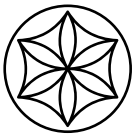
An Outline of the Early Christian Political Philosophy



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ISSN 3094-3477 (PRINT)

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An Outline of the Early Christian Political Philosophy

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CEA PUBLISHING

Miskolc – Budapest, 2025

An Outline of the Early Christian Political Philosophy

ISBN 978-615-7027-17-6 (printed version)
ISBN 978-615-7027-18-3 (pdf)
ISBN 978-615-7027-19-0 (epub)

https://doi.org/10.54171/sun.2025.spoecpp

Published by

© Central European Academic Publishing
(Miskolc – Budapest, Hungary)

The address of Central European Academic Publishing: 1122 Budapest, Városmajor Str 12. (Hungary).

IDEA PLUS

Design
IDEA PLUS (Elemér *Könczey*)
Kolozsvár / Cluj-Napoca

Prepress, ebook
IDEA PLUS (Botond *Fazakas*)
Kolozsvár / Cluj-Napoca

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Contents

PREFACE TO THE ENGLISH EDITION

Most books on the history of political philosophy usually deal exclusively with St. Augustine's main teachings among ancient Christian doctrines. This is a serious shortcoming if we consider that theoretical views related to state power can also be found in the works of many other early Christian authors. This small monograph configures an effort to make up for this deficiency to some extent.

I tried to give as rich and colourful a picture as possible of the political philosophical views of Christian thinkers living in the Roman Empire. I studied the main sources from the books of the New Testament to the literature of the Justinianic era. In addition to the more well-known literary works, I also included the constitutions of the Christian emperors in the scope of my investigations, specifically because political philosophical views are reflected in many of these legal documents.

Of course, I am very far from having a complete knowledge of early Christian literature, entailing that I can only provide an outline for those interested in the topic. In connection with individual ideas, I tried to refer to the Old Testament roots and the parallels found in the works of pagan authors. During my work, I relied heavily on Francis Dvornik's excellent two-volume work published in 1966, which explored in detail the religious and philosophical background of early Christian political ideas and their roots going back to the most ancient civilisations. However, in contrast to Dvornik's chronologically-structured work of almost a thousand pages, I made much effort to compile a more concise, thematically-organised book.

Importantly, I started to deal with this topic at the encouragement of Professor Éva Jakab, who in 2017 organised a research workshop for the historical analysis of the issues of good governance at the Faculty of Public Governance and International Studies of the Ludovika University of Public Service. I also received much encouragement for the research and its continuation from Professor Attila Pókecz Kovács. I am indebted to both of them for this.

My work was published in print for the first time in Hungarian by the Szent István Társulat (Saint Stephen Association)* by courtesy of Director Olivér Farkas, to whom I also owe the publication of several of my previous books. The Catholic Church publishing house generously gave its consent to the publication of my book in English. I prepared the English translation at the urge of my colleague Professor János Ede Szilágyi, the Director for Strategy of the Central European Academy, to whom I am much grateful for his professional and moral support. The translation process gave the opportunity to clarify the wording in some places and make small additions to the material of the book. Finally, I am grateful to Professor Srđan Šarkić, Professor Vojtech Vladár, and Associate Professor Pavel Salák Jr., who undertook and conscientiously carried out the professional reviewing of the English edition of my book.

The author

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* Sáry, P., *Az ókeresztény állambölcselet vázlata*. Budapest: Szent István Társulat, 2023, pp. 173. ISBN 978 963 612 061 0.

CHAPTER I

The Necessity, Ideal Form, and Imperial Nature of the State

1. The Need for State Power

Basically, Jesus did not want to communicate a political teaching, yet did formulate ideas with political significance. For example, his answer to the question about paying taxes: 'Render therefore to Caesar the things that are Caesar's; and to God the things that are God's.'[1] This passage shows that Jesus recognised and respected the political rule of the Romans and was not a rebel nor an anarchist. At the same time, he made a clear separation between the directions that political and religious obligations should take, expressing that the emperor and God are different persons.

The pagan Romans took it for granted that political and religious obligations were intertwined and pointed in the same direction, believing that the political community was also a religious community and that the two could not be separated from each other. As a result, Christians who turned away from the polytheistic state religion, which included the emperor cult, were considered enemies of the state (*hostes publici*).[2]

Meanwhile, the apologists constantly emphasised that Christians who had turned away from the state religion were good citizens and exemplary subjects who

1 Mt 22:21. The Biblical quotations are taken from *The Holy Bible. Revised Standard Version. 2nd Catholic edn*. San Francisco: Ignatius Press, 2006.

2 See Tertullian, *Apology* 35,1. Cf. Walter, 1914, p. 70.

respected the emperor, obeyed the laws, paid taxes and, if necessary, defended the empire with arms. Christians were therefore not enemies of the state, rebels, nor anarchists.[3]

Christians knew very well that the state and state power were necessary. Human nature became corrupted and prone to sin as a result of original sin. As the Scripture says, 'the imagination of man's heart is evil from his youth…'[4] Therefore, the holder of power, in accordance with God's will, must deter people from evil and force them to do good.[5] St. Paul puts it as follows:

> For rulers are not a terror to good conduct, but to bed. Would you have no fear of him who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain; he is the servant of God to execute his wrath on the wrongdoer.[6]

We can read similar thoughts in the first letter of St. Peter: 'Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do wrong and to praise those who do wright.'[7]

According to St. Irenaeus (c. 120/140–c. 200/203), bishop of Lugdunum (today's Lyon), God gives human authorities public power to control sins. People who turn

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3 That the Christians who lived in the first centuries did not regard the state and its legal system as hostile can be seen, among other places, from the fact that they adopted many formal and procedural rules from Roman law. Thus, for example, at baptisms, the oral question-and-answer form was probably used on the model of the *stipulatio*, which was the most frequently used Roman contract form in everyday life, and for which validity was necessary to answer with the same verb as the one with which the question was asked (cf. Harril, 2001, p. 282). It is also striking that the rules for the meetings and decision-making of the Roman Senate were followed during the episcopal councils of the third century (cf. Dvornik, 1966, vol. 2, pp. 608–609; Perendy, 2023, pp. 96–97).

4 Gen 8:21.

5 Of course, the pagans also recognised this. According to Xenophon (c. 430–c. 355 BC), Cyrus the Great (c. 600–530 BC), the founder of the First Persian Empire, said the following: 'God has ordained it in some such way as this: in the case of those who will not compel themselves to work out their own good, he assigns others to be their commanders' (*Cyropaedia* 2,3,4; tr. Miller).

6 Rom 13:3–4.

7 1 Pet 2:13–14.

away from God more and more become inclined to commit serious sins against others. Therefore, the holders of earthly power must prevent people from devouring each other like fish, acting as servants of God in the performance of this task.[8]

Following the thoughts of St. Paul, St. John Chrysostom (c. 347–407), bishop of Antioch, also taught that the main purpose of the state power that comes from God is to curb the behaviours of people who are prone to sin. He explained in detail to the people of Antioch, who had rebelled against the emperor and the government and smashed the statues depicting members of the imperial house, that in the absence of leaders, officials, and courts, crime would run amok in the city and there would be complete chaos:

> ...God provides for our safety. He Himself hath armed magistrates with power... Would they not have overthrown the city from its foundations, turning all things upside down, and have taken our very lives? If you were to abolish the public tribunals, you would abolish all order from our life. And even as if you deprive the ship of its pilot, you sink the vessel; or as, if you remove the general from the army, you place the soldiers bound in the hands of the enemy; so if you deprive the city of its rulers, we must lead a life less rational than that of the brutes, biting and devouring one another; the rich man, the poorer; the stronger man, the weaker; and the bolder man, him who is more gentle. But now by the grace of God none of these things happen. For they who live in a state of piety, require no correction on the part of the magistrates; for 'the law is not made for a righteous man,' saith one. But the more numerous being viciously inclined, if they had no fear of these hanging over them, would fill the cities with innumerable evils... For what the tie-beams are in houses, that rulers are in cities; and in the same manner as if you were to take away the former, the walls, being disunited, would fall in upon one another of their own accord; so were you to deprive the world of magistrates, and of the fear that comes of them, houses at once, and cities, and nations, would fall on one another in unrestrained confusion, there being no one to repress, or repel, or persuade them to be peaceful, by the fear of punishment![9]

8 St. Irenaeus, *Against Heresies* 5,24. Cf. Dvornik, 1966, vol. 2, p. 583; O'Donovan and O'Donovan, 1999, p. 17.

9 St. John Chrysostom, *Homilies on the Statues* 6,1–2 (tr. Stephens). Cf. Molnár, 2016, p. 45.

Theodoret (c. 393–c. 457), bishop of Cyrus, explains St. Paul's words ('there is no authority except from God') as follows: 'And these come from the providence of God; for He, consulting the general well-being, ordained some to govern, and some to be governed, imposing the fear of the magistrate to serve as a bridle on evil doers.'[10]

Despite all of this, anarchist ideas emerged among Christians as well, as the history of heresies is also the history of anarchism. Already in the apostolic age, some Christians rejected state power, refused to obey state bodies, and were even unwilling to pay taxes. When St. Paul wrote his famous thoughts on the origin and purpose of power and the duty of obedience of subjects in his letter to the Romans,[11] he probably did not seek to create a general theory of Christian politics; rather, he responded to concrete problems that arose in everyday life, as he wanted to influence those Roman Christians who held anarchist views. Later, in the time of St. Augustine (354–430), the Donatists, and especially the so-called Circumcellions wandering around the martyrs' graves (*circum cellas*), professed anarchist views: they considered the state as a product of Satan, disregarded the legal order, and committed common law crimes such as robbery and murder.[12] It is understandable that the state power acted against them with force, something with which bishop Augustine agreed for the sake of public order and safety.[13]

2. The Ideal Form of Government

The ancient thinkers distinguished between the three basic forms of political rule, as follows: rule by one, rule by the few, and rule by the many.[14] Jesus did not take a position regarding the various forms of government, but he always spoke of the country of God as a kingdom: he called the sky God's throne;[15] compared

10 Theodoret of Cyrus, *Commentary on Romans* 5,13,1 (tr. unknown).

11 Rom 13:1–7.

12 See St. Augustine, *Letters* 185,27.30; St. Possidius, *The Life of St. Augustine* 9–10. Cf. Figgis, 1921, p. 57; Loschert, 1937, p. 106.

13 'But we are precluded from this rest by the Donatists,' writes Augustine, 'the repression and correction of whom, by the powers which are ordained of God, appears to me to be labour not in vain' (*Letters* 93,1,1; tr. Cunningham).

14 Cf. Herodotus, *The Persian Wars* 3,80–82; Plato, *The Statesman* 302c; Aristotle, *Politics* 1279a; Polybius, *The Histories* 6,3; Cicero, *On the Republic* 1,26,42, Josephus, *Against Apion* 2,16.

15 See, e.g., Mt 5:34; 23:22.

the Heavenly Father to a king;[16] spoke of himself as the king of heaven.[17] In the New Testament, the terms "kingdom of God" (βασιλεία τοῦ θεοῦ)[18] and "kingdom of heaven" (βασιλεία τῶν οὐρανῶν) appear very often.[19] All of this fundamentally influenced the Christians, who considered the monarchy as the ideal form of government.

The fact that Jesus was born during the reign of the emperor Augustus (31 BC–AD 14) was given special importance by Christian authors. By ending the last, extremely turbulent and bloody period of the Roman Republic and essentially changing the form of government to a monarchy, Augustus created peace and tranquillity and consolidated the unity of the entire empire. At the same time, Jesus brought a new spirit of unity and peace to people, breaking down the dividing wall between Jews and Gentiles.[20] Christians believed that this strange coincidence was the work of divine providence, with this all confirming the opinion that the monarchy is a better form of government, and more favourable from the point of view of social peace, than the republic.

Jewish and pagan authors agreed that life took a turn for the better when Augustus came to power.[21] Melito, bishop of Sardis in western Anatolia, also emphasised this favourable historical turn in his apology written to the emperor Marcus Aurelius (161–180). The high priest argued in favour of Christianity that its history began in the time of Augustus, just when the prosperity of the empire began to grow:

> For our philosophy formerly flourished among the Barbarians; but having sprung up among the nations under your rule, during the great reign of your ancestor Augustus, it became to your empire especially a blessing of auspicious omen. For from that time the power of the Romans has grown in greatness and splendor. To this power you have succeeded, as the desired possessor, and such shall you continue with your son, if you guard the philosophy which grew up with the empire and which came into existence with Augustus; that

16 See, e.g., Mt 18:23; 22:2.

17 See, e.g., Mt 19:28; 25:31.

18 See, e.g., Mt 6:33; 12:28; 19:24; 21:31.43.

19 See, e.g., Mt 3:2; 4:17; 5:3.10:20; 7:21; 10:7.

20 According to St. Paul, Christ 'is our peace,' who has made the Gentiles and the Jews one, 'and has broken down the dividing wall of hostility… And he came and preached peace…' (Eph 2:14–17).

21 Cf. Philo, *On the Embassy to Gaius* 21; Virgil, *Aeneid* 6,791–797.

> philosophy which your ancestors also honored along with the other religions. And a most convincing proof that our doctrine flourished for the good of an empire happily begun, is this – that there has no evil happened since Augustus' reign, but that, on the contrary, all things have been splendid and glorious, in accordance with the prayers of all.[22]

This shows that the people unanimously believed that the flourishing of the empire began with the establishment of the monarchy.

Early Christian writers often argued in favour of monotheism, saying that monarchy is the best form of government and also the most natural considering it can also be found in the animal world. They also pointed to the historical experience that dual rule (diarchy) always became a source of strife. In the apology of Minucius Felix, written in the first half of the third century, we can read the following:

> ...you think we should inquire whether a single sway or collective rule directs the heavenly realm. That question finds an easy answer if you think of earthly dominions, which surely have analogies with heaven. When has joint monarchy ever started in good faith, or ended without bloodshed? I need not refer to Persians, choosing their ruler by omen of a horse's neigh,[23] nor to the dead and buried legend of the Theban brothers.[24] Who does not know the story of the twins fighting for kingship over a few shepherds and a hut?[25] Wars waged between son-in-law and father-in-law spread over the whole world, and the fortunes of a world empire could not find room for two.[26] Look where you will: bees have but one king, flocks one leader, cattle one monarch of the herd. Can you suppose that in heaven the supreme power is devided...?[27]

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22 Cited in Eusebius, *Church History* 4,26,7–8 (tr. McGiffert). Cf. Dvornik, 1966, vol. 2, p. 585; Ziegler, 1970, p. 47.

23 The Persian leaders agreed that the one whose horse neighs first would be the king (cf. Herodotus, *The Persian Wars* 3,84–87).

24 Oedipus' sons, Eteocles and Polynices, agreed to take turns ruling, but Eteocles refused to hand over power to his brother, leading to war and both their deaths.

25 It is the story of Romulus and Remus.

26 Despite their alliance and kinship, a civil war broke out between Julius Caesar and his son-in-law Pompey for sole rule.

27 Minucius Felix, *Octavius* 18,5–7 (tr. Rendall).

The same ideas can be found in the work *On the Vanity of Idols*, traditionally attributed to St. Cyprian (c. 210–258), bishop of Carthage:

> Therefore the one Lord of all is God. For that sublimity cannot possibly have any compeer, since it alone possesses all power. Moreover, let us borrow an illustration for the divine government from the earth. When ever did an alliance in royalty either begin with good faith or end without bloodshed? Thus the brotherhood of the Thebans was broken, and discord endured even in death in their disunited ashes. And one kingdom could not contain the Roman twins, although the shelter of one womb had held them. Pompey and Caesar were kinsmen, and yet they did not maintain the bond of their relationship in their envious power. Neither should you marvel at this in respect of man, since herein all nature consents. The bees have one king, and in the flocks there is one leader, and in the herds one ruler. Much rather is the Ruler of the world one; who commands all things, whatsoever they are, with His word, disposes them by His wisdom, and accomplishes them by His power.[28]

In connection with these passages, it is worth noting that Jesus had already warned his audience about the unworkability of dual rule: 'No one can serve two masters; for either he will hate the one and love the other, or he will be devoted to the one and despise the other.'[29] Although this statement of Jesus is about the impossibility of worshipping God and wealth together (as the continuation of the text shows), it can also be understood as an argument in favour of the naturalness of monarchy.

The Syrian-born apologist Tatian (c. 120–172) described the idea of plural rule of the pagan Greeks arising from their polytheism as specifically unnatural: 'And such are you also, O Greaks, – profuse in words, but with minds strangely warped; and you acknowledge the dominion of many rather than the rule of one, accustoming yourselves to follow demons as if they were mighty.'[30]

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28 St. Cyprian, *On the Vanity of Idols* 8 (tr. Ernest).

