowly than the Eastern, although temples in the Eastern Empire tend to be better preserved than those in the West.\(^{120}\) Looking at the West, the provinces of Gaul, Spain and North Africa will be reviewed and discussed. Goodman notes the interest of Late Antique Gaul on account of its numerous and wide-ranging styles of temples. Here, temple construction almost


\(^{117}\) Ward-Perkins 1999; Lavan 2011:

\(^{118}\) Bayliss 2004. For a review of this study see Dijkstra 2005.

\(^{119}\) Caseau 2004: 105-144.

\(^{120}\) Mulryan 2011a: 44-53.
entirely came to a halt by the end of the 2nd century, although reconstruction and improvements can be seen continuing into the 4th and 5th centuries. The abandonment of these temples could apparently take place at any time, although it was most prominent during the 4th century. A similar picture is seen in North Africa, where temples were still being repaired at the end of the 3rd and beginning of the 4th century, while there are nearly no examples of construction at this time. In Italy a decline of temple repairs begins in the 3rd century, which Mulryan argues was soon accelerated by 4th century legislation. As chapter two has shown, however, there was no legislation supporting temple destruction as of 386.

Looking at literary sources one would expect to find numerous examples of destruction in Gaul, with the exploits of zealous Christians such as Martin of Tours. As Goodman points out, however, there are not many examples of destruction and even where destruction is apparent, it is not necessarily the product of violence. In fact, following the criteria established by Sauer, there are only seven possibilities of deliberate temple destruction in all of Gaul. In North Africa, Sears finds that deliberate destruction did occur with more regularity throughout the 4th century, however, in general terms deliberate destruction was still uncommon. Looking past literary sources, Cyrene becomes the key example of destruction in North Africa, where there does seem to have been a city wide campaign against the temples which most likely occurred in the later 4th or early 5th century. Despite these examples Sears concludes that the deliberate destruction of temples is relatively low in number and that there is no evidence of a wider, organised campaign against the temples. Looking at Spain, Arce highlights that there is no key figure in the literary sources fighting against temples and furthermore, that there is simply no archaeological evidence for deliberate destruction. Thus the picture of temple destruction in the Western Empire as seen from these studies is that the archaeological evidence does not match literary accounts and while some destruction is apparent, these cases only account for a small number of destroyed and/or abandoned temples.

122 Sears 2011: 229-231.
123 Mulryan 2011b: 210-211.
125 Sears 2011: 245-249.
Moving on to temple conversion, Goodman turns to the study of Faudet for North Africa, who identifies only 12 examples of temple conversion/Christian re-use. Not only is there a small number of examples for temple conversion but there also tends to be either a hiatus between abandonment and reuse or the transformation only incorporated part of the existing temple. Furthermore, temple conversion appears to be a later phenomenon, with examples ranging from the 5th to 8th centuries.127 In Spain, temples only began being converted to churches in the mid-5th century. Arce mentions over 10 coloniae and municipia, all of which would have at least one temple, yet there is only one example from all these cities where it can be archaeologically proven that a temple was directly converted to a church between the 4th and 7th century.128 Other than this, temple conversions seem to have only occurred from the 8th century onwards. In North Africa, the archaeological evidence for temple conversion is not conclusive. While Sears does highlight several examples of temple conversions occurring in the later 4th and early 5th centuries, the evidence gathered so far coupled with trends from other provinces still suggests that temple conversion before the late 5th century was a rare occurrence.129 Thus, there is a relatively concrete trend for temple conversion in the Western Empire, with most evidence suggesting it to be a late (that is post mid-fifth-century) and rare phenomenon.

With these trends having been shown in the West it is time to turn to the Eastern Empire, for which the provinces of Greece, Egypt and Anatolia will be viewed and discussed. In Anatolia, cult activity seems to have come to a halt during the 4th century, most likely, according to this author, as a direct result of the legislation enacted from the reign of Constantine onwards, although there is evidence that ‘paganism’ continued into the 6th century.130 The second chapter has already shown that Constantine has only one law in the Cod. Theod. concerning ‘pagans,’ which called for the continuation of traditional practices. In Greece the process of Christianisation was slower and there are obvious signs of cult activity in the cities continuing into the late 4th century, with the cities not becoming visibly Christianised before the mid-5th century.131

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129 Sears 2011: 249-256.
131 Saradi and Eliopoulos 2011: 303-304.
It has been argued that the countryside tended to be Christianised more slowly than city centers. As for the Aegean islands, public ‘paganism’, as has been seen elsewhere, came to an end during the 4th century, although there are signs of people continuing to worship traditional gods into the 6th century. According to Dijkstra, the best outline for the study of Egyptian temples is that of Bagnall, who shows that many temples had already been abandoned and/or reused throughout the 4th century. Dijkstra further uses papyri and inscriptions to date the cessation of cultic activity and the reuse of temples, thus providing in some cases a remarkably precise timeline for abandonment and reuse. Several examples are given of temples being reused in the early 4th century as well as the end of cultic activity in the early to mid-4th century. As with the West, ‘paganism’ can be seen continuing past the 4th century, however, the later 4th century seemingly marks its end as a public religion.

