

Trials of Christian Martyrs. Case Study: *de Perpetuae et Felicitatis Martyrio*

PhD. student **Marius Vasile BÂRDAN**¹

Abstract

A person who dies for his or her religious faith is called a martyr or a martyr, but the term martyr also applies to those who give their lives for another cause considered noble, such as those who die for their country in time of war. Martyrdom is the suffering, torment, torture or death endured by someone for their ideas or beliefs. The term martyr is also used by extension in other forms, martyr of the fatherland, martyr of labour, to honour particular acts of heroism. The word 'martyr' is originally Greek and designates someone who has witnessed to Christ by his own death. At first, the term martyr was used with reference to the apostles still living, then it was extended to all those who gave a demonstration of faith and finally it was used of those who died as a result of persecution.

Keywords: martyr, persecution, edict, ecclesiastical law.

JEL Classification: K10, K41

1. Introduction

From the study and analysis of doctrinal material² we have extracted the elements summarized and presented below, relevant to the nature of the study and the subject of this paper.

Historically, Rome was divided into two eras:

- prestate (753 BC to mid-6th century)
- state, since the 6th century.

There was a period in the state age when punishment played an intimidating role and -was noted for its atrocity, which is why public punishment became at that time a means of maintaining discipline and defending the authority of clerical and military power. Punishments were mainly corporal and were accompanied by torture and horrific tortures, deprivation of liberty was unknown at the time, and offenders were imprisoned in pits, sewers or even abandoned mines, the above-mentioned measures having the role of preventive measures of isolation until they were convicted.³ The most common punishments in the state era were public beatings with whips, rods or nails, mutilations such as cutting off tongues, ears, fingers, arms, legs, gouging out eyes, skinning and the death penalty by hanging, beheading, dragging on a wheel, cutting open the body, burying alive, drowning, crucifixion, burning at the stake, all of which, by their exacerbated cruelty, maintained a constant state of fear of the state institutions of the time and of the eventual application of the law.

2. Historical and legal aspects

In the royal laws, the death penalty was conceived as something consecrated to the gods, and the guilty no longer belonged to the community of men, but to the gods. The punishment had no moral character, but was a religious fact, and the death of the guilty party and of everything that participated in his defilement was a defensive measure, not a moral punishment.

The punishment was death for stealing during the night, arsonists, the solvent debtor who could not pay his debt after being imprisoned for 60 days, the one who testified falsely and the judge accused and proven guilty of corruption.

With regard to the period covered by this paper, which concerns the martyrdom of Christians,

¹ Marius Vasile Bârdan - student of the Faculty of Psychology, Behavioral and Legal Sciences, "Andrei Saguna" University, Romania and at the University of Life Sciences "Ion Ionescu de la Brad", PhD School of Engineering Sciences, Entomology, Iasi, Romania, email: nifonmariusvasile@gmail.com.

² Emil Molcuț, Dan Oancea, *Drept Roman*, Casa de Editura si Presa "Șansa" S.R.L., Bucharest, 1993, pp. 10-25; Iuliana Savu, *Introducere în drept*, online course, 2009, p. 27 et seq.; Hanga, Vladimir, *Drept privat roman, Tratat*, Didactic and Pedagogical Publishing House, Bucharest, 1977, p. 15 et seq.; Ionescu Mircea Felix Melinești, *Roman Law, Course Notes*, Hyperion University Bucharest, 2005, p. 24 et seq.

³ Ș. Pop, *Police and Crime Prevention*, Ed. Herman, Sibiu, 1999, pp. 79-81.

the martyrdom of Christians is identified as beginning approximately with the rule of Emperor Nero (64-67 AD) and ending with the promulgation of the Edict of Milan in 313 AD.

We thus see that the period of Christian martyrdom falls, from the perspective of the forms of organization of Rome, in the period of the Principate and the Dominate, both being evolutionary structures of the Empire.

From the perspective of political organization, during the period of the Principality, the prince was autocratic, while maintaining the appearance of republican institutions.

Power was exercised by the Emperor, the Senate and the Magistrates, ensuring the primacy of the Emperor, who was the first of the citizens (princeps - the term that gave the name to the form of government).