29 Mt 6:24. Cf. Lk 16:13.

30 Tatian, *Address to the Greeks* 14,1 (tr. Ryland). Cf. Grant, 1977, p. 28. Philo (c. 25/20 BC–c. AD 41/45), the Jewish philosopher from Alexandria, also writes that 'Sovereignty cannot be shared, that is an immutable law of nature' (*On the Embassy to Gaius* 10,68; tr. Colson). Many pagan philosophers also imagined the world of the gods as a hierarchical system, with Zeus (Jupiter) at the top (cf. Isocrates, *To Nicocles* 26; Cicero, *On the Republic* 1,36,56).

In the beginning, the Greeks also considered monarchy as the best form of government, and this is well reflected in the famous statement in the *Iliad*: 'No good thing is a multitude of lords; let there be one lord, / one king...'[31] According to Eusebius (c. 260/264–339), the church historian bishop of Caesarea, Procopius, the first Palestinian victim of Diocletian's persecution of Christians, quoted this Homeric line when the governor Flavian ordered him to present a sacrifice in honour of the four reigning rulers:

> But when he was commanded to offer libations to the four emperors, having quoted a sentence which displeased them, he was immediately beheaded. The quotation was from the poet: 'The rule of many is not good; let there be one ruler and one king.'[32]

With these words, Procopius not only rejected the emperor cult but also criticised the ruling system of the tetrarchy introduced by Diocletian (284–305).

In his work dedicated to emperor Constantine the Great (306–337) and written on the occasion of the consecration of the Basilica of the Holy Sepulchre in Jerusalem, Eusebius emphasised that Christianity proclaiming one God appeared at the same time when all power in the Roman Empire came into one hand. At that time, the prosperity of the empire began: the blessing of peace extended to all mankind and the era of harmony connecting the whole world arrived.[33]

On the occasion of the 30th anniversary of Constantine's reign, bishop Eusebius delivered a famous celebratory speech in Constantinople. According to Norman H. Baynes, in this speech of Eusebius, the political philosophy of the Christian empire was clearly formulated for the first time, which formed the theoretical basis of Byzantine absolutism for a thousand years, and whose basic concept was that the imperial government was the earthly copy of God's heavenly rule.[34] According to Eusebius, the stability and strength of the reign of Constantine, who ruled alone after the defeat of Licinius (308–324), came from following the divine pattern: 'Lastly, invested as he is with a semblance of heavenly sovereignty, he directs his gaze above,

31 Homer, *Iliad* 2,204–205 (tr. Murray).

32 Eusebius, *Martyrs of Palestine* 1,1 (tr. McGiffert). Cf. Grant, 1977, p. 35.

33 Eusebius, *Oration in Praise of Constantine* 16,2–6.

34 Baynes, 1933–1934, p. 13.

and frames his earthly government according to the pattern of that Divine original, feeling strength in its conformity to the monarchy of God.'[35]

Eusebius consistently emphasised that monarchy is the most perfect system of government, which is why there is one God, and not two or three or more: polytheism is essentially a denial of God. Where there is no monarchy, there is anarchy.[36]

According to Satoshi Toda, Eusebius did not intend to create a political ideology based on theology for the future; instead, he only wanted to give an occasional, festive, glorifying speech, which was adapted to the specific circumstance that at that time there was only one emperor of the entire empire (however, it was foreseeable that after Constantine's death several emperors would rule at the same time).[37] We can agree with this statement, but it remains a fact that Eusebius's thoughts laid the foundation for the later Byzantine political philosophy.

The relationship between order and monarchy was analysed in detail by St. Athanasius (c. 297–373), bishop of Alexandria. Using many apt analogies, he pointed out that in order to create and maintain order and harmony – in the case of a city, a country, and the entire cosmos alike – a controller is always needed, and that when there is no leader or when several people try to manage at the same time, it always results in anarchy. As he writes,

> ...the rule of more than one is the rule of none. For each one would cancel the rule of the other, and none would appear ruler, but there would be anarchy everywhere. But where no ruler is, there disorder follows of course. And conversely, the single order and concord of the many and diverse shows that the ruler too is one. ...for not even a ship will sail aright if she be steered by many, unless one pilot hold the tiller, nor will a lyre struck by many produce a tuneful sound, unless there be one artist who strikes it.[38]

According to St. Gregory of Nazianzus (c. 329–390), bishop of Constantinople, Constantius II (337–361) was also aware that the appearance of Christianity had

35 Eusebius, *Oration in Praise of Constantine* 3,5 (tr. Richardson). Cf. Meyendorff, 2001, p. 52.

36 Eusebius, *Oration in Praise of Constantine* 3,6. Cf. Dvornik, 1966, vol. 2, pp. 614–616; Setton, 1967, p. 48; Azkoul, 1971, p. 437; Nicol, 1988, p. 52; Fowden, 1993, pp. 85–90; Papanikolaou, 2003, p. 81; Maróth, 2014, p. 141.

37 Toda, 2009, pp. 17–19.

38 St. Athanasius, *Against the Heathen* 38,3–39,5 (tr. Robertson).

coincided with a positive change in the form of Roman government, and that was why the emperor dealt so much with church affairs:

> ...he clearly perceived the fact (thinking as he did on these matters with deeper insight and loftier mind than the vulgar herd), that simultaneously with the state of the Christians grew up that of the Romans, and their supremacy began its course with the sojourn of Christ upon earth, which before that time had not perfectly ripened into a monarchy: and for this reason, in my opinion, he fostered and befriended our Church all the more...[39]

St. Augustine, bishop of Hippo in North Africa, did not attach any particular importance to the form of government. Agreeing with Cicero, he believed that governance could be carried out either by a king (*unus rex*), by a few nobles (*pauces optimates*), or by the entire people (*universus populus*), the point being that the state should be governed justly and not in a tyrannical manner.[40] However, Augustine did not consider it a coincidence that Christ was born at the same time when Augustus established his monarchy and the period of the *Pax Romana* arrived for the entire empire: 'While ... Caesar Augustus was emperor at Rome, the state of the republic being already changed, and the world being set at peace by him, Christ was born in Bethlehem of Judah...'[41]

3. The Imperial Idea

In the works of Christian writers, we often read that God is "the Father and Lord of all".[42] It followed from this that the earthly kingdom is a reflection of the heavenly one, if it is a world empire. This idea of universalism dates back to ancient eastern civilisations, as even the Akkadian kings used the title "King of the Four Corners of the World". The Jews also thought that the coming Messiah King would be the ruler of the whole world, ruling 'from sea to sea, and from the River to the ends of

39 St. Gregory of Nazianzus, *Orations* 4,37 (tr. King).

40 St. Augustine, *The City of God* 2,21. Cf. Aubermann, 1911, p. 704; Weithman, 2006, p. 237.

41 St. Augustine, *The City of God* 18,46 (tr. Dods). Paulus Orosius (c. 385–c. 420) repeatedly emphasises this striking coincidence in his work on the history of the world (*History against the Pagans* 3,8; 5,1; 6,20.22; 7,2).

42 See, e.g., St. Justin Martyr, *The First Apology* 12,9; 36,2; idem, *The Second Apology* 10,6.

the earth,' to whom all the kings of the earth would bow down, and to whom all nations would serve.[43]

According to Flavius Josephus (c. 37–c. 100), the Jews were mainly driven to war against the Romans in 66 AD by an oracle which said that at that time someone from their country would gain world domination.[44] It is well known that the Macedonian king Alexander the Great (336–323 BC) was driven by the desire to conquer and rule the whole world.[45] The universalism of Hellenistic political philosophy was also adopted by the Romans. Pliny the Younger (c. 61–c. 113) stated in several of his letters that the fate of all humanity depends on the emperor.[46]

Christians could not avoid the influence of the imperial idea either. It is noteworthy that the imperial structure of Rome provided significant advantages for the spread of the Christian faith. According to Origen (c. 185–c. 254), the unity and peace of the Roman Empire greatly facilitated the rapid spread of Christianity. The theologian of Alexandria saw God's providence in this:

> ...for righteousness has arisen in His days, and there is abundance of peace, which took its commencement at His birth, God preparing the nations for His teaching, that they might be under one prince, the king of the Romans, and that it might not, owing to the want of union among the nations, caused by the existence of many kingdoms, be more difficult for the apostles of Jesus to accomplish the task enjoined upon them by their Master, when He said, 'Go and teach all nations.' Moreover it is certain that Jesus was born in the reign of Augustus, who, so to speak, fused together into one monarchy the many populations of the earth. Now the existence of many kingdoms would have been a hindrance to the spread of the doctrine of Jesus throughout the entire world; not only for the reasons mentioned, but also on account of the necessity of men everywhere engaging in war, and fighting on behalf of their native country, which was the case before the times of Augustus, and in periods still more remote, when necessity arose, as when the Peloponnesians and Athenians warred against each other, and other nations in like manner. How, then, was it possible for the

43 Ps 72:8–11.

44 Josephus, *The Jewish War* 6,5,4. The oracle was finally fulfilled in such a way that Vespasian (69–79) was proclaimed emperor when he arrived in Judea as a military commander to suppress the Jewish rebellion (see ibid.).

45 Cf. Plutarch, *Alexander* 18; 47; 71.

46 Cf. Pliny, *Letters* 10,1.52.102.

> Gospel doctrine of peace, which does not permit men to take vengeance even upon enemies, to prevail throughout the world, unless at the advent of Jesus a milder spirit had been everywhere introduced into the conduct of things?[47]

Lactantius (250–c. 317) deduced from God's unlimited power that there is only one God, since if there were several gods, they would limit each other's power. Using an analogy, he pointed out that the king's power is greatest when his rule extends over the whole earth:

> Who can doubt that he would be a most powerful king who should have the government of the whole world? And not without reason, since all things which everywhere exist would belong to him, since all resources from all quarters would be centred in him alone. But if more than one divide the government of the world, undoubtedly each will have less power and strength, since every one must confine himself within his prescribed portion.[48]

From a political-philosophical point of view, this argument reinforced the imperial idea.[49]

Eusebius believed that the Roman Empire and Christianity had a similar historical role and hence strengthened each other, which led him to the conclusion that two factors civilise and unite the world: the Roman Empire and the teaching of Christ.[50]

St. Augustine saw it as obvious that 'human kingdoms are established by divine providence.'[51] That is why he saw that the will of God had to be behind the creation of the Roman Empire: 'He, therefore, who is the one true God, who never leaves the human race without just judgment and help, gave a kingdom to the Romans when He would, and as great as He would...'[52] This is how God wanted to ensure peace: 'the city of Rome was founded ... by which God was pleased to conquer the whole world, and subdue it far and wide by bringing it into one fellowship of government and laws.'[53]

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47 Origen, *Against Celsus* 2,30 (tr. Crombie). Cf. Geréby, 2009, p. 41.

48 Lactantius, *The Divine Institutes* 1,3,5–6 (tr. Fletcher).

49 We must add here that Lactantius clearly condemned imperialist conquests elsewhere (ibid., 6,6,19).

50 Eusebius, *Oration in Praise of Constantine* 14,4. Cf. Nicol, 1988, p. 54.

51 St. Augustine, *The City of God* 5,1 (tr. Dods).

52 Ibid., 5,21 (tr. idem).

53 Ibid., 18,22 (tr. idem).

Augustine therefore saw that the Roman Empire had an important role in God's plans. At the same time, the Church Father also pointed out that the governance of a large empire necessarily involves more problems than that of a small state, within the framework of which maintaining peace is a much simpler task.[54]

Worth of mention is that Augustine did not connect the fate of the empire and Christianity in the same way as Eusebius did. The different views of the two authors can be explained by the additional historical experiences that Augustine had compared to Eusebius. Eusebius was filled with boundless enthusiasm for the Constantinian turn, which led him to the mistaken idea that the Roman Empire would increasingly become a reflection of the heavenly kingdom. In contrast to this, a century later, Augustine already knew that Christianity becoming the state religion is not directly accompanied by a change in public morals, and that Christian emperors who side with heretics and begin to persecute the orthodox Christians (as Constantius II and Valens did) can come to the throne at any time, and that a person who, despite his Christian upbringing, turns against the church and attempts to restore the pagan state religion (like the apostate Julian) can also gain power. In Augustine's world of ideas, the city of God (i.e. the community of those who love God) is completely independent of the Roman state.[55]

4. Temporal Perspectives of the Roman Empire

The Romans saw their empire as eternal,[56] and Christians also believed for a long time that Rome would last until the end of the world.[57] This idea was based on a particular interpretation of certain passages of the Scripture. One such biblical passage is about Nebuchadnezzar's dream, the meaning of which, based on divine revelation, is revealed to the King by the Prophet Daniel. The essence of the dream is that beginning with Nebuchadnezzar's empire, four world empires will succeed each other until the coming of the eternal messianic kingdom.[58] Later, Daniel

54 Ibid., 4,3. Cf. Óbis, 2014a, p. 184. We will see later that Augustine, like Lactantius, strongly condemned imperialist wars (*The City of God* 4,14).

55 Cf. Somlyói Tóth, 1980, p. 91; Gábor, 1996, p. 216; Geréby, 2009, p. 49.

56 Cf. Cicero, *On behalf of Marcellus* 7,22; Virgil, *Aeneid* 1,275–279; Ammianus Marcellinus, *History* 14,6,3.

57 Cf. Wieser, 2016, p. 101.

58 Dan 2:37–45. Cf. Swain, 1940, pp. 1–21; Gruenthaner, 1946, pp. 72–82, 201–212.

himself sees four beasts in his vision, also indicating that four kingdoms will rule the world until the messianic kingdom is realised.[59] The fourth kingdom – which in the king's dream is partly hard and solid like iron, which breaks and crushes everything, partly made of clay, which is fragile, and which is symbolised in the vision of the Prophet by a terribly strong beast with iron teeth and ten horns – is what the Jews identified as the Roman Empire. In the fourth book of Ezra, which belongs to the apocryphal apocalypses, the fourth empire mentioned by Daniel appears as an eagle, which obviously represents the Roman Empire.[60] Flavius Josephus clearly believed that Daniel was referring to the empire of the Romans and their destruction of the Temple in Jerusalem,[61] and this position also became generally accepted among early Christian theologians. St. Cyril (c. 315–386), bishop of Jerusalem, wrote the following about the fourth beast mentioned by the Prophet Daniel:

> …this kingdom is that of the Romans, has been the tradition of the Church's interpreters. For as the first kingdom which became renowned was that of the Assyrians, and the second, that of the Medes and Persians together, and after these, that of the Macedonians was the third, so the fourth kingdom now is that of the Romans.[62]

We can read a similar interpretation in St. Augustine:

> Some have interpreted these four kingdoms as signifying those of the Assyrians, Persians, Macedonians, and Romans. They who desire to understand the fitness of this interpretation may read Jerome's book on Daniel, which is written with a sufficiency of care and erudition.[63]

Augustine refers here to St. Jerome (347–420), who indeed speaks of these four empires in his commentary on the book of Daniel.[64] St. Irenaeus,[65] St. Hippolytus

59 Dan 7:1–27.
60 4 Ezra 12.
61 Josephus, *Jewish Antiquities* 10,11,7.
62 St. Cyril of Jerusalem, *Catechetical Lectures* 15,13 (tr. Gifford).
63 St. Augustine, *The City of God* 20,23 (tr. Dods).
64 St. Jerome, *Commentary on Daniel* 7,7.
65 St. Irenaeus, *Against Heresies* 5,26.

(c. 170–235),[66] Eusebius,[67] and St. John Chrysostom[68] took essentially the same position. From this traditional interpretation, it directly followed that the Roman Empire would exist until the end of the world.[69]

This could also be inferred from other parts of the Scripture. Jesus said that false Christs will appear in the end times,[70] and according to St. Paul, before the second coming of Christ, the "man of lawlessness," the "son of perdition" appears, who 'takes his seat in the temple of God, proclaiming himself to be God.' However, something 'is restraining him now so that he may be revealed in his time.'[71] The apostle does not describe what delays the Antichrist's appearance. The early Church Fathers believed that this delaying factor was the Roman Empire itself, which, with its solid legal order, was an obstacle to the Antichrist's rise to power. From this they concluded that Rome would survive until the end of time. We know from Tertullian (c. 155–c. 220), the great Carthaginian apologist, that Christians prayed for the emperors and the entire empire, among other things, because they believed that the end of the world would not come as long as Roman rule existed:

> There is also another and a greater necessity for our offering prayer in behalf of the emperors, nay, for the complete stability of the empire, and for Roman interests in general. For we know that a mighty shock impending over the whole earth – in fact, the very end of all things threatening dreadful woes – is only retarded by the continued existence of the Roman empire. We have no desire, then, to be overtaken by these dire events; and in praying that their coming may be delayed, we are lending our aid to Rome's duration.[72]

We can read similar thoughts in Lactantius:

> The subject itself declares that the fall and ruin of the world will shortly take place; except that while the city of Rome remains it appears that nothing of

66 St. Hippolytus, *Commentary on Daniel* 4,8; idem, *On Christ and Antichrist* 28.

67 Eusebius, *The Proof of the Gospel* 15.

68 St. John Chrysostom, *Homilies on Second Thessalonians* 4.

69 This final conclusion was not shared by St. Augustine. Among other things, this explains why Augustine was not shaken as much as other contemporary authors by the capture and looting of the city of Rome. Cf. Óbis, 2016, pp. 74–75.