As for the destruction of temples, Greece presents several challenges. Even with the temples and/or archaeological remains being well preserved it is difficult to draw any concrete conclusions. The temple of Aphrodite at Erykine is used as a key example for this, as it was clearly destroyed with significant damage to parts of the temple with cultic significance. Despite these clear signs, however, there is no evidence that Christians were present, leading others to suspect that the temple may have in fact been destroyed by invading Visigoths. Even in cases when it appears most likely that Christians were responsible, excavators cannot fully rule out the possibility of natural disasters or invasion. In Antatolia temple destruction increases significantly in the late 4th century and early 5th, however, archaeology provides few examples of purposeful destruction. Deconstruction is far more common than actual destruction, which seems to have occurred only rarely in Asia Minor. In the case of Egypt, temple destruction is again seen as a rare occurrence, stemming from the need of construction materials rather than religious conflict. Dijkstra further highlights that temples situated outside of the main inhabited areas, such as Dendara (Tentyris) and Edfu (Apollinopolis Magna), remained virtually untouched.

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132 Caseau 2004: 105-106.
one of Asia Minor to Egypt is relatively clear and similar, religiously motivated destruction is rare, deconstruction for practical purposes is far more common.

In Greece, evenly split between the mainland and the islands, there are roughly 100 examples where churches have been built on ‘pagan’ sites. It appears that this process occurred earlier than in the West with most sites dating to the late 4th and early 5th century. The difficulties which were noted above in cases of temple destruction also cloud the issue of temple conversion, as it is unclear which of these temples were purposely targeted for conversion, and which ones had already been the victim of a natural disaster or invasion prior to their conversion.\textsuperscript{137} Specifically looking at the Aegean islands, Deligiannakis only found a small number of definite temple conversions which seemingly begin in the mid-5th century.\textsuperscript{138} For Asia Minor, the re-use of temple materials becomes more common during the 5th century. The indirect conversion of temples can be seen from the early 5th century onwards, while the direct conversion of temples only occurs from the late 5th century onwards.\textsuperscript{139}

As was seen in Gaul, there also tends to be a hiatus between the end of these temples and their conversion into churches. While there are several theories on the reason behind this hiatus, it most importantly weakens the theory of a triumphalist conversion policy.\textsuperscript{140} For Egypt, churches only begin being built in the vicinity of temples after the second half of the fifth century and tend to avoid the most sacred areas. Through a case study of the First Cataract region, Dijkstra concludes that temple conversion was a later phenomenon, inspired more by practicality than idealology. The general conclusion drawn from these studies of the Eastern Empire is ultimately the same as for the West, with both purposeful temple destruction and conversion being an uncommon occurrence. Cases for temple conversion especially, occur almost exclusively after the second half of the 5th century.

Moving on to Syria, Libanius makes it clear that the majority of the attacks against the temples occurred not in the city but in the countryside surrounding Antioch, as the monks moved from village to village attacking rural shrines. Fowden believes that Libanius’ account could be verified simply by the large number of early Byzantine churches found throughout the Syrian

\textsuperscript{137} Saradi and Eliopoulos 2011: 301-304.
\textsuperscript{138} Deligiannakis 2011: 340-346.
\textsuperscript{139} Talloen and Vercauteren 2011: 363-379.
\textsuperscript{140} Talloen and Vercauteren 2011: 373-375, 379-381.
countryside in contrast to the surprisingly small number of temple-ruins. Syria and Palestine are considered to be the two primary provinces where particularly destructive temple-to-church conversions took place, often with no trace of the former structure being left behind. However, does the lack of temple remains coupled with a few examples of violent conversion actually point to widespread destruction throughout the Syrian countryside? Ward-Perkins in particular finds fault with the methodology employed by Fowden, as he does not take into account negative evidence, temples that were not transformed into churches as well as freestanding churches. Importantly, the vast majority of churches were not built over traditional sites. Thus, it is careless to access the fate of the Syrian temples based solely on the still standing remains of temples and churches. Before an examination of the known temple remains in the Antiochene countryside can be made, it is first necessary to examine the settlement patterns in this area in order to gain a better understanding of the archaeological landscape in question. The two key areas that make up the Antiochene countryside are the Amuq Valley and the Limestone Massif.