The old, republican political structures (the People's Assemblies with the 3 Committees, the Senate and the Magistrates) are maintained but their competences will be limited in time.

Formally, the Senate had greater power, but in fact its power was subordinate to the imperial will.

During this period, although the old magistrates are preserved, new magistrates are created in parallel:

- praefectus praetorio (praetorian prefect), commander of the imperial guards;
- praefectus annonae - ensuring supplies to Rome;
- praefectus urbi - was the chief of the police of Rome.

In the age of the Dominate, political organisation takes on the status of the ruler of the state, who is called "dominus et Deus" (lord and God), since his person becomes sacrosanct, divine; he is a monarch with absolute powers, disposing of the life and wealth of his subjects at will.

The Senate is replaced by an Imperial Council (Consistorium principis), made up of the Emperor's confidants, who follow his directives.

Around 395 AD, the Roman Empire is divided into:

- Eastern Roman Empire - existed until 565 AD, when it became the Byzantine Empire, when slave-like political and legal institutions were replaced by feudal ones and the Latin language was replaced by Greek.

- Western Roman Empire - lasted until 476 AD, when its last ruler, Romulus Augustulus, was overthrown by Odoacer, leader of the Heruli tribes.

From a legal perspective, the following have been included in the sources of law:

Legal custom (custom) made up of rules of conduct applied for a long time out of the conviction of their necessity, enforced by the power of the community's unformed public authority.

Law (lex) designating a binding convention. When this agreement was between two persons, the word lex took on the meaning of contract, and when the agreement was between the state and the people, the word lex took on the meaning of law.

In 451 BC the most important Roman law, the Law of the Twelve Tables, was passed.

There are several stages in the process of adopting Roman laws:

- in the first stage, the magistrate publishes the content of the law by edict;
- then the people, meeting in ad hoc assemblies, debated this bill;
- after 24 days, the people (committees), give their opinion on the draft. The people could not amend the bill, but either adopted it or rejected it en bloc.
- after the vote on the law, the last stage was ratification by the Roman Senate, which, on this occasion, checked whether or not the voted drafts corresponded to the interests of the slave aristocracy, and if not, they were to be invalidated.

Jurisprudence refers to the science of law, developed by Roman jurisconsults, through the interpretation of provisions in laws. The work of the jurisconsults consisted of indicating to the parties in dispute which text of the law applied to them, which solemn formulas they had to pronounce and which ritual gestures they had to perform. At that time, each type of trial corresponded to certain solemn formulas, failure to comply with which led to the loss of the trial by the party who did not comply.

Magistrates' edicts. The published edict was valid for one year, i.e. as long as the magistracy

lasted. The magistrate's edict was made up of legal rules designed to define the magistrate's duties during the one-year period, called the 'edictum perpetuum', and exceptionally for certain unforeseen events he issued an edict called the 'edicta repentina'. During the rule of Emperor Hadrian, the edict of the urban praetor (edictum perpetuum) was issued on his orders, from which no praetor could deviate.

This edict was reconstructed in the late 19th century by Otto Lenel,⁴ who showed that the perpetual edict had four parts: part I - Organisation of processes; part II - Civil law procedural means; part III - Procedural means of pre-trial law; part IV - Enforcement of sentences.

The Senate, following the legal reform carried out by Emperor Hadrian, became the source of law, the emperor personally or through his representative called "quentares candidati principis", read the legislative proposal in front of the Senate which approved it mechanically, the Senate acquiring a formal role.

From the 3rd century onwards, as a result of the state entering the dominate period, emperors would no longer pass legislation through the Senate.

The imperial constitutions, the edicts issued by emperors, had a regime similar to that of magistrates' edicts. Provisions were valid only during the lifetime of the emperor who issued them, and if subsequent emperors wished to maintain them, they had to be inserted into an edict.

From the time of Emperor Hadrian onwards, the emperor's decisions, called constitutiones, became law. Imperial constitutions were classified into :

- edicts - contained general legal provisions,
- mandates - were administrative instructions that emperors gave to senior imperial officials,
- decrees - these were judicial decisions given by the emperor
- rescripts - were legal consultations given by the emperor at the request of magistrates or private individuals.