70 Mt 24:24.

71 2 Thess 2:3–6.

72 Tertullian, *Apology* 32,1 (tr. Thelwall). Cf. Vargha, 1901b, p. 608; Nótári, 2015, pp. 96–97.

> this kind is to be feared. But when that capital of the world shall have fallen, and shall have begun to be a street, which the Sibyls say shall come to pass, who can doubt that the end has now arrived to the affairs of men and the whole world? It is that city, that only, which still sustains all things; and the God of heaven is to be entreated by us and implored – if, indeed, His arrangements and decrees can be delayed – lest, sooner than we think for, that detestable tyrant should come who will undertake so great a deed, and dig out that eye, by the destruction of which the world itself is about to fall.[73]

The unknown author of the fourth century called Ambrosiaster also interpreted St. Paul's lines to mean that the Antichrist will appear after the end of the Roman Empire.[74] St. Cyril of Jerusalem also wrote that the 'Antichrist is to come when the times of the Roman empire shall have been fulfilled, and the end of the world is now drawing near.'[75] Furthermore, St. John Chrysostom believed that it was not the grace of the Holy Spirit but the Roman Empire that prevented the Antichrist's coming; when the empire's order ceased to exist and anarchy arose, then evil would attack to gain power:

> What then is it that withholds, that is, hinders him from being revealed? Some indeed say, the grace of the Spirit, but others the Roman empire, to whom I most of all accede. ...when the Roman empire is taken out of the way, then he shall come. And naturally. For as long as the fear of this empire lasts, no one will willingly exalt himself, but when that is dissolved, he will attack the anarchy, and endeavor to seize upon the government both of man and of God.[76]

In a letter written in 409, when the various Germanic tribes were advancing, St. Jerome remarked: 'we do not realize that Antichrist is near.'[77] The Church Father therefore saw the end of the world approaching when he saw the western territories of the empire falling into barbarian hands.

However, the end of the world did not come either in 410, when the Goths occupied Rome for three days, or in 476, when all of Italy came under permanent Goth

73 Lactantius, *The Divine Institutes* 7,25,6–8 (tr. Fletcher).
74 Ambrosiaster, *Commentary on Second Thessalonians* 8,1. Cf. Lunn-Rockliffe, 2007, p. 170.
75 St. Cyril of Jerusalem, *Catechetical Lectures* 15,12 (tr. Gifford).
76 St. John Chrysostom, *Homilies on Second Thessalonians* 4 (tr. Broadus).
77 St. Jerome, *Letters* 123,15 (tr. Fremantle, Lewis, and Martley).

rule. From this, it was possible to conclude that the time of the Romans' world domination had not yet expired. This thought may also have encouraged emperor Justinian (527–565) to recapture the western territories and restore the old, unified Roman Empire. After the successive military victories, in November 533, when the Roman law textbook (*Institutiones seu Elementa*) prepared as step in the codification work was published, Justinian proudly stated:

> The barbarian nations which we have subjugated know our velour, Africa and other provinces without number being once more, after so long an interval, reduced beneath the sway of Rome by victories granted by Heaven, and themselves bearing witness to our dominion.[78]

In addition to the recapture of the western territories, Justinian's codification efforts were also based on the imperial idea, as Peter Stein points out: 'His legal work was part of an ambitious programme to renew the ancient glory of the Roman empire in all its aspects.'[79] After the completion of his law books, Justinian proudly proclaimed in addition to his military successes: 'All peoples too are ruled by laws which we have either enacted or arranged.'[80]

In his constitutions ordering the preparation of the law books and bringing the completed codes into force, Justinian also expressed that he intended these legal works – on the basis of which he wanted to ensure uniform jurisdiction throughout the empire – to be valid for eternal times (*in omne aevum*).[81] This is also indicated by the fact that the emperor, using a beautiful metaphor, called the *Digesta*, which contains excerpts from the works of the best Roman jurists, the temple of justice in several constitutions;[82] and man always builds a church for eternity. This is probably closely related to the fact that Justinian put the *Digesta* into effect on 16 December in 533. According to the Orthodox Church calendar, this day is the feast of the Prophet Haggai, who is known for encouraging the Jews returning from Babylonian captivity to rebuild the Temple in Jerusalem.[83]

78 *Constitutio Imperatoriam* (Preface to the *Institutes of Justinian*) 1 (tr. Moyle).
79 Stein, 1999, p. 33.
80 *Constitutio Imperatoriam* (Preface to the *Institutes of Justinian*) 1 (tr. Moyle).
81 Cf. *Constitutio Omnem* (Second Preface to the *Digest of Justinian*) 11.
82 *Constitutio Deo auctore* (First Preface to the *Digest of Justinian*) 5; *Constitutio Tanta* (Third Preface to the *Digest of Justinian*) 20.
83 Cf. Hag 1:8.

CHAPTER II

The Relationship between God and the Ruler

1. The Divine Origin of Power

Power (Gr. ἐξουσία, Lat. *potestas*) basically means the possibility of action, that someone can do something. As Pilate said to Jesus: 'I have power to release you, and power to crucify you…'[84]

The pagan rulers of the ancient East all proclaimed that they received their power from the gods.[85] The Jews held similar thoughts about the origin of political power. According to Psalm 62, 'power belongs to God'.[86] This means that all power belongs to God: His is the totality of power. Accordingly, apart from God, everyone else only has as much power as God gives him, and all human power comes from God – particularly the power of the king.[87] The belief in the divine origin of power also permeated Greek culture,[88] which in turn heavily influenced the Roman world of thought.[89]

Jesus answered to the aforementioned Pilate's statement: 'You would have no power over me unless it had been given you from above…',[90] entailing that Jesus also claimed that power is of divine origin. Pilate received his official mandate directly from emperor Tiberius (14–37), but Jesus was obviously not referring to the

84 Jn 19:10.

85 The famous Behistun inscription, for example, proclaims that Darius the Great (522–486 BC) received the kingship from Ahura Mazda. See Tolman, 1908, p. 5.

86 Ps 62:11.

87 Cf. Deut 17:14–15; 1 Sam 2:10; 16:1.12; 2 Sam 7:8; 1 Kgs 3:7; Prov 8:15–16; Sir 10:4; 17:17; Wis 6:1–3; Dan 2:20–21.37–38.

88 Cf. Homer, *Iliad* 2,196–206; Callimachus, *Hymns* 1,70–82.

89 Cf. Cicero, *On the Republic* 6,13. See more Fears, 1977; Szlávik, 2004, pp. 9–12.

90 Jn 19:11.

emperor as the source of power, but to God, whose will was behind the the governor's appointment. It was also by God's will that Jesus was handed over to Pilate. According to Jesus's answer, all these events were part of a divine plan.

Like Jesus, St. Paul identified God as the source of power: 'For there is no authority except from God, and those that exist have been instituted by God.'[91] Later Christian authors all held the same view.[92] St. Clement, the third or fourth bishop of Rome, included in his prayer for the kings of the earth the idea that royal power comes from God.[93] St. Polycarp (69–155), bishop of Smyrna in Asia Minor, answered the Roman governor who judged him as follows: '...we are taught to give all due honour (which entails no injury upon ourselves) to the powers and authorities which are ordained of God.'[94] On the matter, St. Justin (c. 100–c. 165), the martyred philosopher, wrote this to Trypho the Jew: 'For the Spirit which was in the prophets anointed your kings, and established them.'[95]

Athenagoras of Athens (c. 133–c. 190), quoting the words of the book of Proverbs, told the Roman emperors that they had received the kingdom from above, because 'the king's soul is in the hand of God'.[96] St. Theophilus (c. 120–190), bishop of Antioch, also said:

> But God, the living and true God, I worship, knowing that the king is made by him. ...for he [namely, the king] is not a god, but a man appointed by God... For in a kind of way his government is committed to him by God...[97]

St. Irenaeus, in his major work against heresies, pointed out that Satan lied when he told Jesus that he would give him all the kingdoms of the world if he bowed down and worshipped him.[98] As the bishop explains in detail by referring to several passages of Scripture, power comes from God and not from Satan.[99]

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91 Rom 13:1.

92 Cf. Parsons, 1940, pp. 337–364; idem, 1941, pp. 325–346.

93 St. Clement of Rome, *Letter to the Corinthians* 61,1. Clement's pagan contemporaries had a similar opinion about the origin of power (cf. Dio Chrysostom, *On Kingship* 1,45; Pliny, *Letters* 10,1; idem, *Panegyricus* 1; 5; 10; 52).

94 *The Martyrdom of St. Polycarp* 10,2 (tr. Roberts and Donaldson).

95 St. Justin Martyr, *Dialogue with Trypho* 52,3 (tr. Dods and Reith).

96 Athenagoras, *A Plea for the Christians* 18,2 (tr. Pratten). Cf. Prov 21:1.

97 St. Theophilus of Antioch, *To Autolycus* 1,11 (tr. Dods). Cf. Ziegler, 1970, p. 47.

98 Cf. Mt 4:9.

99 St. Irenaeus, *Against Heresies* 5,24. Cf. Parsons, 1940, p. 342.

In his famous *Apology*, written in order to end the persecution of Christians, Tertullian explains that the emperor is not a god, but he holds the second place in the world after God; he received his power from God, and Christians pray that he may rule without disturbance:

> For we offer prayer for the safety of our princes to the eternal, the true, the living God, whose favour, beyond all others, they must themselves desire. They know from whom they have obtained their power; they know, as they are men, from whom they have received life itself; they are convinced that He is God alone, on whose power alone they are entirely dependent, to whom they are second, after whom they occupy the highest places... For he [viz., the prince] himself is His to whom heaven and every creature appertains. He gets his sceptre where he first got his humanity; his power where he got the breath of life.[100]

The idea of the divine origin of imperial power is referred to several times in Tertullian's work:

> But why dwell longer on the reverence and sacred respect of Christians to the emperor, whom we cannot but look up to as called by our Lord to his office? So that on valid grounds I might say Caesar is more ours than yours, for our God has appointed him.[101]

Similar thoughts are expressed by Tertullian in his work written to the Roman governor Scapula:

> A Christian is enemy to none, least of all to the Emperor of Rome, whom he knows to be appointed by his God, and so cannot but love and honour; and whose well-being moreover, he must needs desire, with that of the empire over which he reigns so long as the world shall stand – for so long as that shall Rome continue. To the emperor, therefore, we render such reverential homage as is lawful for us and good for him; regarding him as the human being next to God who from God has received all his power, and is less than God alone.[102]

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100 Tertullian, *Apology* 30,1–4 (tr. Thelwall). Cf. Parsons, 1940, pp. 344–345.
101 Ibid., 33,1 (tr. idem).
102 Tertullian, *To Scapula* 2,6–9 (tr. Thelwall).

Origen, confronting Celsus and pointing out the error of the aforementioned Homer's teaching, writes the following:

> If, then, 'there shall be one lord, one king,' he must be, not the man 'whom the son of crafty Saturn appointed,' but the man to whom He gave the power, who 'removes kings and sets up kings,' and who 'raises up the useful man in time of need upon earth.' For kings are not appointed by that son of Saturn, who, according to Grecian fable, hurled his father from his throne, and sent him down to Tartarus (whatever interpretation may be given to this allegory), but by God, who governs all things, and who wisely arranges whatever belongs to the appointment of kings.[103]

Thus, like their pagan predecessors, the Christian emperors considered their power to be of heavenly origin. In a letter written in June 313 and sent to the Roman bishop Miltiades, Constantine expressed his conviction that the power over the provinces had been entrusted to him by divine providence.[104]

In his apology to Constantius II, St. Athanasius refers several times to the fact that the emperor received his power from God, writing to the ruler that he prayed for his safety, and that the main witness of this is the Lord, who heard the prayer and gave him the whole kingdom of his forefathers.[105] The bishop prayed with these words: 'O Lord Almighty, and King of eternity, the Father of our Lord Jesus Christ, who by Your Word hast given this Kingdom to Your servant Constantius…'[106]

According to St. Augustine, as God 'is the creator of all natures, so also is He the bestower of all powers…'[107] The Church Father believed that even bad rulers received their power from God. According to him, this can even be said about Nero, who exaggerated both luxury and cruelty: 'Nevertheless power and domination are not given even to such men save by the providence of the most high God, when He judges that the state of human affairs is worthy of such lords.'[108] Augustine cites the book of Job to support this statement, according to which

103 Origen, *Against Celsus* 8,68 (tr. Crombie). Cf. Parsons, 1940, p. 351.
104 See Eusebius, *Church History* 10,5,18. Cf. Odahl, 1995, pp. 343–344.
105 St. Athanasius, *Apology to Constantius* 10.
106 Ibid., 12 (tr. Atkinson and Robertson).
107 St. Augustine, *The City of God* 5,9 (tr. Dods).
108 Ibid., 5,19 (tr. idem). Cf. Parsons, 1941, p. 332.

God 'makes the man who is an hypocrite to reign on account of the perversity of the people.'[109]

Augustine's opinion on the matter is strikingly similar to Philo's view: the Alexandrian Jewish philosopher (c. 13 BC–c. AD 45) – according to Eusebius – saw that God punishes people for their sins by bringing tyrants under their rule. He compared the rule of tyrants to epidemics and earthquakes, which – following traditional Jewish thinking – he also saw as God's punishment.[110]

We can add to this statement that society is never uniform from a moral point of view. Augustine alludes to this in another place, where he writes that the troubles that evil rulers bring upon the righteous are not a punishment for their sins, but a test of their virtues.[111] The coming to power of an evil person is therefore ordered by God, concomitantly serving as a punishment for the immoral and a test for the righteous.

Augustine later repeats that power originates from God in all cases, from the magistrates of the republic to the emperors, and from the good to the bed leaders:

> He who gave power to Marius gave it also to Caius Caesar; He who gave it to Augustus gave it also to Nero; He also who gave it to the most benignant emperors, the Vespasians, father and son, gave it also to the cruel Domitian; and, finally, to avoid the necessity of going over them all, He who gave it to the Christian Constantine gave it also to the apostate Julian, whose gifted mind was deceived by a sacrilegious and detestable curiosity, stimulated by the love of power.[112]

Theodoret of Cyrus, shed a new light, compared to the teachings of the previous Church Fathers, on the words of St. Paul, believing that only the offices themselves and the power relations between people are based on God's will, but that God does not determine who exactly holds the offices. He emphasised this especially in the case of unjust leaders, who, according to him, were not chosen by God to rule, and described that God only allows wicked people (evil governors) to rule at times if the people deserve it as punishment for their sins.[113] Importantly, according to Dio

109 St. Augustine, *The City of God* 5,19 (tr. Dods). Cf. Job 34:30.
110 Eusebius, *Preparation for the Gospel* 8,14,37–41.
111 St. Augustine, *The City of God* 4,3.
112 Ibid., 5,21 (tr. Dods). See also idem, *Letters* 93,6,20; idem, *Against Faustus* 22,75. Cf. Barnes, 1923, p. 106; Chroust, 1950, p. 314; idem, 1973, p. 78.
113 Theodoret of Cyrus, *Commentary on Romans* 5,13,1.