Settlement and Rural Temples in the Limestone Massif and Amuq Valley

Both the Limestone Massif and the Amuq Valley have generated a great deal of scholarly attention, and several archaeological campaigns have been conducted in each. The most well-known of these studies was conducted by Tchalenko between 1953 and 1958 in the Limestone Massif. This large territory mainly consists of the highlands in Northwestern Syria, situated just East of Antioch, it extends roughly 85km South of the city and 40 km to the North (Appendix 1). Furthermore it is in this territory that the Dead Cities are located. The other key territory in the immediate vicinity of Antioch is the Amuq Valley, commonly known as the Plain of Antioch. The Plain is roughly 40 km from north to south and 35 km east to west, it is fertile and has an ample water supply, from the Orontes, Afrin and Kara Su rivers as well as the lake of Antioch (Appendix 2). Here, Braidwood conducted a massive survey in 1932, in which he located and mapped 179 sites in the plain. This study, however, did not incorporate the surrounding highlands and was almost entirely limited to tell sites. More recent excavations have been

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141 Fowden 1978: 68.
144 Tchalenko 1953-1958.
145 The two territories slightly overlap in the area of the Lake of Antioch.
146 Braidwood 1937.
carried out from 1995 to 1998 and 2000 to 2002 by the University of Chicago known as the Amuq Valley Regional Project (AVRP), which used modern technology to build upon Braidwood’s study and establish a more complex and detailed picture of settlement patterns and environmental changes throughout its occupation.¹⁴⁷

Settlement within the Amuq Valley has remained relatively constant, as it has been occupied from the Neolithic to the modern era. While the area remained occupied, significant changes did occur in the key areas of settlement within the territory, specifically in regards to village size and density. During the Iron Age (6000-500B.C.) most sites were located in the plains and river valleys, however, beginning in the Hellenistic period (3rd to 1st century B.C.), large tell sites were abandoned for smaller, more dispersed villages, which spread not only in the plain but also throughout the highlands.¹⁴⁸ The process of dispersal peaked in the Late Antique period (4th to 7th centuries) while the settlement of the highlands peaked between the 5th and 6th centuries.¹⁴⁹ The AVRP found that while 72% of the examined sites were still occupied during the early Roman period only 47% showed signs of continued occupation during the late Roman period. This, however, does not mean that occupation of the territory was lower during the late Roman period. Casana argues that the plain was probably more densely populated during Late Antiquity than any point previously.¹⁵⁰ The reduction in occupied sites can be explained by both the dispersal into the mountains and the difficulty in spotting the low lying villages common to Late Antiquity.¹⁵¹

Larger towns were still present, such as Imma and Gephyra, though the general picture of settlement is small villages spread throughout the plain and highlands.¹⁵² These villages generally fall into two categories: those owned by estates, and self-governing communities, although epigraphic evidence has further shown that some villages in the Antiochene countryside, as well as other areas throughout Syria, belonged to the emperor’s private fisc and some to members of the imperial senate.¹⁵³ While the administration of these villages is not

¹⁴⁷ Gerritsen et al. 2008: 242-244.
¹⁵⁰ Casana 2004: 104-105.
¹⁵¹ De Giorgi and Eger: 260-262. Surveys throughout three valleys in the Jebal al-Aqra found that nearly every site located was occupied during the late Roman period.
¹⁵³ Trombley 2004: 75-81.
particularly important to this study, it should be kept in mind who was responsible for the villages and who financed the building of structures such as temples. It is from here that temples must be addressed, beginning with what actually constituted a rural temple in Late Antiquity and the differing categories under which they fell.

The rural zone which lay outside the main administrative city can be divided into two categories, *ager* and a *soltus*. The *ager* is the area in which villas, villages and temples could be found, while the *soltus* constituted the uncultivated land, such as mountainous terrain, where temples and sanctuaries could also be found.\(^{154}\) Sites of natural beauty were often chosen as locations to erect sanctuaries; the hilltops of Syria were no exception and often had monuments erected for traditional gods, many of which were later chosen as monastic sites. Villages could either have their own temple or share them with neighbouring villages and regional differences can be seen in the location of temples. Caseau highlights the regional differences found within Syria, as in both the Limestone Massif and the Amuq Valley temples are mainly found on hilltops, while to the south near Apamea temples are predominately located close to the villages.\(^{155}\) Using epigraphic evidence Rostovtzeff argued that Syrian temples probably owned large tracts of lands and villages, furthermore that these ‘village temples’ were as numerous as elsewhere in Asia Minor.\(^{156}\) The recent work of Callot and Gatier, however, while admitting that temples more than likely possessed land and one or more villages, have shown that there are fewer village temples than previously thought, as these structures are often confused with monumental tombs.\(^{157}\)

Before examining the known temples from these regions, the process of Christianisation in this regional context will first be briefly addressed. By examining this phenomenon, it is possible to see not only when Christianity penetrated the rural population but also when it became a dominant religion in the area. The Christianisation of the Antiochene countryside relies heavily upon epigraphic evidence, as a significant amount of inscriptions have been found throughout the countryside. It seems that Christianity was not a dominant force in the Limestone

\(^{154}\) Caseau 2004: 106.
\(^{156}\) Rostovtzeff 1926:: 199, 533.
\(^{157}\) Callot and Gatier 1999: 676-682.
Massif or Amuq Valley prior to the conversion of Constantine. While Antioch was an early foothold of Christianity, traditional cults and practices have been shown surviving in the rural north well into the 6th century. The spread of Christianity throughout the Antiochene countryside will therefore be examined by viewing the emergence of churches and the cessation of cult activity.