Accusations against Christian martyrs. C. Moss, in his book "The Myth of persecution",⁵ argues that the Romans interpreted the refusal to burn incense and sacrifice the emperor's image as rebellion and a sign of possible treason. They were not interested in religious dogma, but in political rebellion.

The first indictments were those of Pliny the Younger, who considered Christians guilty of *laesa maiestas* (betrayal of the emperor's kingdom, against the supreme dignity of the state) against the emperor because they refused to pay homage to the statue of the emperor (honoured as a divine figure), Christians considering this an act of offence against a true God and Christ.

Authors such as Tacitus and Eusebius argue that the persecution of Christians was the cause of the madness and deviant behaviour of the emperors. However, historical writings, including Eusebius' History of the Churches⁶ note that, "even a part of the population was against the Christians".

There are some writings in which martyrs are blamed for suicidal sacrifices, in trimetry to the Church's teaching that, once dead, all men will await the Day of Judgment to decide their eternal fate - except martyrs, who were crowned with the martyr's crown and went immediately to heaven. This is why some Christians sought martyrdom in a suicidal lust for the martyr's crown.⁷

The accusations were of the most diverse, the most absurd, but in the trials of the martyrs these accusations were never proven, the desire and purpose of the persecutors was to decimate Christianity.

Willston Walker, professor at Yale University, in his book "A History of the Christian Church", about the causes that triggered the persecutions, says: "*The charges brought against the Christians were atheism and lawlessness. Their having denied the old gods seemed atheism, and their refusal to take part in worship in honour of the emperor was considered treason. Popular credulity suspected them of crimes because they sought to assemble apart. A misunderstanding of Christian teaching about Christ's presence at the Lord's Supper (they spoke of the breaking of His body and*

⁴ Otto Lenel, *Das edictum perpetuum*, 1883, 3rd ed. (1927), p. 75.

⁵ Candida Moss, *The Myth of Persecution: How Early Christians Invented a Story of Martyrdom*, HarperCollins, U.S., 2013, p. 87.

⁶ Eusebius, *The Church History*, Kregel Academic & Professional, 2007, p. 90 et seq.

⁷ Ibid, p. 91.

the shedding of His blood) gave rise to the charge of cannibalism, and their celebration and gathering in the evening in secret implied the commission of gross sins. Many of the government persecutions of this time were caused by the instigation of mobs against Christians."⁸

Persecutors and the purpose of persecutions against Christian martyrs. According to the New Testament, the persecution of the early Christians continued after Jesus' death. Peter and John were imprisoned by the Jewish rulers, including the high priest Ananias, but later released (Acts 4: 1-21).⁹

The persecution of Christians by the Roman authorities from the second part of the 2nd century onwards is intimately linked to the history of early Christian communities and the emergence of Christianity.¹⁰

Christianity was a religion almost doomed to death in the early centuries of the Christian era. Some Roman emperors and governors launched a persecution of Christians and wanted to eradicate this faith, which was considered dangerous for the fate of the empire.

This era of official persecution of Christians was placed during the reign of Emperor Nero, who ancient accounts attest was a mentally unstable and bloody character.

During the reign of Emperor Nero, Christians were few and far between, with small communities throughout the Empire, but with a significant agglomeration in Rome.

According to the Annals of Tacitus¹¹, the persecution of Christians began after Nero burned Rome in 64 AD. In the works of Suetonius¹², it is mentioned that Nero ordered Rome to be burned to make way for his palace complex, the Domus Aurea.

Because in that fire many citizens lost their belongings and Rome turned to ashes, a general revolt against the emperor was about to begin. In this context, says Tacitus, Nero found the Christians guilty, regarded by many and especially by the Emperor as a strange community, a sort of sect spreading a bizarre doctrine.

In the Annals of Tacitus, he writes "in order to put an end to the rumours that he had set fire to Rome, the Emperor Nero unjustly blamed, and subjected to the most terrible tortures, those who called themselves Christians, and who were generally scorned for the enormities which they maintained".

According to the same writings of Tacitus, a fierce persecution followed, a wave of terror. Those who professed to be Christians were caught and condemned not only for burning Rome but also for "hating the human race", and those suspected of links with Christians were caught and condemned.