Chrysostom (c. 40–c. 120) while referring to Homer, only the power of good rulers comes from Zeus.[114]

The emperors themselves have always emphasised the divine origin of their power. In many of his constitutions, Justinian expressed his firm belief that he received his imperial power from God. He began his famous mandate by ordering his Minister of Justice, Tribonian, to prepare the *Digesta* with these words: 'Governing under the authority of God our empire which was delivered to us by the Heavenly Majesty...'[115] In another constitution, he stated: 'We, with God's approval, took the imperial crown.'[116] Justinian also expressed the idea of exercising power in the name of God by beginning his law books and sometimes constitutions with the words 'In the name of the Lord Jesus Christ...'[117]

2. The Right Way of Ruling: Imitation of God

It is mentioned above that Eusebius compared Constantine's monarchy to the divine monarchy. Based on the research results of Erwin R. Goodenough,[118] Baynes has convincingly shown that Eusebius had essentially Christianised the Hellenistic political philosophical views of Diotogenes, Sthenidas and Ecphantus preserved in the 5th century anthology of Joannes Stobaeus.[119] According to Diotogenes, the king is related to the state as God is to the world, and the state is related to the world as the king is to God. That is, the state is an imitation of the universe's order and harmony, and the king, who has absolute power and is the living law, becomes a deity among men.[120] According to Sthenidas, the king must be a wise man because he must resemble God, and must hence rule his country as God rules the world: being generous, merciful, and a father to his subjects, like God.[121] According

114 See Dio Chrysostom, *On Kingship* 1,12.

115 *Constitutio Deo auctore* (First Preface to the *Digest of Justinian*) pr. (tr. Ste Croix). Cf. Canning, 2002, p. 23.

116 *The Code of Justinian* 7,37,3,5 (tr. Blume). Cf. *The Novels of Justinian* 80 praef.; 81 praef.; 85 praef.; 113,3; 148 praef.; 149 praef.

117 See, e.g., *The Novels of Justinian* 134 (tr. Miller and Sarris).

118 Goodenough, 1928, pp. 55–102.

119 Baynes, 1933–1934, pp. 13–18.

120 Stobaeus, *Anthology* 4,7,61. Cf. Chesnut, 1978, pp. 1315–1317; Bugár, 2005, p. 324; Adorjáni, 2017, p. 7.

121 Stobaeus, *Anthology* 4,7,63. Cf. Chesnut, 1978, pp. 1317–1318; Bugár, 2005, pp. 333–334.

to Ecphantus, the divine Logos, which sows the seed of order and restores in man everything destroyed by sin, is embodied in the king.[122]

These ideas had a significant impact on the political philosophy of Rome during the Principate period. The greatest poets compared Augustus to Jupiter.[123] According to Philo, in carrying out his duties, the king must imitate God, who creates order out of disorder, harmony out of different things, and light out of darkness.[124] The philosopher Seneca (5 BC–AD 65) advised his student, the young Nero (54–68), to treat his subjects as he would like the gods to treat him.[125] According to Musonius Rufus (c. 30–c. 100), the king should be the father of his people, in an imitation of Zeus.[126] Dio Chrysostom also taught that kings should imitate Zeus, who alone among the gods bears the titles of "father" and "king".[127] According to Plutarch (c. 46–c. 125), the purpose of the law is to enforce the truth, the law is the work of the ruler, and the ruler is the image of God, who orders everything. The ruler will become like God through the practice of virtues, and just as the image of God in the sky is the Sun and the Moon, the image of God in the state is the ruler, in whom God's Logos is present.[128]

The Logos here obviously means the divine reason and wisdom that creates order and harmony in the world. According to the prologue of the Gospel of John, the divine Logos became flesh in Jesus Christ.[129] Using all these ideas, Eusebius came to the conclusion that the emperor must imitate God and has a special relationship with God: Constantine is a friend of the divine Logos, that is Christ.[130] The emperor's knowledge and all his virtues derive from his special relationship with the divine Logos:

> His reason he derives from the great Source of all reason: he is wise, and good, and just, as having fellowship with perfect Wisdom, Goodness, and Righteousness: virtuous, as following the pattern of perfect virtue: valiant, as

122 Stobaeus, *Anthology* 4,7,65. Cf. Chesnut, 1978, pp. 1318–1320; Bugár, 2005, pp. 325–330; Adorjáni, 2017, p. 6.

123 Cf. Ovid, *Metamorphoses* 15,858–860; idem, *On the Roman Calendar* 2,131–132; Horace, *Odes* 3,5,1–4.

124 Philo, *On the Special Laws* 4,187.

125 Seneca, *On Clemency* 1,7,1.

126 Musonius Rufus, *Discourses* 8,8.

127 Dio Chrysostom, *On Kingship* 1,37–39.

128 Plutarch, *To an Uneducated Ruler* 780–781. Cf. Chesnut, 1978, pp. 1321–1324.

129 Jn 1:14. Cf. Eusebius, *Church History* 1,2,23.26.

130 Eusebius, *Oration in Praise of Constantine* 2. Cf. Dvornik, 1966, vol. 2, p. 617; Storch, 1971, p. 146; Nicol, 1988, p. 52; Farkas, 2005, p. 59.

> partaking of heavenly strength. And truly may he deserve the imperial title, who has formed his soul to royal virtues, according to the standard of that celestial kingdom.[131]

According to Eusebius, the long reign of Constantine imitates the eternal reign of Christ; as Christ overcame Satan, so has Caesar overcome his enemies; as Christ gave knowledge and wisdom to humanity, so the emperor leads people to the path of truth and the knowledge of God; just as Christ opened the gates of heaven to humanity, so Constantine tries to lead all his subjects to salvation.[132]

St. Gregory of Nazianzus asked the emperors to be like gods to their subjects.[133] Gregory believed that the governor, as the provincial representative of the emperor, was also an image of God, whose power also came from God. To one of the governors, he said:

> You share powers with Christ and with Christ you carry out your functions. From him you received the sword, not so much to kill as to threaten and caution. ... You are the image of God. ... Therefore imitate God's benevolence and mercy.[134]

Ambrosiaster came to the conclusion, based on the biblical creation story, that every man is the image of God, especially the king.[135] For God created man in his own image, to rule 'over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth, and over every creeping thing that creeps upon the earth.'[136] Therefore, man most closely resembles God when he rules, and kings can be said primarily to be images of God.[137] According to Ambrosiaster, David always

131 Eusebius, *Oration in Praise of Constantine* 5,1–2 (tr. Richardson). Cf. Meyendorff, 2001, p. 51; Runciman, 2007, p. 20; Maróth, 2014, pp. 137, 142.

132 Eusebius, *Oration in Praise of Constantine* 2. Cf. Cranz, 1952, p. 54; Chesnut, 1978, p. 1331; Singh, 2015, p. 143.

133 St. Gregory of Nazianzus, *Orations* 36,11. Using the word "gods" here, Gregory refers to Psalm 82, which warns against evil judges (Ps 82:1.6).

134 St. Gregory of Nazianzus, *Orations* 17,9 (tr. Dvornik). Cited in Dvornik, 1966, vol. 2, pp. 685–686.

135 Ambrosiaster, *Questions on the Old and New Testaments* 106,17. Cf. Lunn-Rockliffe, 2007, p. 132.

136 Gen 1:26.

137 The teaching of the philosopher Psammon, with which Alexander the Great very much agreed, is somewhat similar to this: 'all mankind are under the kingship of God, since in every case that which gets the mastery and rules is divine' (Plutarch, *Alexander* 27; tr. Perrin).

respected Saul because Saul became king by the grace of God, which made him the image of God; for the king bears the image of God just as the bishop bears that of Christ: '*Dei enim imaginem habet rex, sicut et episcopus Christi*'.[138]

In his speech on monarchy given to emperor Arcadius (383–408), bishop Synesius of Cyrene (c. 370–414) said that, according to God's will, everything on earth should be arranged in imitation of the world above,[139] and emphasised that the king is for his subjects the image of the King by whom he rules.[140]

Agapetus, a deacon of the Hagia Sophia Cathedral in Constantinople, summarised the duties of a ruler for his student Justinian. The work, which served as a model for later royal mirrors, comprises 72 short chapters. Reading the first letters of the chapters together affords the following text: 'Agapetus the most humble deacon to our most sacred and most devout Emperor Justinian'.[141] The work begins with these words:

> Since you have a dignity beyond all other honour, Emperor, honour – beyond all others – God, who dignified you. For it was in the likeness of the Heavenly Kingdom that he gave you the sceptre of earthly rule that you might teach men the protection of justice and drive away the howling of those who rave against it, just as you are ruled by the laws of justice and rule lawfully those subject to you.[142]

According to Agapetus, the king is physically like other people, but he is similar to the supreme God in terms of his power, since no one on earth is above him. Like God, he must not be angry, and as a mortal, he must not be conceited. Due to his privileged position, he must bear the image of God, but at the same time he is similar to dust, like all men.[143] He who has acquired great power should, as far as possible, imitate that from whom his power derives, and if he received universal power from God, whose image he bears, then he must reflect God's mercy above all.[144] He who has obtained the kingdom by God's provision must imitate God in his good deeds.[145]

138 Ambrosiaster, *Questions on the Old and New Testaments* 35. Cf. Lunn-Rockliffe, 2007, p. 133.
139 Synesius of Cyrene, *On Kingship* 4,4.
140 Ibid., 19,7.
141 Cf. Kapitánffy, 2017a, p. 420; Henry, 2003, p. 283.
142 Agapetus, *Advice to the Emperor Justinian* 1 (tr. Bell). Cf. Kapitánffy, 2017a, p. 424.
143 Agapetus, *Advice to the Emperor Justinian* 21.
144 Ibid., 37.
145 Ibid., 45.

During Justinian's reign, another significant work of political philosophy was written by an unknown author in the form of a dialogue between the patrician Menas of Constantinople and the referendarius Thomas. This work survived to us in fragments discovered by Angelo Mai (1782–1854), the scholarly prefect of the Vatican Library, and published by him in 1827. It repeatedly emphasises that the right way of ruling is by the imitation of God (Gr. μίμησις θεοῦ; Lat. *imitatio Dei*).[146] If the emperor wants to resemble God, he must first of all be good,[147] strive for virtues,[148] behave as a father to his subjects,[149] and imitate the wisdom of the Creator:[150] this is how a good emperor can become the image of God for his subjects.[151]

We can also find this idea of imitating God in several constitutions of Justinian. One of the emperor's edicts states the following: 'nothing is so peculiar to the imperial majesty as benevolence, through which alone the imitation of God may be preserved'.[152]

3. The Ruler's Responsibility to God

According to St. Theophilus of Antioch, it is God that appointed the emperor and entrusted to him the government.[153] It is clear from this formulation that the granting of power is essentially a mandate, and the main task of a mandated person is, as is well known, to serve the interests of his principal. According to Agapetus, the king, since he received his power from God, must seek God's pleasure above all.[154] It follows that the ruler is forbidden to go against the will of God and must not violate divine laws. He himself is obliged to observe the divine laws and must not force anyone to break the laws of God.

146 *The Dialogue on Political Science* 5,1; 5,45. Cf. Bell, 2009, pp. 60–62.
147 *The Dialogue on Political Science* 5,130.
148 Ibid., 5,131.
149 Ibid., 5,132.
150 Ibid., 5,134.
151 Ibid., 5,196.
152 *The Code of Justinian* 5,16,27 (tr. Blume). Cf. Kapitánffy, 2017a, p. 426. See also *The Code of Justinian* 5,4,23. In one of his novels, Justinian states that only God and the emperor who follows God can govern moderately and justly (*The Novels of Justinian* 69,4,1).
153 St. Theophilus of Antioch, *To Autolycus* 1,11.
154 Agapetus, *Advice to the Emperor Justinian* 61.

According to St. Irenaeus, when the Antichrist comes, he will want to be worshipped as a god and will declare himself a king – albeit he is only a servant. He will not be a justice-loving king (*rex iustus*), but an unjust one (*rex iniustus*). He is essentially a rebel against God, the opposite of the righteous king who holds his office as God's subject.[155]

St. Ambrose (c. 339–397), bishop of Mediolanum (today's Milan), made it clear to Theodosius the Great (379–395) in 390 that divine laws also bind the emperor, and that if the emperor breaks them, he must publicly repent. After inhabitants of Thessalonica killed a barbarian commander of the imperial army, the city was massacred by order of Theodosius, with the news of the killing of so many innocent people leaving Ambrose extremely shocked and outraged. According to his biography,

> When the bishop learned of this deed he refused the emperor any opportunity of entering the church or of the participation in the sacraments before he should do public penance. On the other hand, the emperor declared to him that David had committed adultery and also homicide. But straightway the reply was given: 'You who have followed him as he sinned, follow him as he corrected himself.' When the most merciful emperor heard this he so took it to heart that he did not scorn public penance, and the progress of this correction prepared for him a favorable victory.[156]

Ambrose devoted a lot of time to analysing the life of the biblical king David, which fundamentally determined his views on the emperor's responsibility. In several of his works, he explained that David as a king was above human laws and therefore could not be held responsible for breaking them, but since God's laws also applied to him, he was deemed responsible for his sins before God.[157]

In addition to the story of David, a historical example from the third century may also have floated before Ambrose's eyes: when a bishop (probably St. Babylas of Antioch) obliged emperor Philippus (244–249) – who, according to several Christian

155 St. Irenaeus, *Against Heresies* 5,25.

156 St. Paulinus, *The Life of St. Ambrose* 24 (tr. Kaniecka). Cf. Setton, 1967, pp. 124–130; Csizmár, 2003, pp. 86–87; Liebeschuetz, 2011, pp. 89–91.

157 St. Ambrose, *Letters* 37,26; idem, *Commentary on Twelve Psalms* 40,14; idem, *A Defense of the Prophet David* 10,51.

authors, was the first Christian ruler[158] – to repent. Eusebius reports the incident as follows:

> It is reported that he, being a Christian, desired, on the day of the last paschal vigil, to share with the multitude in the prayers of the Church, but that he was not permitted to enter, by him who then presided, until he had made confession and had numbered himself among those who were reckoned as transgressors and who occupied the place of penance. For if he had not done this, he would never have been received by him, on account of the many crimes which he had committed. It is said that he obeyed readily, manifesting in his conduct a genuine and pious fear of God.[159]

The book of Wisdom warned the kings:

> For your dominion was given you from the Lord, and your sovereignty from the Most High, who will search out your works and inquire into your plans. Because as servants of his kingdom you did not rule rightly, nor keep the law, nor walk according to the purpose of God, he will come upon you terribly and swiftly, because severe judgment falls on those in high places. For the lowliest man may be pardoned in mercy, but mighty men will be mightily tested.[160]

According to Flavius Josephus, Herod received this prophecy from an Essene named Manaēmus (Heb. Menahem) when he was still a child:

> Nevertheless, you will be king and you will rule the realm happily, for you have been found worthy of this by God. And you shall remember the blows given by Manaēmus, so that they, too, may be for you a symbol of how one's fortune can change. For the best attitude for you to take would be to love justice and piety toward God and mildness toward your citizens. But I know that you will not be such a person, since I understand the whole situation. Now you will be singled out for such good fortune as no other man has had, and you will enjoy eternal glory, but you will forget piety and justice. This, however, cannot escape

158 See, e.g., Orosius, *History against the Pagans* 7,20.
159 Eusebius, *Church History* 6,34 (tr. McGiffert).
160 Wis 6:3–6.