Northern Syria was Christianised earlier than the South, as can be seen in the territory surrounding Apamea, which was roughly Christianised 50 years later than the Antiochene territory. The process may have been accelerated in the North on account of Antioch, as well as the presence of many hermits and monks, who according to inscriptions and literature, including Or. 30, played an integral role in the Christianisation of the north. The hillsides surrounding Antioch are known to have housed many early hermits and monks. Arguably their high standing with the urban elite may have encouraged conversion, both for protection from landlords and a source of authority outside the city. Famously, the Antiochene hillsides would in the early 5th century become the home of Symeon the Stylite. Thus, while it is common for literature to embellish the role of religious figures in the destruction and/or conversion of temples, the Antiochene region did support a significant monastic community. Furthermore, if the region was Christianised earlier than other regions, can destruction/conversion be seen earlier than the general trend previously examined?

The spread of Christianity in the Antiochene countryside can be glimpsed through both temple inscriptions and the emergence of Christian inscriptions. This can roughly indicate the time in which cult activity was coming to an end in comparison to the rise in predominance of Christian inscriptions. The earliest dated inscription from a temple appears at Srir and is datable to 131. The inscriptions continue with little time in-between until 243, which serves as a major cut off point for temple inscriptions. There is one example, however, from Touron in the Orontes Valley where a temple inscription is datable to 367 to 368, suggesting that the majority of temples were active from the 2nd to mid-3rd century. As for Christian inscriptions, Trombley

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158 Liebeschuetz 1979: 17.
159 Frankfurter 1990: 177.
limits himself to a specific, type of inscription referencing the one god (εἷς θεός). This type of inscription first appears in 325 and becomes must used soon after. With seven such inscriptions appearing the first half of the 4th century, 16 in the later half, 12 in the first half of the 5th century, six in the later half and four in the first half of the 6th century.\textsuperscript{163} These inscriptions appear on a range of mediums, from homes to tombs and churches. What they show is that the last half of the 4th century and the beginning of the 5th were rich in Christian activity throughout the Antiochene territory.

The process of Christianisation can be further seen in the emergence of churches. Recent work on the epigraphic evidence from northern Syria has been conducted by Trombley.\textsuperscript{164} A method used by Trombley to observe cases of temple conversions is the presence of (spolia) in datable churches. This is particularly interesting as it shows at what time temples had been, or were being dismantled for Christian use. While spoliation is a rather common occurrence in the Mediterranean, there are limitations to its usefulness. It cannot be used to determine the state of the temple before it was reused, whether the material was purposefully used and furthermore, it cannot be used to determine whether or not there was a hiatus between temple’s abandonment and its reuse. The first sign of pre-Christian objects appearing in churches is at the site of Qal’at Kaluta in 387 and the latest at Barakat in 407. The other four examples range from the late 390s to the early 400s.\textsuperscript{165} What this evidence seems to indicate, is that by the late 4th century, temple material was being reused in the construction of some churches.

\textit{The Fate of the Temples of Northern Syria}

Callot and Gatier have provided a ‘network of temples in the Limestone Massif’ in which 30 sites are discussed. Eight of the sites are located in the Djebel Zawiye, three in the Djebels Dueili and Wastani, one site in the Jebel el-‘Ala, Barisha, Srir and Sheikh Barakat, nine in the Djebel Basrisha and eight in the Djebel Semane. There are several more proposed temple sites but these have not been included in the list on account of a lack of material evidence. Of these thirty sites, seven are located in areas which classify them as ‘hauts-lieux,’ high place temples which were common to the territory, while the remaining 23 are simply identified as ‘autres

\textsuperscript{163} Trombley 2004: 74-75.
\textsuperscript{164} Trombley 2004: 59-85.
\textsuperscript{165} Trombley 2004: 63.
sites.’ However, after further observation nineteen of these sites must be removed from the list as they are not actually temple sites, effectively displaying the difficulty in the simple identification of Syrian temples. Mistakes occur for a variety of reasons: poorly identified inscriptions and remains, architectural similarities to stylite facilities, mausolea and funerary monuments.\(^{166}\)

The eleven sites that therefore remain to be examined are Ma’ashurin, Kfeir, Shnaan, and Nabi Aiyoub of the Djebal Zawiye, El-Hosn of the Djebel Wastani, Me’ez and Bourdj Baquirha of the Djebel Barisha, Qal’at Kaota and Brad of the Jebel Semane and the two hilltop temples of Djebel Srir and Djebel Sheikh Barakat. All eleven sites will be mentioned, with the exception of Brad, although for six of these temples very little is known and therefore the five sites of Shnaan, Bourdj Baquirha, Qal’at Koata, Djebel Srir and Djebel Sheikh Barakat will provide the majority of information for this study.\(^{167}\) The temple of Ma’ashurin was first visited in the early 20th century by Butler, who was easily able to identify it on account of the ruins still \textit{in situ}. Little is known of this temple and its eventual fate, though it is thought to be rendered out of use around the mid-2nd century.\(^{168}\) The temple of Kfeir Rouma likewise presents many difficulties, especially on account of its incorporation into a modern building. While the temple has not yet been dated, Tchalenko believes that the temple was transformed into a fortress during the medieval period, and its location suggests that it was a ‘village temple.’\(^{169}\)