In the writings of the time, it is shown that the way the Christians ended was theatrical, public and terrible, just as Nero imagined the end of the Christians. They were dressed in animal skins and torn apart by dogs, or they were thrown into the arena with wild animals in full view of everyone, crucified or burned alive on crosses.

Ancient writings state that the assumption was that persecution only spread to Rome, where Christians were being crushed because of a sick pleasure, not an organized policy to eradicate Christianity, but more was to come.

Among those martyred on Nero's orders were the apostles Peter and Paul.

There followed other moments of persecution of Christians, who, as we have shown, were regarded as bizarre individuals, with a strange doctrine that contradicted the beliefs of the time and Roman life.

In his Annals Tacitus, writes "*Christus, the founder of this faith, was condemned to death as a criminal by Pontius Pilate, the procurator of Judea, in the reign of Tiberius, but this superstition with its harmful effect - suppressed for a time, has again broken out, and not only in Judea - where*

⁸ Williston Walker, David W. Lotz, Richard A. Norris, Robert T. Handy, *A History of the Christian Church*, Scribner Macmillan, 1985, p. 87; Petru Popovici, *Graiul martirilor crestini din primele secole*, Stephanus, Bucharest, 2023, p. 86.

⁹ New Testament, Acts 4: 1-21.

¹⁰ Bobichon, Philippe (2013) *The oldest martyr literature. History of Greek Christian Literature*, vol. II/5: *From Paul the Apostle to Irenaeus of Lyons*. Paris: Cerf. p. 619-647.

¹¹ Tacitus, *The Annals of the Imperial Rome*, Penguin Classics Paperback Books, 1976. p. 74.

¹² Suetonius, *The Twelve Caesars*, Penguin Classics, 2007, p. 57.

this mischief was born, but in all Rome also, where all things horrible and disgraceful flowed from all sides, as in a receptacle, and where they were encouraged"

Because most Romans had a very negative perception of Christians, persecutions continued, mostly without any edict of the emperor or governor.

In the time of Domitian, the self-styled "dominus et Deus", Christians, believers in the one God (Father, Son (Jesus Christ) and Holy Spirit) were seen as those who defied the power of the emperor, without considering him a god in life.

Domitian's victims were even his relatives, confessors of Christ, such as Flavius Clemens, his wife Flavia Domitilla, the consul Acilius Glabrio, and all those suspected of having adhered to Christianity were executed.

Persecutions also took place under Trajan and his successor Hadrian, and in the years of persecution under Antoninus Pius, Commodus, Septimius Severus, Alexander Severus, Maximinus Trax, hundreds of Christians died tortured in various ways, but there was no state policy against the new faith.

A sustained persecution against Christians, based on well-established principles, was unleashed by Marcus Aurelius, who condemned countless executions against Christians, including those from Roman Vassal families.

Marcus Aurelius justified his persecution on the principle of state security, the bizarreness and doctrine of the Christians being considered dangerous to Roman perceptions and life.

Marcus Aurelius establishes the idea of eradicating Christianity by using the expression "non licet esse vos" - you are not allowed to exist.

The organization of the subsequent executions around 165 AD were based on this principle "You are not allowed to exist", in these executions among dozens of other Christians died the patrician Cecilia and the philosopher Justin.

Persecutions and executions spread to Gaul where 48 Christians were martyred, in the History of the Church, Eusebius, writes that these Christians endured numerous torments but also the fury of the crowd, describing their death as follows "and indeed they were burned, but they stood even so unmoved in their faith, refreshed and strengthened by the heavenly fountain of divine water, flowing from Christ. And his body was a proof of the sufferings he had endured, being still a living wound, deformed and inhuman."

In 177 AD, Marcus Aurelius stops executions against Christians and promulgates an edict of tolerance.

Under Decius, Diocletian and Valerian, the suppression of Christianity became state policy, Decius being the first emperor to launch a sustained and organised persecution of Christians.

Decius' hatred of Christians was provoked by the fact that he gained the throne of the empire after defeating his Christian opponent, Philip the Arab, and his hatred and loathing of his opponent subsequently spilled over to all Christians.