> the notice of God, and at the close of your life His wrath will show that He is mindful of these things.[161]

Pagans also believed that kings had to answer for their sins before the gods. According to Greek mythology, sinful kings suffer eternal punishment in the Underworld.[162] Christian writers similarly taught that bad emperors could expect God's punishment. According to St. Irenaeus, if the rulers – who receive their power from God to curb sins – act tyrannically, unlawfully, unfairly, and unjustly, they themselves will perish because God's just judgement will befall them too.[163]

The fact that godless tyrants must sooner or later answer to God for their sins is explained in most detail by Lactantius in his work on the death of emperors who persecuted Christians. For example, he explains the fate of Valerian (253–260) as follows: 'But God punished him in a new and extraordinary manner, that it might be a lesson to future ages that the adversaries of Heaven always receive the just recompense of their iniquities.'[164] St. John Chrysostom wrote in his work *A Comparison Between a King and a Monk* that the evil emperor must face such torments after his death that we cannot even imagine.[165]

According to Agapetus, the king's sins are forgiven by God if the king also forgives those who sin against him; divine forgiveness is therefore the return of human forgiveness: the reconciliation with fellow servants leads to a friendship and alliance with God.[166] For the king, in addition to being the lord of all men, is also the companion of all men in the service of God.[167]

4. The Gracious Background of the Ruler's Successes

All ancient peoples firmly believed that success in both public and private affairs can only be achieved with divine help. In the Old Testament, war had a religious character: Yahweh, as the Lord of Hosts, gave the order for war through his prophets

161 Josephus, *Jewish Antiquities* 15,10,5 (tr. Marcus).
162 Cf. Plato, *Gorgias* 525e.
163 St. Irenaeus, *Against Heresies* 5,24.
164 Lactantius, *Of the Manner in Which the Persecutors Died* 5 (tr. Fletcher).
165 Cf. Kelly, 2011, p. 34.
166 Agapetus, *Advice to the Emperor Justinian* 64.
167 Ibid., 68.

to punish sinful nations.[168] Israel's enemies were Yahweh's enemies,[169] and Israel's wars were Yahweh's wars.[170] Yahweh was present in the camp of the Israelites[171] and fought together with the army of Israel: sometimes he drove the enemy away with wasps,[172] and others he sent a huge hailstorm on the enemy.[173] According to the teachings of the Old Testament, victory is always due to God: 'The horse is made ready for the day of battle, but the victory belongs to the Lord,' says the book of Proverbs.[174] 'It is not on the size of the army that victory in battle depends, but strength comes from Heaven,' we read in the first book of the Maccabees.[175] One must plead with the Lord for victory,[176] and if He grants it, thanks, glorification and exaltation are due.[177]

If we read Eusebius's description of the famous battle fought at the Mulvius Bridge, in which the Christian convert Constantine won a victory over the Christian persecutor Maxentius, we can recognise a wealth of Old Testament elements. Constantine is encouraged 'by God, the absolute Ruler and Saviour of all,' to take up arms against Maxentius; before the battle, Constantine invokes 'in prayer the God of heaven, and his Word, and Jesus Christ himself, the Savior of all, as his aid;' God fights together in a wonderful way with Constantine; Maxentius and his soldiers are drowned in the sea due to the collapse of the bridge, just as Pharaoh's army was drowned in the sea owing to a divine miracle in the time of Moses; like Moses, Constantine also attributes the victory to God, marching into Rome singing a victory hymn praising God, where he orders 'that a trophy of the Saviour's passion be put in the hand of his own statue,' indicating that he won the victory with the sign of the cross – with the help of Christ.[178] According to Eusebius, Constantine was always later helped by God to victory during battles.[179]

168 Cf. Jer 51: the Lord declares war against Babylon.
169 Cf. Jdg 5:23.31.
170 Cf. Ex 17:15; Num 21:14; 1 Sam 18:17; 25:28.
171 Cf. Num 14:42; Deut 23:15; 1 Sam 4:7; 2 Sam 11:11.
172 Cf. Ex 23:28; Deut 7:20; Jos 24:12.
173 Cf. Jos 10:11.
174 Prov 21:31.
175 1 Mac 3:19.
176 Cf. 2 Chr 20:4; 2 Mac 15:21.
177 Cf. Ex 15.
178 Eusebius, *Church History* 9,9,1–11 (tr. McGiffert). On the parallels drawn by Eusebius between Constantine and Moses, see Hollerich, 1990, p. 323; Rapp, 1998, pp. 685–695.
179 Eusebius, *Church History* 10,9,1–4. Cf. Storch, 1971, pp. 146, 148.

Like the teachings of the Old Testament, pagans also believed that victory in war depended on divine help. The leaders of the Roman Republic actually made vows to the gods in times of war; if the gods helped the Roman army to victory, they would build a temple in their honour in return.[180]

In a eulogy for his deceased aunt, Julius Caesar (100–44 BC) professed his belief that the gods even keep kings in their power.[181] This power of God was also self-evident for Christians. Agapetus, while comparing the position of God and that the king, writes that God needs nothing and the king needs only God.[182]

Christian authors taught that good emperors are rewarded by God for their deeds here on earth. According to St. Augustine, Constantine was able to be a successful ruler because God supported him all the way owing to his true faith and religiosity:

> … He gave to the Emperor Constantine, who was not a worshipper of demons, but of the true God Himself, such fullness of earthly gifts as no one would even dare wish for. … To him also He granted the honor of founding a city, a companion to the Roman empire, the daughter, as it were, of Rome itself, but without any temple or image of the demons. He reigned for a long period as sole emperor, and unaided held and defended the whole Roman world. In conducting and carrying on wars he was most victorious; in overthrowing tyrants he was most successful. He died at a great age, of sickness and old age, and left his sons to succeed him in the empire.[183]

Firmicus Maternus (c. 300–after 350) also interpreted the victories of Constantine's sons as a reward from God and encouraged the emperors to continue fulfilling God's commands:

> To you, Most Holy Emperors, the Supreme Deity promises the rewards of His mercy and decrees a multiplication on the greatest scale. Therefore do what He bids; fulfil what He commands. Your first efforts have been crowned abundantly with major rewards. While in the status of neophytes in the faith you have felt the increase of the divine favor. Never has the worshipful hand of God

180 See, e.g., Livy, *History of Rome* 7,28.
181 Cf. Suetonius, *The Deified Julius* 6.
182 Agapetus, *Advice to the Emperor Justinian* 63.
183 St. Augustine, *The City of God* 5,25 (tr. Dods).

> abandoned you; never has He refused you aid in your distress. The ranks of your foemen have been laid low, and always the arms that warred against you have been dropped at sight of you. Proud peoples have been subjugated and the Persian hopes have collapsed. Cruelty in its evil array has been unable long to stand against you. You have seen God's power, both of you, each by a different event; on you has been conferred a celestial crown of victory, and by your happy success our troubles are relieved.[184]

According to St. Augustine, Theodosius the Great won a battle with divine help (i.e. through a strong wind blowing towards the enemy) as a result of his prayer:

> Theodosius … marched against the tyrant Eugenius … and defeated his very powerful army, more by prayer than by the sword. Some soldiers who were at the battle reported to me that all the missiles they were throwing were snatched from their hands by a vehement wind, which blew from the direction of Theodosius' army upon the enemy; nor did it only drive with greater velocity the darts which were hurled against them, but also turned back upon their own bodies the darts which they themselves were throwing.[185]

Justinian firmly believed that the fate of his empire was in God's hands alone,[186] and always humbly admitted that he could do nothing without God's help. He began one of his novels with these words: 'We are all constantly in need of God's mercy and goodness…'[187] He attributed all his success and achievements to God's helping grace. This is rendered clearly evident in the two voluminous constitutions that he issued in 534 after the reconquest of Africa, which were focused on reorganising the local administration. The emperor began the first constitution by glorifying Christ at length, through whom he succeeded in defeating the Vandals and recapturing Africa.[188] In his second constitution, he confessed that he obtained

184 Firmicus Maternus, *The Error of the Pagan Religions* 29,3 (tr. Forbes).

185 St. Augustine, *The City of God* 5,26 (tr. Dods).

186 Cf. *The Novels of Justinian* 109 praef. The emperor declared in the preface of his already mentioned constitution beginning with "*Deo auctore*" that instead of weapons, generals, armies and his own talent, he placed all his trust in the Holy Trinity, since everything in the world happens according to the will of the Holy Trinity (First Preface to the *Digest of Justinian* pr. = *The Code of Justinian* 1,17,1).

187 *The Novels of Justinian* 141 praef. (tr. Miller and Sarris).

188 *The Code of Justinian* 1,27,1.

power through Christ, through him he made peace with the Persians for eternal times, defeated his fiercest enemies and the most powerful tyrants, solved all difficulties, and conquered Africa.[189]

189 *The Code of Justinian* 1,27,2.

CHAPTER III

The Main Tasks of the Ruler

1. Serving the Public Interest

Power is a goal-bound possibility of action; that is, power has a purpose. State power, or, more broadly, public power is an opportunity for action that God gives to serve the public good.[190] This idea appeared long before Christianity. Plato (c. 427–347 BC) writes that 'the true ruler does not naturally seek his own advantage but that of the ruled'.[191] Similar thoughts were expressed by Isocrates (436–338 BC), Aristotle (384–322 BC), Cicero (106–43 BC), and Philo.[192]

In Hellenistic political philosophy, an ideal king is the benefactor of the people, albeit this ideal was obviously rarely realised. Ptolemy VIII, for example, who ruled in Egypt in the second century BC, officially called himself "Εὐεργέτης" ("the Benefactor"), whereas the people called him "Κακεργέτης" ("the Evildoer") behind his back because of his cruel tyranny. Perhaps Jesus was referring to him when he spoke to his disciples like this:

> The kings of the Gentiles exercise lordship over them; and those in authority over them are called benefactors. But not so with you; rather let the greatest among you become as the youngest, and the leader as one who serves.[193]

190 On the substantive definition of public good, see Kuminetz, 2020, pp. 184–213.

191 Plato, *The Republic* 1,347d (tr. Shorey).

192 Isocrates, *Helen* 36–37; Aristotle, *Politics* 1279a; Cicero, *On the Republic* 5,6,8; Philo, *On the Embassy to Gaius* 7; 21–22.

193 Lk 22:25–26. Cf. Mt 20:25–28; Mk 10:42–45.

According to Jesus' teaching, the task of the leader is to serve the community.[194]

St. Clement of Rome set those pagan rulers as an example to the Corinthian believers who were ready to make the greatest sacrifice for their people:

> To bring forward some examples from among the heathen: Many kings and princes, in times of pestilence, when they had been instructed by an oracle, have given themselves up to death, in order that by their own blood they might deliver their fellow citizens [from destruction]. Many have gone forth from their own cities, that so sedition might be brought to an end within them.[195]

Here we can think of Menoeceus of Thebes, Codrus of Athens, Curtius and the two Mures of Rome, all of whom sacrificed their lives for the safety of their countrymen, and whose heroism Lactantius also refers to.[196] We can also think of Lycurgus, who – after his fellow citizens swore not to change his laws in his absence – left Sparta and never returned there, voluntarily ending his life to make the laws that ensured the welfare of the state eternal.[197]

Pope Clement spoke with great moral appreciation about those rulers and other statesmen who considered the public interest to be the most important; they sacrificed themselves for their people and served their community faithfully. If we compare these ideas with the thoughts of Dio Chrysostom and Pliny the Younger, we can find essential similarities.[198]

According to the teachings of St. Justin, both rulers and subjects should strive to promote the common good, and for this they need wisdom. He quotes an ancient thinker in this regard: 'Unless both rulers and ruled philosophize, it is impossible

194 Cf. Seeley, 1993, p. 238; Kocsis, 1995, p. 467.

195 St. Clement of Rome, *Letter to the Corinthians* 55,1 (tr. Keith).

196 See Lactantius, *The Divine Institutes* 3,12,22. St. Augustine tells the story of the heroic death of Codrus in detail: 'At that time Codrus king of Athens exposed himself *incognito* to be slain by the Peloponnesian foes of that city, and so was slain. In this way, they say, he delivered his country. For the Peloponnesians had received a response from the oracle, that they should overcome the Athenians only on condition that they did not slay their king. Therefore he deceived them by appearing in a poor man's dress, and provoking them, by quarrelling, to murder him' (*The City of God* 18,19; tr. Dods).

197 Cf. Plutarch, *Lycurgus* 29.

198 Dio Chrysostom, *On Kingship* 13; 21; 23; 34; 65; Pliny, *Panegyricus* 67–68, 94. Cf. Szlávik, 1999, pp. 18–44.

to make states blessed.'[199] These words resonate with Plato's famous statement, according to which:

> Unless ... either philosophers become kings in our states or those whom we now call our kings and rulers take to the pursuit of philosophy seriously and adequately ..., there can be no cessation of troubles ... for our states, nor ... for the human race either.[200]

The common good was also often formulated as a goal to be achieved in imperial constitutions. For example, according to Lactantius, Galerius' (305–311) edict of toleration issued in 311 began with these words: 'Amongst our other regulations for the permanent advantage of the commonweal...'[201] The first sentence of the famous *Edict of Milan* (*Edictum Mediolanense*) issued in 313 also referred to the common welfare.[202]

St. Ambrose saw Moses as an ideal leader who wanted to serve the interests of his people:

> What reproaches Moses had to bear from his people! But when the Lord would have avenged him on those who reviled him, he often used to offer himself for the people that he might save them from the divine anger.[203]

St. Augustine speaks with the greatest appreciation of those pagan Romans who did not hesitate to prefer the safety of their country to their own.[204] In one place he writes that the rule of good men is that which is not beneficial to themselves but to those over whom they rule,[205] and elsewhere notes: 'we should aim at using our

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199 St. Justin Martyr, *The First Apology* 3,2–3 (tr. Dods and Reith).

200 Plato, *The Republic* 473d (tr. Shorey). Cf. Musonius Rufus, *Discourses* 8. Eusebius emphasised when praising Constantine that the emperor was a truly philosopher (*Oration in Praise of Constantine* 5,4). According to Agapetus, with Justinian's coming to power, the period came when the king was also a philosopher; the deacon praised the emperor for not abandoning philosophy, that is, the love of wisdom, the beginning of which is the fear of God, after gaining royal power (*Advice to the Emperor Justinian* 17).

201 Lactantius, *Of the Manner in Which the Persecutors Died* 34 (tr. Fletcher). Cf. Eusebius, *Church History* 8,17,6.

202 Lactantius, *Of the Manner in Which the Persecutors Died* 48. Cf. Eusebius, *Church History* 10,5,4.

203 St. Ambrose, *On the Duties of the Clergy* 2,7,31 (tr. Romestin, Romestin, and Duckworth).

204 Cf. St. Augustine, *The City of God* 5,13.15.

205 Ibid., 4,3.

position and influence, if these have been honorably attained, for the welfare of those who are under us…'[206]

According to the political philosophical dialogue written in the Justinian era, there are the following points that should be observed: the purpose of ruling is to take care of the state's welfare;[207] a good ruler does not act for his own sake, but lives for his subjects;[208] behaves as a father to his subjects;[209] does not look out for his own interests, but serves the interests of his subjects, and if necessary, dies for them, as Codrus did for the Athenians.[210]

The idea of serving the public good was formulated in many constitutions of Justinian. For example, the emperor began his Novel 8 with these words:

> It falls to our lot to spend every day and night considering, with all vigilant care, how some benefit pleasing to God might be bestowed by us upon our subjects. We take this vigilance seriously, so much so that we exercise it all day, using nights just as much as days, on such plans as will ensure our subjects' welfare, and their freedom from every care; we take upon ourselves their concerns on all matters.[211]

2. Setting a Moral Example

From the idea that the king is the image of God follows directly that the ideal ruler is morally perfect. Many pagan authors and the Jewish Philo also have the idea that the leader of the state must first of all rule himself, and with his behaviour – as a "living law" – he must set a moral example for others. Cicero writes:

> But what can be nobler than the government of the State by virtue? For than the man who rules others is not himself a slave to any passion, but has already acquired for himself all those qualities to which he is training and summoning

206 Ibid., 19,19 (tr. Dods).
207 Agapetus, *Advice to the Emperor Justinian* 5,16.
208 Ibid., 5,48.
209 Ibid., 5,132.
210 Ibid., 5,133.
211 *The Novels of Justinian* 8 praef. (tr. Miller and Sarris). Cf. Kapitánffy, 2017b, p. 485.

> his fellows. Such a man imposes no laws upon the people that he does not obey himself, but puts his own life before his fellow-citizens as their law.[212]

Cicero continues later by saying that the chief duty of a state leader is to constantly improve and examine himself, 'urging others to imitate him, and furnishing in himself, as it were, a mirror to his fellow-citizens by reason of the supreme excellence of his life and character.'[213] According to Philo,

> ...we all know this, that meaner men emulate men of distinction... Thus, when a ruler begins to shew profligacy and turn to a life of luxury, the whole body almost of his subjects gives full vent to the appetites of belly and sex beyond their actual needs...; whereas, if that ruler adopt a more severe and more serious rule of life, even the very licentious are converted to continence and are eager, either through fear or shame, to create the impression that, after all, their aims are like to his.[214]

We can read similar thoughts in Plutarch:

> For possibly there is no need of any compulsion or menace in dealing with the multitude, but when they see with their own eyes a conspicuous and shining example of virtue in the life of their ruler, they will of their own accord walk in wisdom's ways, and unite with him in conforming themselves to a blameless and blessed life of friendship and mutual concord, attended by righteousness and temperance. Such a life is the noblest end of all government, and he is most a king who can inculcate such a life and such a disposition in his subjects.[215]

Pliny the Younger said the following to emperor Trajan (98–117):

> Indeed, an emperor's life is a censorship, and a true perpetual one; this is what guides and directs us, for example is what we need more than command. Fear is unreliable as a teacher of morals. Men learn better from examples, which

212 Cicero, *On the Republic* 1,34,52 (tr. Keyes).

213 Ibid., 2,42,69 (tr. idem).

214 Philo, *Life of Moses* 1,28,160–161 (tr. Colson). The wisdom books of the Old Testament also teach this: 'Like the magistrate of the people, so are his officials; and like the ruler of the city, so are all its inhabitants' (Sir 10:2).