The remaining two temples of Shnaan and Nabi Aiyoub are both temples in high places. The remains of Nabi Aiyoub are indicative of Roman temples in the region; currently the evidence suggests that the temple was built in Roman times and then replaced by a chapel in either the fifth or sixth century.\(^{170}\) The temple of Shnaan has received a more in depth study by Griesheimer and is the first temple to be examined in detail here. The archaeology of this temple is extremely difficult, though some general assessments can be made. The large sanctuary in this village was developed in two terraces and it is to the west of the upper terrace that the temple is found, measuring only 15m long and 8.10m wide. A funerary relief depicting Zeus was found

\(^{166}\) Callot and Gatier 1999: 673-674. Only one of the mistaken temples was a Stylite facility, while eleven were either mausoleums or funerary monuments.

\(^{167}\) While Brad has been confirmed as a temple, the information concerning this site is too preliminary to be properly incorporate here.

\(^{168}\) Callot and Gatier 1999: 666.

\(^{169}\) Callot and Gatier 1999: 666-667.

dating to either the second or third century. Unfortunately the late Antique layers have been largely buried, making it difficult to assess what fate befell the temple. However, it is possible to see from the visible remains that the sanctuary underwent both transformations and mutilations. Moldings on the north door jamb have been hammered, an inscription on the piers of the South gate has been mutilated, and above a Greek inscription in larger relief a Greek cross was engraved. Engraving crosses in the former temple was a superstitious act aimed at removing and warding off ‘pagan’ demons. It should be added further that sealing in the central bay suggests an older and harmonious transformation. Thus the remains suggest the sanctuary had its sacredness appropriated for Christianity.

Moving away from the Djebal Zawiye to the Jebel Wastani there is the el-Hosn temple, a high place sanctuary, located in the highest ridge of the Jebel Wastani. The temple belongs to the 2nd century and like the Kfier Rouma temple, it seems to have been converted into a fortress during the medieval period. Strangely, there is a dedicatory inscription (Zeus Koryphaios) dating to 367-368 which could not be revised, making it the latest temple inscription in northern Syria. Callot suggests it may have been in relation to a restoration. In the Djebel Barisha, little is known of the temple of Se’ez, where remains and inscriptions simply prove its existence. In this region, however, there is significant information concerning the high place temple of Bourdj Baqirha. The temple was dedicated to Zeus Bomos and inscriptions to this god date the temple to 161 A.D. What is most interesting about this temple is that it did not suffer from any destruction other than the ravages of time. Callot and Marcillet-Jaubert, therefore, suggest that the temple may have been converted to perform another function. It cannot be ignored, however, that Baqirha, constituting a high place sanctuary formed a visual relay with three other temples in the area. The continuity of this temple makes an organized campaign against the temples even less likely; especially if being carried out by monks.

The third significant temple is dedicated to Zeus Tourbarachis and is found on the Jebel Srir, and despite having mostly collapsed the temple is still complete. Several inscriptions found

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172 Bayliss 2005: 16.
173 Griesheimer 1999: 696
in various areas have made the dating of the temple relatively easy. The earliest date on the main temple structure is 116, which is found alongside the Emperor Trajan’s name. There are also two reliefs bearing inscriptions that date them respectfully to 130 and 131, while the pronaos is inscribed with the date of 150. Evidence from the area immediately surrounding the temple suggests the temple was built beside an older shrine, as fragments indicate that there were four alters/shrines, one of which was dedicated to Zeus Soter Tilokbarei and is datable to 103. Furthermore, south of the temple there may have been a small single-nave basilica constructed during the fifth or sixth century. As for the fate of the temple, the sanctuary was transformed into a convent around a Stylite column most likely in the 6th century, though the temple remained standing. Some evidence suggests the former temple was temporarily used as a chapel. The temple remained mostly intact into the medieval period, with some additions and removals, then following the crusades the temple was abandoned and fell into ruin.\textsuperscript{177} Thus the church was built away from the temple area, while the temple itself was transformed to fit the needs of the new Christian community.\textsuperscript{178}

The next important temple site is that of Jebel Sheikh Barakat which was dedicated to Zeus Madbachos Selamanes and falls into the category of a high place temple. Built atop the mountain at an altitude of 870m, the splendor of this area has attracted religious attention from all types of religion: ‘Pagans’, Christians and Muslims. The location and height of the mountain (Koryphaios) dominates the region. The sanctuary, along with the temple, is believed to have been nearly completely destroyed at the end of the 4th century. The temple was dismantled down to the foundations and the surrounding portico was largely removed except for two small sections running around the SW to SE side of the sanctuary. Reconstruction has been partially possible on account of the reuse of building materials, which can be found largely in medieval structures, as well as in structures from the nearby village of Qasr el-Hadid. Aside from archaeology, Theodoret’s \textit{History of the Monks of Syria}, written in the early 5th century, is used to argue for this date as it refers to the former temple on mount Koryphaios. Following the destruction of the temple, a small chapel was built within the sanctuary during the 5th century, though it clings to the NE wall completely avoiding the foundations of the former temple. Thus

\begin{footnotes}
\item[177] Callot and Marcillet-Jaubert 1984: 192-195.
\end{footnotes}
there is no sign of temple conversion and even the deconstruction of the temple does not seem to have been a violent process.\textsuperscript{179}