"After a reign of seven years, Philip was succeeded by Decius. In the name of his hatred of Philip, he began the persecution of the churches, as a result of which Fabianus (who is regarded as a Christian bishop of Rome) suffered martyrdom."¹³

In 249 AD, Decius promulgated an Edict banning the Christian religion, thus instituting a persecution against Christians, the church and the Christian religion, with thousands of Christians being killed in the empire.

By the same Edict, all Christians were obliged to confess and renounce the Christian faith publicly and the Christian's possessions were confiscated.

This was followed by the reign of Diocletian, who inaugurated, with the help of yet another "Augustus" as associate and with the help of two Caesars, a new form of government "Theatrahia". Diocletian's Caesar was called Galerius, who persuaded the emperor to start the real war against the Christians.

According to the writings and the notorious facts presented in numerous films, it all started

¹³ Ibid, p. 58.

with an oracle and his prediction around 303 AD.

According to the writings of Lactanius in "De mortibus Persecutorum"¹⁴, Diocletian was superstitious and sought the future from soothsayers. During a journey to the east, Diocletian started killing animals to find out the future from their livers. While he was slaughtering, some Christian companions, stepped back and made the sign of the cross on their foreheads. At this sign, the demons were driven away and the sacred rites interrupted, the diviners began to tremble, unable to find the desired signs in the entrails of the slaughtered animals, although they frequently repeated the sacrifices.

All this was blamed, at the suggestion of Tages - the chief diviner, on the presence of Christians (also called pagans). In a rage, Diocletian, always at the instigation of Galerius, ordered all those in the palace to sacrifice animals, and those who refused were to be killed.

This was the moment that triggered the persecution.

Diocletian's persecution was systematic, far-reaching and severe, and had a rapid crescendo: in less than a year, four successive edicts were issued:

- the first Edict essentially involved the prohibition of worship: confiscation of books and sacred vessels, destruction of churches, associated with this, Christians were excluded from public office and lost some legal rights.

- the second Edict orders the arrest of "heads of churches". By this was meant the arrest of all members of the clergy, including the lower clergy.

- the third Edict - concerned the release of the imprisoned, provided they consent to perform libations (rituals) and sacrifices.

Because the effects of the three edicts were not as expected, the citizens resisting them led to the promulgation in 304 AD of the fourth edict, issued on the initiative of Galerius, war was simply declared against the Christians: (...) all the inhabitants of the Empire are obliged to make sacrifices to the gods, under the threat of the most terrible tortures, cruel death or deportation to the mines.

"During the second year, persecution against us has increased. When Urbanus became governor of the province (n.n. Judea), imperial edicts reached him, ordering by a general decree that all men should offer sacrifices in all cities and offer libations to idols."¹⁵

After Diocletian's death, even harsher measures followed, with Maximius' 311 order that Christians caught were mutilated if they refused to make sacrifices to pagan gods.

Maximius, feigning clemency, forbade the killing of God's servants, but demanded their mutilation by having their ears and nostrils cut off, their hands and feet turned back, and their eyes gouged out.

Despite all these acts of torture, mutilation and constant persecution, although the Christian religion was expected to be destroyed, it survived and even became tolerated, and under the reign of Constantine the Great, in 313 AD, by the Edict of Milan, Christianity even became the official religion of the Empire, what was left of it¹⁶.

3. Case study: *de Perpetuae et Felicitatis martyrio*

A. General presentation of the case study subject(s). The subjects are young people catechumens (o.n - adult person prepared to receive baptism (in early Christianity).

Vivia Perpetua is a young woman of about twenty-two. Born into a respectable family, well educated, married and with an infant child. She came from a family consisting of her mother, father and two other brothers, one of whom was also a catechumen, the others being pagans.

Felicity was a young catechumen, a slave of Vivia Perpetua. At the time of her capture and imprisonment she was pregnant.

The subjects were accused of treason against the emperor. Their conversion to Christianity

¹⁴ Lactanius, *De Mortibus Persecutorum* (*Despre Mortile Persecutorilor*), AMARCORD, Bucharest, 2000, p. 142.

¹⁵ Ibid, p. 143.