215 Plutarch, *Numa* 20,8 (tr. Perrin). Cf. idem, *To an Uneducated Ruler* 780b.

> have the great merit of proving that their advice is practicable. … This shows that even the vulgar crowd can take a lesson from its rulers, since a reform so sweeping, if once started by an individual, can spread to all.[216]

These ideas were adopted by several Christian authors. Like Philo,[217] Clement of Alexandria (c. 150–c. 215) also calls Moses a living law: 'Now Moses, to speak comprehensively, was a living law (νόμος ἔμψυχος), governed by the benign Word.'[218] Elsewhere, Clement writes that the worst kind of kingship 'is the sovereignty which acts according to the promptings of the passions, as that of Sardanapalus, and those who propose to themselves as their end the gratification of the passions to the utmost.'[219] Cicero also despised Sardanapalus, the wealthy Assyrian king, who engraved this on his tombstone: 'All I have eaten and wantoned and pleasures of love I have tasted, / These I possess but have left all else of my riches behind me.' In this regard, Cicero also quotes Aristotle, who said that this inscription was fitter for the tomb of an ox than a king.[220]

Lactantius also points out that subjects imitate their king:

> And since it is judged to be a kind of obsequiousness to imitate the customs and vices of a king, all men laid aside piety, lest, if they should live piously, they might seem to upbraid the wickedness of the king. Thus, being corrupted

216 Pliny, *Panegyricus* 45,6; 46,5 (tr. Radice). Cf. Isocrates, *To Nicocles* 29; Xenophon, *Cyropaedia* 8,1; Plato, *The Republic* 580b–c; Aristotle, *Politics* 1284a; Seneca, *On Clemency* 2,2,1; Dio Chrysostom, *On Kingship* 3,7–9; Stobaeus, *Anthology* 4,7,67.

217 See Philo, *Life of Moses* 1,29,162: 'since he was destined to be a legislator, the providence of God which afterwards appointed him without his knowledge to that work, caused him long before that day to be the reasonable and living impersonation of law' (tr. Colson).

218 Clement of Alexandria, *The Stromata* 1,26,167 (tr. Wilson). The other Christian authors primarily regarded Christ as a living law (see *The Shepherd of Hermas* 69,2; Lactantius, *The Divine Institutes* 4,17,7; 4,25,2), but St. Gregory of Nazianzus also called the way of life of St. Basil the Great a living law, which we can adjust our lives to as a standard (see *Orations* 43,80), and St. John Chrysostom interestingly referred to Cain and King Uzziah as living laws, who indicated by their punishment for people what not to do (see *On Repentance, on the Melancholy of King Ahab, and on Jonah the Prophet* 1; *Homilies on King Uzziah* 4,5–6). Cf. Dvornik, 1966, vol. 2, pp. 597, 614; O'Donovan and O'Donovan, 1999, p. 99; Tussay, 2022, pp. 136, 139.

219 Clement of Alexandria, *The Stromata* 1,24,159 (tr. Wilson). Cf. Dvornik, 1966, vol. 2, p. 596.

220 Cicero, *Tusculan Disputations* 5,35,101–102 (tr. King).

> by continual imitation, they abandoned divine right, and the practice of living wickedly by degrees became a habit.[221]

Eusebius paints Constantine as an ideal ruler who has triumphed over the passions that rule other men, praising his virtues thus: 'Hence is our emperor perfect in discretion, in goodness, in justice, in courage, in piety, in devotion to God…'[222] As aforementioned, Eusebius emphasises that the emperor's virtues stem from his close relationship with God and his exact following of the divine model.[223]

Similarly, according to St. John Chrysostom, the true king is the master of his passions and submits everything to the laws of God, not allowing anger, envy, or lust to rule him. Meanwhile, the tyrant is a slave to his own passions (e.g. anger, ambition, and lust) and therefore ridiculous in the eyes of his subjects; he wears a golden crown without being crowned with moderation; his body is covered in bright purple, but his soul is unkempt. After these findings, John asks the poetic question: how could he govern an empire and create laws for others if he cannot even govern himself?[224]

In Synesius of Cyrene's teachings, the idea that the king must first of all rule himself reappears.[225] The same is said by Agapetus,[226] who exhorts the ruler to avoid evil company[227] and not to appoint evil people to important positions.[228] The political science dialogue from an unknown author emphasises that the emperor – if he wants to be like God – must be good above all[229] and practice the virtues.[230]

We should also make a comment here about Justinian, as one of his novels describes the emperor as a living law among men by God's order.[231] Of course, it is not that Justinian wanted to present his own behaviour, character, and way of life as

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221 Lactantius, *The Divine Institutes* 5,6,9–10 (tr. Fletcher). The book of Proverbs also says something similar: 'If a ruler listens to falsehood, all his officials will be wicked' (Prov 29:12).

222 Eusebius, *Oration in Praise of Constantine* 5,4 (tr. Richardson). Cf. Meyendorff, 2001, p. 52.

223 Eusebius, *Oration in Praise of Constantine* 2,6; 5,1.

224 St. John Chrysostom, *Eclogues from Different Homilies* 21. Cf. Dvornik, 1966, vol. 2, p. 695.

225 Synesius of Cyrene, *On Kingship* 6,1; 6,6.

226 Agapetus, *Advice to the Emperor Justinian* 68.

227 Ibid., 29.

228 Ibid., 30. Pliny the Younger praised Trajan for promoting good citizens to provide models for the people (*Panegyricus* 45).

229 *The Dialogue on Political Science* 5,130.

230 Ibid., 5,131.

231 *The Novels of Justinian* 105,2,4. Cf. Dvornik, 1966, vol. 2, p. 722.

an example to be followed by his subjects, but only wanted to emphasise his role as a legislator and interpreter of law. He saw himself as a living law in the same sense that the magistrates were living laws in the age of the Republic, who, by virtue of their office – regardless of their lifestyle – had the power to control the legal life of the state. Cicero also called state officials speaking laws in this sense:

> ...the function of a magistrate is to govern, and to give commands which are just and beneficial and in conformity with the law. For as the laws govern the magistrate, so the magistrate governs the people, and it can truly be said that the magistrate is a speaking law...[232]

3. Legislation

According to Clement of Alexandria, legislation – which is 'one of the functions of the kingly office'[233] – 'inasmuch as it presides over and cares for the flock of men, establishes the virtue of men, by fanning into flame, as far as it can, what good there is in humanity.'[234] Clement compares the craft of legislation to the craft of shepherding, in that the legislator guides his people through his laws like a good shepherd guides his flock. The idea that the ideal ruler who is also a lawgiver is like a good shepherd dates back to ancient times. Even Hammurabi (1792?–1750? BC) called himself, in the prologue of his code, a shepherd who leads the people on the right path. Ezekiel prophesied that God would take the power out of the hands of Israel's leaders as they were not acting as good shepherds, and would make another leader who would be a good shepherd for the people.[235] According to Xenophon, the Persian king Cyrus the Great also observed that 'the duties of a good shepherd and of a good king were very much alike'.[236] Plato called kings and other statesmen shepherds of the human flock.[237] Dio Chrysostom also believed that the king should be the shepherd of his people.[238]

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232 Cicero, *On the Laws* 3,1,2 (tr. Keyes).

233 Clement of Alexandria, *The Stromata* 1,24,158 (tr. Wilson).

234 Ibid., 1,26,169 (tr. idem).

235 Ezek 34.

236 Xenophon, *Cyropaedia* 8,2,14 (tr. Miller).

237 Plato, *The Statesman* 267d–268c.

238 Dio Chrysostom, *On Kingship* 1,13. Consequently, when Jesus called himself the good shepherd (Jn 10:11), he expressed that he was the promised king.

In defence of Christians, apologists emphasised that the holder of power must create just laws. According to Melito of Sardis, the emperor must be just, and a just ruler would never take unjust measures.[239] Tertullian explains in detail that the law prohibiting Christianity and ordering the punishment of Christians is unjust, since Christians are not evil, but good. He expounds upon the topic by saying that the law that proves to be unjust must be abolished, and that there is tyranny where this does not take place:

> ...without doubt that should have no permission of law which does harm; and on this ground, in fact, it is already determined that whatever is beneficial is legitimate. ... If your law has gone wrong, it is of human origin, I think; it has not fallen from heaven. ... There were laws, too, in old times, that parties against whom a decision had been given might be cut in pieces by their creditors; however, by common consent that cruelty was afterwards erased from the statutes, and the capital penalty turned into a brand of shame. ... For it is neither the number of their years nor the dignity of their maker that commends them, but simply that they are just; and therefore, when their injustice is recognized, they are deservedly condemned... Nay, a law lies under strong suspicions which does not care to have itself tried and approved: it is a positively wicked law, if, unproved, it tyrannizes over men.[240]

According to St. Augustine, there are two kinds of law: one is eternal and unchangeable, the other is temporal and changeable.[241] The former is the 'supreme reason ... that is stamped on us: It is the law according to which it is just for all things to be completely in order.'[242] In another place Augustine says that 'the eternal law (*lex aeterna*) is the divine order (*ratio divina*) or will of God (*voluntas Dei*), which requires the preservation of natural order, and forbids the breach of it.'[243] In

239 Cited in Eusebius, *Church History* 4,26,5.

240 Tertullian, *Apology* 4,5–13 (tr. Thelwall). The law of the Twelve Tables passed in 451–450 BC allowed creditors to kill and dismember their insolvent debtor. This, and the sale of the debtor as a slave was prohibited by the *lex Poetelia-Papiria de nexis* of 326 BC. Due to his insolvency, the debtor lost his reputation and became an infamous person. Cf. Benedek and Pókecz Kovács, 2023, p. 103.

241 St. Augustine, *On the Free Choice of the Will* 1,6,14; 1,15,31. Cf. Parsons, 1941, p. 327; Strauss and Cropsey, 1994, p. 257; Tattay, 2007a, pp. 58–59.

242 St. Augustine, *On the Free Choice of the Will* 1,6,15 (tr. King).

243 St. Augustine, *Against Faustus* 22,27 (tr. Stothert).

some places, he also calls the eternal law the universal law (*lex universalis*), which he identifies with divine wisdom (*divina sapientia*).[244] He teaches that people take everything that is just in the temporal law from the eternal law.[245]

Regarding temporal (i.e. man-made) law, Augustine remarks that it is necessary because, as circumstances change, the rules must also shift in order to maintain justice. One example he gives is that if the people are moral, the correct law gives the people the right to elect their leaders, but if the people become immoral, the correct law deprives the people of the right to vote.[246] Moreover, he emphasises that the temporal law contributes to peace among people,[247] restraining them and curbing crime.[248]

State laws can therefore strengthen respect for divine laws. According to Augustine, this is precisely the main duty of rulers during their legislation:

> How then are kings to serve the Lord with fear, except by preventing and chastising with religious severity all those acts which are done in opposition to the commandments of the Lord? For a man serves God in one way in that he is man, in another way in that he is also king. In that he is man, he serves Him by living faithfully; but in that he is also king, he serves Him by enforcing with suitable rigor such laws as ordain what is righteous, and punish what is the reverse.

Augustine then lists five rulers who, according to the Bible,[249] issued edicts in accordance with divine laws:

> Even as Hezekiah served Him, by destroying the groves and the temples of the idols, and the high places which had been built in violation of the commandments of God; or even as Josiah served Him, by doing the same things in his turn; or as the king of the Ninevites served Him, by compelling all the men of his city to make satisfaction to the Lord; or as Darius served Him, by giving the idol into the power of Daniel to be broken, and by casting his enemies into the

244 St. Augustine, *Eighty-three Different Questions* 79,1.
245 St. Augustine, *On the Free Choice of the Will* 1,6,15.
246 Ibid., 1,6,14.
247 Ibid., 1,5,13.
248 Ibid., 1,6,14.
249 Cf. 2 Kgs 18:4; 23:4–20; Jon 3:6–9; Dan 3:96; 14:21.41.

> den of lions; or as Nebuchadnezzar served Him … by issuing a terrible law to prevent any of his subjects from blaspheming God.[250]

Like Tertullian, Augustine pointed out in several places that temporal laws, unlike eternal laws, are not all just. For instance, Augustine, he considered the *lex Voconia*, which restricted women's inheritance rights, to be blatantly unjust:

> For at that time – I mean between the second and third Punic war – that notorious Lex Voconia was passed, which prohibited a man from making a woman, even an only daughter, his heir; than which law I am at a loss to conceive what could be more unjust.[251]

To the question of whether a bad person can make a good law, Augustine answers yes:

> A good law can be enacted by a lawgiver who is not himself a good person. For example, if someone who had seized tyrannical power were to accept a bribe from an interested party leading him to decree that it is illegal to run off with a woman, even for marriage, the law will not thereby be evil merely because the one who enacted it is injust and corrupt.[252]

If we examine the content of the edicts of Christian emperors, we can see that they considered the protection of the weaker as one of the main goals of their legislation. Among other things, the power of fathers and slaveholders was limited, with prohibitions to the killing of children and slaves, exposure of infants, torture of slaves, and forcing of girls into prostitution.[253] Justinian made women completely equal to men in terms of inheritance law, limited the amount of transaction interest to protect debtors, and authorised local bishops to act in defence of provincial residents against governors abusing their power.[254] This legislative effort aimed at

250 St. Augustine, *Letters* 185,19 (tr. King).

251 St. Augustine, *The City of God* 3,21 (tr. Dods). Cicero also condemned this law, which was passed in 169 BC: 'In fact that law, passed for men's advantage, is full of injustice to women' (*On the Republic* 3,10,17; tr. Keyes).

252 St. Augustine, *On the Free Choice of the Will* 1,12 (tr. King).

253 Cf. Sáry, 2009b, pp. 27–30, 37–39.

254 Cf. Sáry, 2012a, pp. 63, 220–221, 245–249.

protecting those in vulnerable situations can also be seen in the legal sources of ancient eastern civilisations. Already Hammurabi marked it as one of the main goals of his law code, 'to prevent the strong from oppressing the weak'.[255]

4. Administrating Justice

As Clement of Alexandria writes, judging is one of the most important royal tasks.[256] St. Theophilus of Antioch alludes to the fact that the emperor has a special role in the administration of justice in one of his writings, where he says about the ruler as follows: 'he is not a god, but a man appointed by God, not to be worshipped, but to judge justly.'[257]

In the ancient kingdoms, the highest judicial power was held by the ruler, who – as God's representative on earth – was obliged to deliver justice. The administration of justice has always been an integral part of maintaining the divine order that establishes social peace. The ruler who judged unjustly violated the divine order. According to the Bible, at God's command, the prophet Jeremiah had to warn the royal house of Judah to make just judgements.[258]

During the Christian persecutions, apologists often referred to the basic principles of criminal justice that the Roman authorities ignored in the cases of Christians. Regarding the criminal prosecution of Christians, St. Justin pointed out that innocent people are convicted and punished based on mere slander, without proof of a crime, which is a manifest injustice. This procedure is contrary to natural reason: 'true reason forbids you, for the sake of a wicked rumour, to wrong blameless men'.[259] According to the apologist, the judges will answer to God for their unjust judgements: 'For if, when you have learned the truth, you do not what is just, you will be before God without excuse.'[260] According to Justin, rulers who value opinion more than truth are like desert robbers,[261] and warns once again at the end of his apology that the rulers who judge unjustly will incur the judgment of God: 'For we

255 *The Code of Hammurabi*, prol. (tr. Harper).
256 Clement of Alexandria, *The Stromata* 1,24,158.
257 St. Theophilus of Antioch, *To Autolycus* 1,11 (tr. Dods).
258 Jer 21:12; 22:3.
259 St. Justin Martyr, *The First Apology* 3,1 (tr. Dods and Reith).
260 Ibid., 3,5 (tr. idem).
261 Ibid., 12,6 (tr. idem).

forewarn you, that you shall not escape the coming judgement of God, if you continue in your injustice...'[262]

Athenagoras drew the attention of the rulers to similar abuses. The Christian philosopher generally praised the character and policy of the emperors:

> ...with admiration of your mildness and gentleness, and your peaceful and benevolent disposition towards every man, individuals live in the possession of equal rights; and the cities, according to their rank, share in equal honour; and the whole empire, under your intelligent sway, enjoys profound peace.[263]

He then pointed out that only the Christians, who are innocently punished without any proof of any crime and just because of their Christian name (religion), are left out of these benefits of the emperors, which is contrary to the basic principles of the Roman legal system:

> For it does not comport with your justice, that others when charged with crimes should not be punished till they are convicted, but that in our case the name we bear should have more force than the evidence adduced on the trial, when the judges, instead of inquiring whether the person arraigned have committed any crime, vent their insults on the name, as if that were itself a crime.[264]

Thus, an injustice was committed against the Christians that was completely foreign to the Roman way of thinking, legal life, and exercise of power.