The final integral temple site is that of Qal Kolata in the Jebel Semane, another high place temple, which was built at an altitude of 560m, and was dedicated to Zeus Seimos and Symbetyle. The sanctuary was in fact comprised of two temples, a larger and a smaller, both built in the second century. Standing on the mountain top today is a large, well preserved basilica which was built between the 5th and 6th centuries. The temples were destroyed in the 5th century, leaving only one wall from each temple intact, both of which were later incorporated into the basilica, along with other spolia, such as the nave of the basilica reused elements from the temple’s columns.\textsuperscript{180} The basilica completely covers the area of the former central temple, while ending at the wall of the smaller. While the basilica did reuse the two remaining walls, there is evidence that the temple lay in ruins for some time prior to the construction of the church.\textsuperscript{181} This is an example of a temple conversion, and as Bayliss notes, it is flexible and opportunistic.\textsuperscript{182} The former temples were not suitable for a basilica, but the two walls were able to be incorporated into the design of the basilica.

At the end of this overview it should first be stressed that the small number of temples used in this study does not provide a statistically significant sample. Future excavations will hopefully provide more cases on which stronger conclusions can be based. From the examples given, five impressive hill-top sanctuaries, Qal’at Kalota is the only example where a basilica completely covered a former temple (5th-6th). While the temple at Sheikh Barakat was completely dismantled by the beginning of the 5th century, between the 5th and 7th centuries only a small basilica was constructed completely avoiding the former temple’s space. Likewise at Srir, the construction of the single-nave basilica took place away from former temple space and although the temple may have been temporarily used as a chapel it did not suffer from any serious destruction. Finally, the temple at Bourdj Baqirha underwent no visible transformations and suffered no purposeful damage. While the hill-top sanctuaries clearly attracted the attention

\textsuperscript{180} Callot and Marcillet-Jaubert 1984: 198-200.
\textsuperscript{181} Callot 1997: 742-744.
\textsuperscript{182} Bayliss 2005: 18.
of Christians, the fate of the temples at these sites does not appear to have been overly violent, and conversions do not seem to have been conducted in a triumphalist manner.

Conclusion

The recent scholarship concerning temple destruction and conversion was the first to be examined in this chapter and a relatively coherent image of both destruction and conversion emerged. Purposeful religiously motivated destruction is rare, as is the phenomenon of temple conversion, which only seems to develop from the late 5th century onwards. Following an overview of the regions to be discussed, it was observed on the basis of inscriptions that formal cult activity in the Antiochene countryside was coming to an end in the 4th century, while Christianity was in the same century spreading throughout the region, especially in the latter half of the century. This simply established that Christianity had penetrated the countryside by 386. Finally, the known temples in the Amuq Valley and Limestone Massif were examined. While there are some signs of destruction, the destruction is not overly violent and it appears more common for the former temple to be transformed for a new use during the 5th-6th centuries. The construction of churches, which occurred on all five major sites, all avoided the former temple site with the exception of Qal Kolata. However, the survival of the temples in one manner or another at Srir, Bourdj Baqirha and Shnaan rule out an organised campaign against the temples as described by Libanius. The physical evidence is more in line with the precedent of destruction and conversion being a late and rare occurrence.
**General Conclusion**

The validity of *Or. 30* as a source of temple destruction in Late Antique Syria has now been studied on three levels: literary context, legal status and archaeological evidence. While each chapter has presented its own difficulties and raised some further questions, by approaching the question on these three levels, a coherent picture has emerged. In order to finalize this study the evidence will be brought together and discussed before providing an answer to the overarching question, to what extent can Libanius’ *Or. 30* be used as a source of temple destruction in the Antiochene countryside in Late Antiquity?

In chapter 1, the validity of *Or. 30* was brought into doubt while studying its context. Having been composed between the years 385-387, *Or. 30* belongs to Libanius’ set of orations commonly known as the reform speeches, and as Liebeschuetz states, they tend to paint a dark picture of life in Antioch. If Libanius was disillusioned with the Empire, and *Or. 30* was more a product of this than a genuine plea for help, than its validity would immediately be weakened. This question deserves further exploration, as the arguments used in *Or. 30* do not appear to be the ramblings of an elderly orator, but are instead strongly presented and thought out. For this reason *Or. 30* was compared with Libanius’ other ‘reform speeches’. While *Or. 30* does stand out from the other orations on account of its direct religious content, with the exception of *Or. 2*, it is very similar to other orations, especially *Or. 50* and *Or. 45*, in regards to the style of argumentation. *Or. 30* does revolve around the destruction of temples, but Libanius makes it clear that the true victims are the peasants. The defence of the voiceless is a common theme in these orations; *Or. 50* defends the peasants and *Or. 45*, the prisoners. Even the arguments used in these orations are often similar, such as claiming that the perpetrators know the illegality of their actions but do them regardless (compare *Or. 30.51* with *Or. 50.7*).