¹⁶ See for more details Cristina Elena Popa Tache, *Vers un droit de l'âme et des bioénergies du vivant*, Ed. L'Harmattan, Collection: Logiques Juridiques, 2022, preface by Jean-Luc Martin-Lagarde, pp. 158-167.

and refusal to worship pagan gods was considered treason against the emperor (ruler and god) and disobedience to the social norms imposed by him.

B. Case demographics. In the context of the persecution of Christians around 200 AD, Perpetua and her slave Felicity were captured, along with three other young catechumens, in Cartagena, a flourishing city in North Africa, and imprisoned for trial.

C. Family history data. Perpetua comes from a legally constituted family, organized according to the norms of the time, with whom she was in close contact, family members being the ones who visited her in prison and begged her, at the risk of their physical integrity, to renounce her faith.

From the writing, it appears that Perpetua had a happy childhood and youth, being loved, respected and appreciated by the members of her family, even by her slaves, Felicity and her brother Revocatus, being those who followed her in faith and who joined her in martyrdom.

D. Case assessment. During the period in question, Christianity had become increasingly widespread, spreading quite rapidly despite constant persecution by various rulers and governors.

Because the pagan churches were emptying and the number of Christians was increasing, the proconsul Saturninus unleashed a storm of persecution of Christians.

The two young women were forcibly taken (seized) from their home and imprisoned in Cartagena, where they were subjected to various methods of physical and moral pressure and coercion to make them renounce their faith in Christ.

E. Facts about the crime. At that time, the faith was pagan, the citizens and the emperor worshipped and sacrificed to pagan gods, denying the existence of Christ the Messiah and the Heavenly Father - God, which was reason enough for any action, any faith that did not respect the social and religious norms imposed by the emperor, to be repudiated and all those who converted to Christianity to be persecuted and even killed. Perpetua, believing in Jesus Christ and being endowed with visionary powers, chose the path of Christianity, wishing to be baptized in the name of Jesus Christ, drawing to her side one of her brothers, her slave Felicity and her brother Revocatus, the rest of the family remaining pagan.

In the context of the persecution and capture of a group of Christians from the town of Scilita, and their refusal to renounce their faith, the proconsul Saturninus pronounced the sentence of beheading them, a sentence that was immediately carried out. After this event the persecution became general and in this context another group of 5 young Christians were caught and imprisoned. This group included the two women Perpetua and Felicity.

F. Case history. The subjects had no other convictions and were respected women in society.

G. Legislation and procedure to be applied in the case. We thus see that the period of Christian martyrdoms fits, from the point of view of the forms of organization of Rome, into the period of the Principate (27 BC - 284 AD) an evolutionary structure of the Empire.

From the perspective of political organization, during the period of the Principality, the prince was autocratic, while maintaining the appearance of republican institutions.

Power was exercised by the Emperor, the Senate and the Magistrates, ensuring the primacy of the Emperor, who was the first of the citizens (princeps - the term that gave the name to the form of government).

During this period, although the old magistrates are preserved, new magistrates are created in parallel:

- praefectus praetorio (praetorian prefect), commander of the imperial guards;
- praefectus annonae - ensuring supplies to Rome;
- praefectus urbi - was the chief of the police of Rome.

From a procedural point of view, in the post-classical period, the extraordinary procedure applied, a procedure in which the trial was carried out in a single stage, before the magistrate judge, the summons procedure being a formal or semi-official one. The trial takes place in a building, the language is ordinary, the evidence is hierarchical (witnesses, cross-examination, hearing of the accused), lawyers can represent the parties. Extraordinary proceedings are distinguished by the introduction of new forms:

- a normal form, i.e. the denuntiatio (notification) procedure
- an exceptional form, i.e. rescript procedure - procedure by litis denuntiatio (service of process)
- libel proceedings (applicant's request)

H. Evidence in the case. Although the extraordinary procedure in the case required the administration of other categories of evidence, we note that the only evidence administered in the case was that of interrogation - when the defendants were asked to renounce their faith - and confession - the witnesses being those who declared the Christian condition of the defendants, the recognition of faith by the defendants (the statement of the defendant) and implicitly receiving baptism in the name of Jesus Christ, even during imprisonment, making the other categories of evidence useless.