Regarding the criminal proceedings against Christians, Tertullian, who was well versed in legal matters, had similar objections:

> If, again, it is certain that we are the most wicked of men, why do you treat us so differently from our fellows, that is, from other criminals, it being only fair that the same crime should get the same treatment? When the charges made against us are made against others, they are permitted to make use both of their own lips and of hired pleaders to show their innocence. They have full opportunity of answer and debate; in fact, it is against the law to condemn anybody undefended and unheard. Christians alone are forbidden to say anything

262 Ibid., 68,2 (tr. idem).
263 Athenagoras, *A Plea for the Christians* 1,2 (tr. Pratten).
264 Ibid., 2,2 (tr. idem).

> in exculpation of themselves, in defense of the truth, to help the judge to a righteous decision; all that is cared about is having what the public hatred demands – the confession of the name, not examination of the charge: while in your ordinary judicial investigations, on a man's confession of the crime of murder, or sacrilege, or incest, or treason, to take the points of which we are accused, you are not content to proceed at once to sentence – you do not take that step till you thoroughly examine the circumstances of the confession – what is the real character of the deed, how often, where, in what way, when he has done it, who were privy to it, and who actually took part with him in it. Nothing like this is done in our case, though the falsehoods disseminated about us ought to have the same sifting, that it might be found how many murdered children each of us had tasted; how many incests each of us had shrouded in darkness; what cooks, what dogs had been witness of our deeds. … But, instead of that, we find that even inquiry in regard to our case is forbidden. … The Christian alone must not be sought, though he may be brought and accused before the judge… And then, too, you do not in that case deal with us in the ordinary way of judicial proceedings against offenders; for, in the case of others denying, you apply the torture to make them confess – Christians alone you torture, to make them deny… Seeing, then, that in everything you deal differently with us than with other criminals, bent upon the one object of taking from us our name…[265]

Tertullian also considered the main legal problem to be that the Roman authorities deviated from the usual rules in trials against Christians. The main differences were: (1) based on slander, Christians were considered perpetrators of crimes (e.g. infanticide, cannibalism, and incest) that did not need to be investigated and proven; it was sufficient to convict a Christian defendant if he declared himself a Christian; (2) Christian defendants were not even allowed to prove their innocence; (3) while torture was used in the cases of others in case of denial, Christians were tortured if they confessed their Christian faith; (4) while in other cases the purpose of torture was to force a confession, which was necessary to convict the accused, Christians were tortured to deny their faith, which was a condition for their acquittal; (5) while in other cases the purpose of the proceedings was to hold the person accountable for the crimes committed, in the case of Christians, they wanted to force them to turn away from the Christian religion. In the case of Christian defendants, the presumption of innocence did not prevail, Christians

265 Tertullian, *Apology* 2,1–18 (tr. Thelwall).

did not have the right to defend themselves, and the purpose of the proceedings against them was not to clarify the facts and find out the truth. All of this was in stark contrast to the spirit of Roman law. The defenders of the Christian faith very strongly advocated the position that fair judgements should be made during court proceedings, and that procedural principles should be observed in all cases – including those of Christians.

When enumerating the sins of the emperors who persecuted Christians, Lactantius refers, among other things, to abuses committed in the field of justice. Describing Galerius' reign, he writes, for example, the following: 'Law was dissolved, and unbounded licence permitted to judges, – to judges chosen from among the soldiery, rude and illiterate men, and let loose upon the provinces, without assessors to guide or control them.'[266]

St. Athanasius was falsely accused by his enemies before the emperor on several occasions. The Catholic bishop of Alexandria praised Constantius II for acting fairly in his case and following the basic principles of procedural law (i.e. after hearing the accusers he also heard the accused) with the following words:

> ...you would not listen to them as they desired, but patiently gave me an opportunity to make my defense. And, in that you were not immediately moved to demand vengeance, you acted only as was righteous in a Prince, whose duty it is to wait for the defense of the injured party.[267]

St. Ambrose cites the judicial actions of the Prophet Daniel as an example to prove how closely wisdom and justice are connected and that one cannot be realised without the other. In the case of Susanna, who was accused of adultery, Daniel found out the facts with his wisely asked questions, exposed the liars of the accusers – as their answers did not match – and made a just verdict, with which he punished the wicked and saved the innocent.[268]

St. Augustine defined the goals that emperors must follow if they wish to correctly perform their duties as criminal judges:

> But we say that they are happy if they rule justly; ... if they are slow to punish, ready to pardon; if they apply that punishment as necessary to government and

266 Lactantius, *Of the Manner in Which the Persecutors Died* 22 (tr. Fletcher).
267 St. Athanasius, *Apology to Constantius* 2 (tr. Atkinson and Robertson).
268 St. Ambrose, *On the Duties of the Clergy* 2,9,48. Cf. Dan 13:50–63.

> defense of the republic, and not in order to gratify their own enmity; if they grant pardon, not that iniquity may go unpunished, but with the hope that the transgressor may amend his ways...[269]

Augustine strongly condemned the use of torture, pointing out its unsuitability for finding out the truth and describing the judges' way of thinking and procedure outrageous:

> And he thinks it no wickedness that innocent witnesses are tortured regarding the crimes of which other men are accused; or that the accused are put to the torture, so that they are often overcome with anguish, and, though innocent, make false confessions regarding themselves, and are punished; or that, though they be not condemned to die, they often die during, or in consequence of, the torture; or that sometimes the accusers, who perhaps have been prompted by a desire to benefit society by bringing criminals to justice, are themselves condemned through the ignorance of the judge, because they are unable to prove the truth of their accusations though they are true, and because the witnesses lie, and the accused endures the torture without being moved to confession.[270]

Augustine approved that the trial judge did not use torture in the case of the Circumcellions and Donatist priests who murdered one Catholic priest and mutilated another.[271]

5. Creating Unity and Harmony

Jesus responded to the Pharisees' accusation – that he casts out demons by Be-elzebul, the prince of demons – with these words: 'Every kingdom divided against itself is laid waste, and no city or house divided against itself will stand; and if Satan casts out Satan, he is divided against himself; how then will his kingdom stand?'[272]

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269 St. Augustine, *The City of God* 5,24 (tr. Dods).
270 Ibid. (tr. idem). Cf. Aubermann, 1911, pp. 718–719; Caldwell, 1960, p. 13.
271 St. Augustine, *Letters* 133,2.
272 Mt 12:25–26.

Jesus asserts here that internal political strife sooner or later destroys every country. It follows from this that state leaders must ensure the preservation of the state's internal peace, avoidance of political conflicts, and quick termination and long-term settlement of conflicts that have already arisen.

The idea of agreement (Gr. ὁμόνοια, Lat. *concordia*) within the political community was one of the central ideas in Hellenistic political philosophy. According to Aristotle, consensus must first be created within the state and conflicts must be prevented,[273] an opinion that Cicero, who compared the agreement within the state to musical harmony,[274] shared. Augustus was praised primarily because he brought calm and peace by ending the chaos of civil wars.[275]

Christian authors also emphasised the importance of the unity of society. Lactantius wrote the following: 'Let impiety and discords be removed; let turbulent and deadly dissensions be allayed, by which human societies and the divine union of the public league are broken in upon, divided, and dispersed…'[276]

St. Augustine – following Cicero's ideas – came to the conclusion that the condition of state welfare is agreement (*concordia*), and the condition of agreement is justice (*iustitia*). In this regard, he quotes Cicero's words verbatim:

> As among the different sounds which proceed from lyres, flutes, and the human voice, there must be maintained a certain harmony which a cultivated ear cannot endure to hear disturbed or jarring, but which may be elicited in full and absolute concord by the modulation even of voices very unlike one another; so, where reason is allowed to modulate the diverse elements of the state, there is obtained a perfect concord from the upper, lower, and middle classes as from various sounds; and what musicians call harmony in singing, is concord in matters of state, which is the strictest bond and best security of any republic, and which by no ingenuity can be retained where justice has become extinct.[277]

Augustine was obviously also influenced by St. Ambrose, who saw that 'equity (*aequitas*) strengthens empires, and injustice (*iniustitia*) destroys them.'[278]

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273 Aristotle, *Nicomachean Ethics* 8,1.
274 Cicero, *On the Republic* 2,42,69.
275 Cf. Horace, *Odes* 4,15,17–20; Philo, *On the Embassy to Gaius* 21.
276 Lactantius, *On the Anger of God* 23 (tr. Fletcher).
277 St. Augustine, *The City of God* 2,21 (tr. Dods). Cf. Cicero, *On the Republic* 2,42,69.
278 St. Ambrose, *On the Duties of the Clergy* 2,19,95 (tr. Romestin, Romestin and Duckworth).

The need for unity was emphasised by the organic conception of the state and society, the roots of which go back to very old times.[279] Aesop, who lived in the sixth century BC, has a famous fable about the stomach and other parts of the body. The parts of the body one day realised that they do all the work while the stomach gets all the food. They agreed that they would not continue working until the stomach joined the collective work. The hand did not grasp it, the mouth did not take it, the teeth did not chew the food. After a day or two, the body parts started to feel bad: the hands could hardly move, the mouth was dry, and the legs could no longer support the weight of the body. Therefore, they finally realised that the stomach, in its quiet way, does an important job for the rest of the body, and that they all have to work together, otherwise the whole body falls apart.[280] In 494 BC, Menenius Agrippa, a delegate of the Roman senate, was able to change the mood of the plebeians and call them back from the Sacred Mount by telling this fable.[281] Understanding the lesson of the fable the plebeians recognised that they needed the senate fathers as much as they needed them, and that the survival of Rome depended on their cooperation.

According to Plato, a perfectly organised state, like the human body, sympathises with all its small parts.[282] This organic idea of society can also be found in Cicero, who illustrates with this metaphor that the members of the community should not seek their own benefit at the expense of others.[283] We can read similar thoughts in the younger Seneca.[284]

St. Paul applied this old organic idea of society – emphasising the importance of harmony and agreement within the community – to the church. The apostle was motivated by the division of the members of the Corinthian church to explain that the church is the mysterious body of Christ:

> For just as the body is one and has many members, and all the members of the body, though many, are one body, so it is with Christ. For by one Spirit we were

279 One of the ancient hymns of the Indian Rig Veda derives the social order from the body parts of a giant primaeval creature: 'The Brahman was his mouth, of both his arms was the Rājanya made. His thighs became the Vaiśya, from his feet the Śūdra was produced' (10,90,12; tr. Griffith). This idea is also found in the Laws of Manu (1,31.87).

280 Aesop, *Fables* 130.

281 Livy, *History of Rome* 2,32; Plutarch, *Coriolanus* 6.

282 Plato, *The Republic* 462c–d.

283 Cicero, *On Duties* 3,5,22.

284 Seneca, *On Anger* 2,31,7.

> all baptized into one body – Jews or Greeks, slaves or free – and all were made to drink of one Spirit. For the body does not consist of one member but of many. If the foot should say, 'Because I am not a hand, I do not belong to the body,' that would not make it any less a part of the body. And if the ear should say, 'Because I am not an eye, I do not belong to the body,' that would not make it any less a part of the body. If the whole body were an eye, where would be the hearing? If the whole body were an ear, where would be the sense of smell? But as it is, God arranged the organs in the body, each one of them, as he chose. If all were a single organ, where would the body be? As it is, there are many parts, yet one body. The eye cannot say to the hand, 'I have no need of you,' nor again the head to the feet, 'I have no need of you.' ... On the contrary, the parts of the body which seem to be weaker are indispensable, and those parts of the body which we think less honorable we invest with the greater honor, and our unpresentable parts are treated with greater modesty, which our more presentable parts do not require. But God has so composed the body, giving the greater honor to the inferior part, that there may be no discord in the body, but that the members may have the same care for one another. If one member suffers, all suffer together; if one member is honored, all rejoice together. Now you are the body of Christ and individually members of it.[285]

When another schism arose within the Corinthian church half a century later, St. Clement of Rome wrote a letter to the faithful who rebelled against their presbyters. The bishop of Rome – citing biblical and other examples – warned the faithful about the harmful consequences of riots: 'Envy and strife have overthrown great cities, and rooted up mighty nations.'[286] Then, listing good examples of obedience, he drew attention to the order and harmony prevailing in the created world, and following the example of St. Paul, he compared the church to the human body:

> The great cannot subsist without the small, nor the small without the great. There is a kind of mixture in all things, and thence arises mutual advantage. Let us take our body for an example. The head is nothing without the feet, and the feet are nothing without the head; yea, the very smallest members of our body are necessary and useful to the whole body. But all work harmoniously

285 1 Cor 12:12–27.

286 St. Clement of Rome, *Letter to the Corinthians* 6,4 (tr. Keith).

> together, and are under one common rule for the preservation of the whole body.[287]

He pointed out that God sent Christ, Christ chose the apostles, and the apostles put leaders at the head of all local churches.[288] Thus, whoever disobeys the presbyters indirectly opposes God. Then he raised his voice again about the rebellion and reiterated that the church must function as one body:

> Why are there strifes, and tumults, and divisions, and schisms, and wars among you? Have we not [all] one God and one Christ? Is there not one Spirit of grace poured out upon us? And have we not one calling in Christ? Why do we divide and tear in pieces the members of Christ, and raise up strife against our own body, and have reached such a height of madness as to forget that we are members one of another?[289]

Clement also drew attention to the fact that love shows itself in agreement: 'Love admits of no schisms: love gives rise to no seditions: love does all things in harmony.'[290] Finally, he repeatedly called on the rebels to obey: 'You therefore, who laid the foundation of this sedition, submit yourselves to the presbyters, and receive correction so as to repent, bending the knees of your hearts. Learn to be subject…'[291]

The body metaphor was later used by St. Ambrose in relation to the church:

> The very form of your body and the uses of your limbs teach you this. Can one limb claim the duties of another? Can the eye claim for itself the duties of the ear; or the mouth the duties of the eye; or the hand the service of the feet; or the feet that of the hands? … Imagine for a moment, and give to the eye the power to withdraw the understanding from the head, the sense of hearing from the ears, the power of thought from the mind, the sense of smell from the nose, the sense of taste from the mouth, and then to assume them itself, would it not at once destroy the whole order of nature? … So, then, we are all one body, though with many members, all necessary to the body. For no one member can

287 Ibid., 37,4–5 (tr. Keith). Cf. Jaeger, 1961, p. 19; Wong, 1977, p. 84.
288 St. Clement of Rome, *Letter to the Corinthians* 42.
289 Ibid., 46,5–7 (tr. Keith).
290 Ibid., 49,5 (tr. idem).
291 Ibid., 57,1–2 (tr. idem).

> say of another: 'I have no need of you.' ... We are born in such a way that limb combines with limb, and one works with another, and all assist each other in mutual service. But if one fails in its duty, the rest are hindered. ... The nature of mankind is injured, as also is the society of the holy Church, which rises into one united body, bound together in oneness of faith and love.[292]

From the very beginning, the Christian emperors placed great emphasis on protecting the unity of the church. Eusebius writes the following about Constantine:

> ...he exercised a peculiar care over the church of God: and whereas, in the several provinces there were some who differed from each other in judgment, he, like some general bishop constituted by God, convened synods of his ministers. Nor did he disdain to be present and sit with them in their assembly, but bore a share in their deliberations, ministering to all that pertained to the peace of God. ... Those whom he saw inclined to a sound judgment, and exhibiting a calm and conciliatory temper, received his high approbation, for he evidently delighted in a general harmony of sentiment; while he regarded the unyielding wills with aversion.[293]

After the Donatist schism, which the emperor was involved in settling, the opposition between the Catholics and the Arians divided the church the most. In order to end this conflict, Constantine convened the First Ecumenical Council in Nicaea in 325, which condemned the doctrines of Arius. Later, Constantius II sided with the Arians, and in 359, several church councils – under pressure from the emperor – accepted the Arian creed. Despite all this, St. Gregory of Nazianzus praised Constantius' efforts as follows: 'he vexed us a little in order that we might be at one together, and become unanimous, and not be divided, neither be separated by our schisms.'[294] In the same speech, which he wrote against emperor Julian, Gregory emphasised that:

> A very good thing is Concord, for states to agree together, and nations, and families, and individuals; following the law and disposition of Nature which

292 St. Ambrose, *On the Duties of the Clergy* 3,3,17–19 (tr. Romestin, Romestin, and Duckworth). Cf. Chroust, 1947, pp. 436, 443.