Furthermore, in these orations, both the descriptions and actions of the perpetrators of the attacks have clearly been exaggerated. This rhetorical style is not limited to Libanius, but can also be seen in the works of Ammianus Marcellinus, Synesius and Gregory of Nazianzus. The ‘reform speeches’ tend to target administrations and some specific high ranking figures. The campaign against the temples in *Or. 30* was said to have been carried out by the monks, but Libanius makes it clear that a high ranking official is behind it (probably to be identified with Cynegius), while also blaming the administration for a lack of action. In *Or. 45* he targets the
city governors and in Or. 50 it is the administration of Icarius which is abusing the poor. As Libanius is known to exaggerate his attacks and employ similar arguments from one oration to the next, the validity of Or. 30 is diminished. While this does not reveal the full extent to which Libanius’ claim of widespread temple destruction can be taken, it does suggest that the claim as presented in Or. 30 is an exaggeration.

As Libanius greatly emphasises the illegality of the monks’ attacks, in chapter two it was necessary to examine the legal status of temples as seen in the Cod. Theod. and then compare these results with Libanius’ presentation of the law in Or. 30. The chronological overview of laws that pertained to the temples in the Cod. Theod. showed that there was no legal basis for the destruction of temples contemporaneous or prior to the composition of Or. 30. As laws are issued for a specific reason, the more laws there are on one issue suggests that that issue held greater priority or needed more enforcement. Cod. Theod. 16.10, De paganis, sacrificiis et templis contains a total of 25 laws, while Cod. Theod. 16.2, De episcopis, ecclesiis et clericis contains 47 laws and Cod. Theod. 16.5, De haereticis, contains 66 laws. Since the Cod. Theod. is a collection of laws from the reign of Constantine to its publication in 437, it can, therefore, be stated that the most pressing religious concern was not ‘pagans’, temples and sacrifices between these years. The consolidation of the Christian Church appears to be a more important issue. Furthermore, the laws which dealt with the temples were primarily concerned with the conduct of illegal sacrifices.

The relation of temples to the conduct of sacrifice certainly led in some instances to the forbidding of their access, as seen in Cod. Theod. 16.10.4 (356/7) and 16.10.10-11 (391). The forbidding of access to temples, however, cannot be misconstrued as calling for destruction and in some instances temples are even protected by the law. For example, Cod. Theod. 16.10.1 (320/321) calls for the continuation of traditional practices, while Cod. Theod. 16.10.3 (342) states that temples outside the city walls (Rome) cannot be harmed on account of their connection to popular traditions and Cod. Theod. 16.10.8 (382) decrees that a specific temple is to remain permanently open on account of its popularity. Thus, the physical bodies of the temples were by no means targeted and absent sacrifices the structures themselves could be appreciated. The focus on sacrifices being the prime target of these laws can again be seen clearly in Cod. Theod. 16.10.12, which discusses the penalty for people caught committing
illegal sacrifices. The penalty was the same whether the sacrifice occurred in a temple, shrine or field; the sacrifice alone is the most offensive act.

As the *Cod. Theod.* is a collection of general laws, it must be admitted that it is not a fully comprehensive collection as *rescripta* were not included. Specific cases in which temples may have been targeted could be missing from the *Cod. Theod.* This, however, does little to distract from the usefulness of the *Cod. Theod.* as a historical source since general laws were meant for widespread application and no law in the *Cod. Theod.* calls for destruction, it can be safely stated that as a general rule temples were not to be harmed. This limits the validity of Libanius’ statement even further. Some temples may have been targeted by the monks, but a systematic campaign against the temples, of the magnitude described by Libanius, could by no means be legally supported, making it less likely to have occurred.

Libanius’ presentation of imperial legislation is also quite representative of what is found in the *Cod. Theod.*, especially in regards to his overview of both Theodosius’ and previous emperors’ positions on the temples. Even in cases where Libanius is referencing a law that cannot be obviously supported by the *Cod. Theod.* it is possible to see that he was making interpretations based upon known laws. This can be most easily seen in Libanius’ assumption of what was not considered a forbidden sacrifice, as Libanius inferred it was anything not specifically prohibited by law. Libanius clearly interprets some of the laws in a beneficial manner and uses his skill as a rhetorician to support and strengthen his position, but he is obviously familiar with the laws and his arguments strongly reflect this knowledge. It is interesting that the strength of Libanius’ argument actually takes away from the validity of his statement. The *Cod. Theod.* made it clear that there was no imperial precedent for the destruction of temples and Libanius was certainly aware of this, making it highly unlikely that such a campaign could have occurred. This campaign, therefore, must be seen in close relation to Libanius’ description of the monks. The extent of their actions is more than likely a gross exaggeration of actual events.