I. Measures applied to Christians during imprisonment/arrest. From the writing analyzed we observe that the procedure of imprisonment of believers is equivalent to the procedure of arrest in the contemporary period. In this period of arrest, acts and deeds of physical and moral coercion are resorted to in order to make the accused change his statement.

The following methods of coercion and abuse were used in the case under consideration:

- the moral coercion repeatedly exercised by Perpetua's Christian father;
- the moral coercion exercised by beating Perpetua's Christian father
- the moral constraint exerted by the infant's need to breastfeed;
- moral coercion by mother and brother through the manifestation of heartbreaking suffering;
- physical and moral coercion by bringing and leaving the infant suckling during imprisonment to be breastfed, the suffering and needs of the infant being overwhelming;
- physical restraint by changing the place of confinement from a lightly lit area of the prison to imprisonment in a fully darkened room;
- physical restraint through deprivation of food and water during her imprisonment, which explains why during the first vision, Perpetua says that God gave her "*a piece of cheese as big as a cookie and another sweetness whose taste I cannot describe.*"
- imprisonment for a long period of time - evidenced by the claim that Felicity was pregnant when she was caught and during her imprisonment she reached her 8th month of pregnancy, confirming a long period of imprisonment. To the same conclusion the repeated formulations "after a few days..., on another day; after another few days..." lead to the same conclusion.

J. Trial and sentencing. As required by the extraordinary procedure, the trial took place in a building, i.e. in the town hall building, in front of the procurator Ilarianus, who had been appointed in place of the proconsul, and who, after the administration of the interrogation and various techniques of manipulation (beating the father of the believer Perpetua), seeing the recognition of the believers and their refusal to renounce their faith, pronounced the sentence of death by being thrown into the arena with the wild beasts. Neither the horrors of imprisonment nor torture could change the resolve of these women in the prime of their lives.

K. How to enforce the sentence. After sentencing Perpetua and Felicity were again imprisoned, awaiting their sentence.

Because Felicity was only eight months pregnant, and because the laws of the time prohibited the death penalty for pregnant women, officials of the time were concerned about delays in carrying out the sentence on her.

In the meantime, childbirth breaks out and Felicity gives birth to a baby girl who will be raised by her sister as her own daughter.

Thus, the sentence of the slave Felicity could also be carried out, and the execution was organised on the occasion of the festivals given in honour of Geta Caesar, on which occasion the group of convicts were taken to the Amphitheatre to wrestle with wild beasts in front of the angry crowd. They were asked to wear profane clothing and because they refused, they were whipped, stripped naked and dressed only in nets, and thrown into the arena with the wild beasts. Because in the arena, the wild beasts did not kill them, they were stabbed with swords.

4. Conclusions

Under the reign of Septimius Severus, from 202 to 211, the persecution of Christians continued, many martyrs - especially those who had now converted to Christianity had to suffer, the old Christians being relatively tolerated - were killed in a horrible way: they were thrown into the arena with lions, leopards or bears. Septimius Severus felt the need to promote religious harmony by promoting syncretism, so he issued an edict punishing conversion to Judaism and Christianity.

Under that edict, following denunciations, those who wanted to be baptized into Christianity were pursued and caught. In view of this, we consider that in the case of the trial of the two Christians Perpetua and Felicity, from a legal point of view, the death sentence was based on the edict of Septimius Severus, and from a procedural point of view, the trial was conducted according to the rules and procedural norms of the time, as follows:

- they were caught following denunciations;
- they were taken into custody and subjected to forms of coercion (torture) to make them renounce their Christian faith;
- they were tried in the City Hall building by the prosecutor holding the warrant instead of the proconsul;
- the categories of evidence covered by the extraordinary procedure were administered (they were confessed and questioned);
- the process was conducted orally and in ordinary language;
- the sentence was pronounced in accordance with the provisions of the edict, the death penalty by throwing to the wild beasts
- the sentence was carried out in public and during daylight hours, according to the rules of the time.

In view of this, taking into account the legal norms of substantive and procedural law of the time, we consider that the trial of the two Christians was in accordance with the regulations of the time, despite the atrocities committed which cannot be accepted and justified from any point of view in contemporary society¹⁷.