With both the context of *Or.* 30 and the legal status of temples pointing to the same conclusion, one integral area still needed to be explored, the archaeological evidence, which was studied in chapter three. As seen in recent research throughout the Empire, the scholarly consensus on temple destruction and conversion has changed. The collection of studies in the
recent publication *Archaeology of Late Antique ‘Paganism’*, provides a good survey of regional studies. These studies from Gaul, Spain, Italy, North Africa, Greece, the Aegean Islands, Egypt and Anatolia, despite having some differences in detail, all point to temple destruction and conversion being a relatively rare and late phenomenon (from the second half of the 5th century onwards). In these studies, decay is presented as a greater enemy to the temples than religious violence and temple conversions where shown to often have an indirect relationship, either spatially between the destruction of the temple and the building of the church, temporally, or both. Furthermore, Ward-Perkins has raised the issue of negative evidence, as the vast majority of churches were not built over temple sites. Thus, before even examining the archaeological evidence for Syria, it seemed unlikely that Libanius could be accurate, both on account of chronology and scale.

Since Libanius specifically mentions that most attacks occurred in the countryside, both the Amuq Valley and Limestone Massif were examined in depth. While several surveys and excavations have been conducted in the area, a problem arises from the lack of known temples. Epigraphic evidence can help to provide a picture of the religious atmosphere in the Antiochene countryside, as it can be used to show that temple inscriptions largely ceased by the mid-3rd century. Meanwhile, Christian inscriptions appear significantly more often from the mid-4th to the mid-5th centuries. This by no means suggests that traditional religions were no longer prominent in the region, but it does show that Christianity became a dominant force during the mid-4th century. Furthermore, the hill-tops of the Antiochene countryside are well known for housing monks and other religious figures, while the city of Antioch was and continued to be a significant Christian city. This information by no means confirms Libanius’ statement, but it does to provide a context for Libanius’ claims.

In their study on the network of temples in northern Syria, Callot and Gatier reduce the number of definitive temple sites to 11; there are several other proposed sites, but these could not be studied due to a lack of evidence. Of these 11 sites, only five have been studied satisfactorily, the temples of Bourdj Baqirha, Srir, Sheikh Barakat, Qal Kolata and Shnaan. All of these temples are part of hill-top sanctuaries, which were the common position for temples in northern Syria. There is one example of a spatially direct temple conversion at Qal Kolata, where two temples were dismantled during the early 5th century, and their space was then completely
covered by a large basilica built between the 5th and 6th centuries. From the known temples this is the earliest possible example of a temple destruction. Compared to the regional studies elsewhere in the Mediterranean this date is surprisingly early, although it still comes after the composition of Or. 30. Unfortunately little is known of the temple just prior to it being disassembled. It would seem more fitting if the temple had been abandoned prior to its destruction, though the prime position of this sanctuary may also have added to its fate. Furthermore, as stated, the temple was dismantled and there are no real signs of violent destruction.

The temple of Barakat was also dismantled during the 5th century, but here only a small basilica was built between the 5th and 7th centuries and it completely avoided the former temple. The dismantling of this temple again comes after the composition of Or. 30 and does not appear to be a violent affair. The hiatus between destruction and the building of the basilica, coupled with the spatial difference further takes away from this being a triumphalist conversion. At Srir, a small basilica was built away from the temple during the 5th or 6th century; the temple itself was used for some time as a chapel and in the 6th century was transformed into a convent, but the temple building did not suffer any serious damage. Thus, here there is only one example of a temple being transformed to suit another purpose. Importantly, the temple at Baquira did not suffer from any damage other than erosion over time and from these hill-tops, many of the sanctuaries were visible from one another. This line of sight rules out the possibility of the temple being accidently skipped by the monks, leading Callot and Marcillet-Jaubert to assume that the temple was used for another purpose that has not been determined.

None of the examined temples, then, fit the description of Libanius’ claim. It appears that in the 5th century, traditional religious sites were being taken over by Christians, but the process does not seem to have been violent. Furthermore, there are no archaeological examples of temples being destroyed in the late 4th century. Thus, the physical evidence shows that there was no organized campaign aimed at the destruction of temples throughout the Antiochene countryside in Late Antiquity.

In sum, all three chapters have pointed to the same conclusion. Libanius’ claim of widespread destruction cannot be taken at face value. While the region was certainly undergoing a transformation and the sacred landscape was turning into a Christian one, the remark in Or. 30
cannot be other than an exaggeration used for effect in a highly rhetorical oration. This means that it also cannot be used to support the idea of widespread destruction and religious violence in the Antiochene countryside at the end of the 4th century or, for that matter, Late Antiquity in general.
Fig. 1. Map of Syria, with the Limestone Massif highlighted in black to the east of Antioch. (Mango 2002: 309).
Fig. 2. Map of the Amuq Valley with the locations of known archaeological sites, (Yener, K.A. et al. 1995-1998: 172).
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