Appreciating the religious and historical culture of each people and respecting the right of each to express their freedom of conscience, we believe that at the end of this work, the warning of Father Eugen Tănăsescu on the dangerous continuation of this process by exacerbating anti-Semitism is worth remembering: "*However, an entire people should not be blamed for the mistakes of the rulers of antiquity, which led to the unjust condemnation of the Saviour. Christianity, let us not forget, is not anti-Semitic.*"¹⁸

¹⁷ For a comprehensive analyse see Cristina Elena Popa Tache *Le dynamisme du droit international public contemporain et la transdisciplinarité*, Préface de Florent Pasquier, Ed. L'Harmattan, Paris, la collection « Le droit aujourd'hui », 2023, p. 67.

¹⁸ Priest Eugen Tanasescu, *Cele 30 de erori judiciare din Procesul Mântuitorului Iisus Hristos, care stau la baza creștinismului*, https://adevarul.ro/stiri-locale/constanta/analiza-cele-30-de-erori-judiciare-din-procesul-162320_5.html, consulted on 1.10. 2023.

Similarities		Differences	
		Christian martyrs trial Contemporary criminal trial	
1.	Written procedure	One phase only in front of the judge	Three phases, prosecution, pre-trial chamber, trial
2.	Contra-cost procedure	Normal form - by denunciatio - notification Exceptional form by rescript - service of process	Both the initiation of criminal proceedings upon prior complaint, denunciation and self-reporting by the judicial authorities
3.	The citation shall be made official	The parties are placed in the background	
4.	The process takes place in a closed space (in a building)	Exceptions are of a minute nature	Exceptions are important.
5.	The trial is conducted in the presence of the parties and their lawyers	If the party's admission relates to an uncertain performance, the judge may compel the party to specify what he has admitted in order to pronounce sentence.	
6.	The language is common	The subjects in the Christian criminal trial were only the judge, the witnesses and the accused.	The subjects of contemporary criminal proceedings are: judicial bodies: represented by the criminal investigation bodies, the prosecutor (prosecution bodies), the judge of rights and freedoms, the preliminary chamber judge, the court; the suspect/defendant; the injured party; civil party; civilly liable party; lawyer; other subjects: witness, expert, interpreter, procedural agent, etc.
7.	Prioritisation of evidence		The public prosecutor, after reviewing the file, may order the file to be returned for further prosecution; to be dismissed; to be referred for prosecution; or to be referred for trial.
8.	The sentence is enforced by state compulsion		The Pre-Trial Chamber acts as a filter between prosecution and trial. The Pre-Trial Judge checks whether the court of which he or she is a member the party with jurisdiction to try the case, if it has been seised of the case in accordance with the law, verifies the legality of the evidence and other acts carried out in the course of the criminal proceedings. The preliminary chamber judge may decide to: refer the case back to the public prosecutor's office; order the trial to begin; the preliminary chamber judge will also be part of the trial panel.
9.	Interrogation is administered		The trial at first instance is divided into several procedural stages: the trial, the debate, the deliberation and the delivery of a judgment.
10.	The parties may present their facts/defences		During the judicial inquiry, evidence that has not been offered so far may be given, evidence may be given and evidence may be waived.
11.	Party recognition has absolute power		The debates shall include conclusions on the substance, orally or in written form. After these, the President gives the defendant the floor once more.
12.	Presumptions are used		The deliberations are not public. The members of the panel consult on the existence of the crime, the guilt of the accused, the legal framework, the sentencing and the civil side. Decisions are taken

			by unanimous vote or, if this is not possible, by majority.
13.	Judgment is pronounced in kind (ad ipsam rem)		Following the deliberations, the court may decide one of the following: conviction; deferment of the sentence; waiver of punishment; acquittal; termination of the criminal proceedings. The punishments are: main punishments; complementary punishments; accessory punishments.
14.			From the point of view of the execution of the sentence, the judge has the possibility to order the sentence to be served in prison, a suspended sentence under supervision, to waive the sentence or to postpone it.
15.			The death penalty does not apply.
16.			The defendant is guaranteed the right of defence.
17.			The legislation guarantees the application of the principle of innocence and protects fundamental rights. (right to physical and mental integrity, intimate, family and private life, freedom of conscience - freedom of religious beliefs, etc.)

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