293 Eusebius, *Life of Constantine* 1,44 (tr. Richardson). Cf. Meyendorff, 2001, p. 54.

294 St. Gregory of Nazianzus, *Orations* 4,37 (tr. King).

> hath divided and united all; and hath made all this into one single world out of several parts.[295]

Emperor Theodosius the Great ordered all his Christian subjects to follow the Nicene Creed in the *Edict of Thessalonica* issued in 380.[296] The following year, the emperor convened the Second Ecumenical Council in Constantinople, which confirmed the Nicene Creed and at the same time repeatedly condemned Arianism. It is worth adding to this that the theological assessment of the relationship between the Father and the Son also defined the relationship between the state and the church on a theoretical level.[297] Above, we have already quoted Ambrosiaster's statement that the emperor is the image of the Heavenly Father and the bishop is the image of Christ.[298] While Arian theology placed Christ below the Father, Catholic theology placed Christ next to the Father. As a result, the Arians believed that the church should be subordinated to the state,[299] while the Catholics believed that the state and the church should be subordinated to each other.[300] By rejecting Arianism, the *Edict of Thessalonica* also rejected Caesaropapist ideas.[301]

However, heresies continued to divide Christian society. The emperors began to restrict the rights of heretics (e.g. depriving them of their right to assemble, hold office, make wills, and inherit) to force them to join the Catholics.[302] In several cases, the Roman popes also requested that the emperors take action against heretics; St. Leo the Great (440–461) was particularly active in this regard. In 445, in the presence of members of the senate, the pope gave a detailed report on the crimes

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295 Ibid., 4,119 (tr. idem).

296 *The Theodosian Code* 16,1,2 = *The Code of Justinian* 1,1,1.

297 Cf. Williams, 1951/3, p. 10.

298 Ambrosiaster, *Questions on the Old and New Testaments* 35.

299 St. Lucifer (d. 370), the anti-Arian bishop of Caralis (present-day Cagliari), mocked the Arian bishops by saying that they considered the emperor "the bishop of the bishops" (*The Necessity of Dying for the Son of God* 13). Cf. Kashchuk, 2014, p. 145.

300 St. Athanasius deeply condemned Constantius II, who declared in 355 that his will expressed in church matters had the force of a canon (*History of the Arians* 33). St. Ambrose emphasised that the emperor's place is within the Church and not above the Church: '*imperator enim intra ecclesiam, non supra ecclesiam est*' (*Sermon against Auxentius on the Giving up of the Basilicas* 36). Cf. Setton, 1941, p. 114.

301 Cf. Sáry, 2012b, p. 156; idem, 2019b, p. 76.

302 Cf. Sáry, 2009a, pp. 169–173; idem, 2009b, pp. 71–75.

of the Manichaeans. As a result of this papal speech, the western Roman emperor Valentinian III (425-455) issued his edict against the Manichaeans.[303]

After the Monophysite Timothy Aelurus came to the episcopate of Alexandria in 457, and cursed the Ecumenical Council of Chalcedon and its Dyophysite creed, the pope wrote a letter to emperor Leo I (457–474) in which he called for action against the heretical bishop. In his letter dated December 457, the pope drew the attention of the eastern Roman emperor to the following:

> ...the kingly power has been conferred on you not for the governance of the world alone but more especially for the guardianship of the Church: that by quelling wicked attempts you may both defend that which has been rightly decreed, and restore true peace where there has been disturbance...[304]

The emperor, complying with the pope's request, called on Timothy several times to follow the opinion of the majority of the bishops, and after these steps did not achieve their goal, he deposed him from his episcopal seat, exiled him, and made sure that an Orthodox person would take his place.[305]

Emperor Zeno (474–491), in agreement with patriarch Acacius of Constantinople, in order to create unity between Catholics and Monophysites, promulgated by an edict in 482 a creed containing theological compromises, which he made mandatory under the name *Henoticon* ("Act of Union"). However, this turned out to be a fatal mistake: making this creed obligatory led to the first major schism between the eastern and western churches, the Acacian Schism.[306]

In the eyes of Catholics, the content of the *Henoticon* represented a step back from the decisions of the Council of Chalcedon. Pope St. Felix III (483–496) repeatedly rebuked emperor Zeno for making a new creed compulsory without convening an ecumenical council. In 484, he gave him the following advice:

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303 *The Novels of Valentinian* 18. The edict, the introductory part of which mentions the papal speech, declared the Manichaean heresy a public crime, as a result of which anyone could bring charges against the Manichaeans, who – as enemies of public order and the Christian faith – had to be punished for sacrilege. In addition, it excluded the Manichaeans from the imperial offices, expelled them from the cities, and deprived them of their right to make a will, their ability to inherit by will and to enter into contracts.

304 St. Leo the Great, *Letters* 156,3 (tr. Feltoe). Cf. Dvornik, 1966, vol. 2, pp. 773–774.

305 See Evagrius Scholasticus, *Ecclesiastical History* 2,11. Cf. Sáry, 2010b, p. 87.

306 Cf. Townsend, 1936, pp. 79–83.

> I am sure that it would serve your interests to endeavour to subject your royal will to the priests of God, rather than to dominate them, whenever the interests of God are at stake and her [i.e. the Church's] constitution is respected; to learn the spiritual things from their leaders rather than to teach them ('*sacrosancta per eorum praesules discere potius quam docere*')...[307]

In a treatise written against the defenders of the communion of Acacius, Felix writes the following about the emperor:

> He is son, not ruler of the Church ('*filius est, non praesul ecclesiae*'); as regards religion, it behooves him to learn, not to teach ('*quod ad religionem competit, discere convenit, non docere*'); he has the privileges of his power, which he has received from God for the administration of public interests. Grateful for these benefits, he must not usurp powers in contravention of the supernatural order; for God has settled that what concerns the Church should be in the hands of the priests, not of the secular powers. He [i.e. the Emperor] must not claim rights that are not his, nor a ministry that belongs to others ('*non sibi vindicet alienum ius, et ministerium quod alteri deputatum est*')...[308]

These thoughts were probably formulated by the pope's archdeacon, Gelasius, who later succeeded Felix in the papal throne.

Pope St. Gelasius I (492–496) did not send official notification of his election as pope to emperor Anastasius I (491–518), who resented this omission. The pope therefore wrote a long letter to the emperor in 494, in which he politely excused himself, citing the unpleasant circumstances of the schism, and at the same time summarised what should be done to end the division. The passage in this letter is famous in which the pope distinguished between episcopal and royal power, pointing out that the things of God belong to the former, and secular things to the latter:

> There are two powers, august Emperor, by which this world is chiefly ruled, namely, the sacred authority of the bishops (*auctoritas sacrata pontificum*) and the royal power (*regalis potestas*). Of these, that of the bishops is the more

307 Pope St. Felix III, *Letters* 8,5 (tr. Dvornik). Cf. Dvornik, 1966, vol. 2, p. 800.

308 Pope St. Felix III, *A Treatise Refuting the Arguments Made for Acacius* (tr. Dvornik). Cf. Dvornik, 1966, vol. 2, pp. 802–803.

> weighty, since they have to render an account for even the kings of men in the divine judgment. You are also aware, dear son, that while you are permitted honorably to rule over human kind, yet in things divine you bow your head humbly before the leaders of the clergy and await from their hands the means of your salvation. In the reception and proper disposition of the heavenly mysteries you recognize that you should be subordinate rather than superior to the religious order, and that in these matters you depend on their judgment rather than wish to force them to follow your will. If the ministers of religion, recognizing the supremacy granted you from heaven in matters affecting the public order, obey your laws, lest otherwise they might obstruct the course of secular affairs by irrelevant considerations, with what readiness should you not yield them obedience to whom is assigned the dispensing of the sacred mysteries of religion.[309]

This means that it is not the ruler's job to define the articles of faith, but the bishops. In religious matters, therefore, even the ruler is subject to the decision of the bishops. At the same time, bishops are subordinated to the will of the ruler in secular matters, such as issues related to public order. Harmony can develop between the activities of the monarch and the bishops if they respect each other's decision-making authority. Disputes arising from the fact that, by usurping each other's decision-making powers, they represent different opinions in the same area must be avoided.[310]

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309 St. Gelasius I, *Letters* 12,2 (tr. Robinson). See Robinson, 1904, vol. 1, pp. 72–73 (I modified the translation of the word *pontifices*, because in this text I think it does not mean priests in general, but specifically bishops). For the historical background of Gelasius' manifestation, see Ziegler, 1942, pp. 412–437. For the legal terms used by Gelasius, see Jonkers, 1952, pp. 335–339. Regarding the relationship of responsibility expressed in the letter, Janet L. Nelson believes that the pope is responsible before God for the sins of the emperor in the same way as in Roman law a *pater familias* is responsible for delicts of his *filius familias* (Nelson, 1967, pp. 158–160). Meanwhile, M. H. Hoeflich compares the relationsip between the pope and the emperor, based on the Gelasian terminology, to the relationship between a guardian and a ward (Hoeflich, 1975, pp. 116–119).

310 Szilárd Tattay rightly states that Gelasius' position ruled out both the possibility of Caesaropapism and hierocracy, outlining a dualistic concept according to which both ecclesiastical and secular power are independent of the other in their respective fields (Tattay, 2007b, p. 59). On Gelasius' theory of power, see also Dvornik, 1951, pp. 111–116; Ensslin, 1955, pp. 661–668.

It is worth making a few comments about the key words in the papal letter. In Rome during the republic, political stability was based on the balanced position and cooperation of the senate and the people.[311] Cicero clearly saw that the balance and harmony of the constitution is based on the compromise whereby 'supreme power is granted to the people and actual authority to the Senate' ('*cum potestas in populo, auctoritas in senatu sit*').[312] The essence of the Roman state was thus the unity of the senate, which had moral authority due to its wisdom, and the people, which had legal and political power, as expressed by the official name of the state, "*senatus populusque Romanus*" (SPQR). The people's assembly conferred state power on the king during the monarchy, and on the magistrates during the republic.[313] In addition to the senate, especially the priests, and among them mainly the *augures* and the *pontifices*, had special authority.[314] Based on their *auctoritas*, the augurs dealing with bird divination could dissolve people's assemblies, invalidate the resolutions of the assemblies, and prevent the actions of the magistrates.[315] Numa Pompilius, the second king of Rome, appointed a *pontifex maximus* so that the people could turn to him for guidance on the correct way to honour the gods and the exact rules of religious ceremonies.[316] The *auctoritas* of the pontiffs thus basically stemmed from their expertise and wisdom in religious matters. The main state power and priestly authority were united in one hand when emperor Augustus assumed the dignity of *pontifex maximus* in the year 12 BC – after the death of *pontifex maximus* Lepidus – thus establishing the system of Caesaropapism.[317] The emperors continued to bear this title until Gratian (375–383), who, according to Zosimus, officially renounced it – refusing the high priest's robe.[318] From then on, the emperors only called themselves *pontifex inclitus* ("honourable pontiff") instead of *pontifex maximus*

311 Cf. Casinos Mora, 1999, pp. 85–109.

312 Cicero, *On the Laws* 3,12,28 (tr. Keyes). Cicero elsewhere says: 'for the people's constant need for the advice and authority of the aristocracy helps to hold the State together' (ibid., 2,12,30; tr. idem).

313 According to the sources, after the abolition of the kingdom, the *regia potestas* passed to the consuls (see Livy, *History of Rome* 3,33; 8,32). Cf. Henderson, 1957, p. 82.

314 Cf. Santangelo, 2013, pp. 745–761.

315 Cf. Cicero, *On the Laws* 2,12,31.

316 Cf. Livy, *History of Rome* 1,20; Plutarch, *Numa* 9.

317 Cf. Suetonius, *The Deified Augustus* 31.

318 Zosimus, *New History* 41,36,5.

("highest pontiff").[319] In the meantime, in relation to bishops, in addition to *episcopus*, the designation *pontifex* also spread within the church (the two terms were used synonymously). It is true that Theodosius the Great calls Damasus (the bishop of Rome) *pontifex* and Peter (the bishop of Alexandria) *episcopus* in his *Edict of Thessalonica* of 380.[320] However, it would be wrong to conclude from this that only the bishop of Rome was called *pontifex*, as other sources call the bishops of other cities also *pontifices*; for example, St. Sidonius Apollinaris (c. 430–c. 482), bishop of Augustonemetum (today's Clermont-Ferrand) calls Patiens, bishop of Lugdunum (today's Lyon), *pontifex* in two letters in 469 (or 470).[321]

Pope Gelasius explained his views on imperial power in more detail in his *Treatise on the Bond of Anathema*, making clear that the emperor had no right to absolve anyone from the ecclesiastical punishment of excommunication (i.e. emperor Anastasius wanted to lift the punishment that pope Felix III had imposed on Peter Mongus, the famous Monophysite patriarch of Alexandria). Gelasius emphasised that Christ had separated the kingly and priestly offices and the powers associated with them:

> Admittedly, before the advent of Christ there actually existed … men who were concurrently kings and priests; sacred history records that such a one was Saint Melchizedek. … Christ, however, mindful of human frailty, has, by a marvelous dispensation, regulated what would serve the salvation of His own and has separated the offices of the two powers by means of distinctive functions and dignity, intending that His own should be saved by salutary humility and not be carried away by human pride. Hence, Christian emperors are in need of

319 Cf. Cameron, 2007, pp. 363–364; Dijkstra and Espelo, 2016, pp. 316–317. Roman popes in ancient times did not call themselves *pontifex maximus*; this is evident from the inscriptions on the papal tombs and the correspondence of pope St. Gregory the Great (590–604), in which the following terms are included in relation to the pope: *episcopus*, *antistes*, *papa*, *praesul*, *pontifex*, *pontifex Romanus*, *pontifex apostolicae sedis* (cf. Kajanto, 1981, p. 42; Dijkstra and Espelo, 2016, pp. 318–319). However, the lack of use of the title *pontifex maximus* does not call into question the primacy of the Roman bishop, which Justinian, among others, recognised in several constitutions (see *The Code of Justinian* 1,1,7–8; *The Novels of Justinian* 109 praef.; 131,2; cf. Sáry, 2012a, pp. 47–48).

320 *The Theodosian Code* 16,1,2 = *The Code of Justinian* 1,1,1.

321 See St. Sidonius, *Letters* 2,10,4; 4,25,1. In addition to *pontifex*, Sidonius also uses the following designations in his letters regarding bishop Patiens: *papa* (2,10,2; 6,12,1.9); *antistes* (2,10,3); *episcopus* (5,17,10); *sacerdos* (3,12,3; 6,12,9).

> pontiffs for their eternal life, and pontiffs must make use of imperial regulations for temporal necessities.[322]

The Acacian Schism was resolved in 519, during the reign of Justin (518–527). The emperor's nephew, Justinian, played a prominent role in the restoration of the unity of the eastern and western churches. After Justinian ascended to the throne, he began to restore the old, unified Roman Empire. In order to create religious unity, he made strict provisions to eradicate the remnants of paganism.[323] He closed the pagan sanctuaries that were still in operation and ordered the executioners of the pagan ceremonies to be punished with death, just like the previous Christian emperors. In 529, he ordered all pagans to accept baptism under penalty of confiscation and exile.[324] In the same year, he closed the famous Athenian Academy, the last stronghold of pagan philosophy. In 542, he appointed the Monophysite bishop John of Ephesus as missionary to the pagans, who visited four provinces, built many churches and monasteries, and baptised a huge number of pagans.[325]

In Justinian's time, the heresy affecting the largest masses was Monophysitism. The emperor made several attempts to win the Monophysites and bring them back to the Catholic Church.[326] Thus, for example, he always included the so-called Theopaschite formula, which was a theological formulation that was primarily used by the Monophysites against the Nestorians, and which was also accepted by the Catholics. In 532, he organised a theological conference in the imperial palace in Constantinople with the participation of six Catholic and six Monophysite bishops, seeking an agreement on controversial issues. In 551, the emperor issued an edict against the so-called "Three Chapters", in which he condemned persons and works that the Monophysites accused of Nestorianism. In this edict, which was about the true faith (*Edictum de recta fide*), he said: 'Seeing that nothing pleases the merciful God more than that all Christians be of one mind concerning the pure orthodox faith and that there be no schisms in God's holy Church…'[327] The "Three Chapters" were also condemned by the Second Ecumenical Council of Constantinople

322 St. Gelasius I, *Treatises* 4,11 (tr. Dvornik). Cf. Dvornik, 1966, vol. 2, p. 807.
323 Cf. Sáry, 2012a, pp. 160–166.
324 *The Code of Justinian* 1,11,10.
325 See John of Ephesus, *Ecclesiastical History* 2,44; 3,36.
326 Cf. Sáry, 2010a, pp. 210–214; idem, 2012a, pp. 31–46.
327 Tr. Wesche. See Wesche, 1991, p. 163. Cf. Baán, 1997, p. 169.

convened by Justinian in 553. Despite all this, the emperor failed to establish unity with the Monophysites.

Justinian strove to make the relationship between the state and the church as close as possible, and wanted to achieve his ecclesiastical goals in cooperation with the Orthodox clergy. He believed that if both the ruler and the clergy properly fulfil their God-given vocation and mutually support each other, it creates such a wonderful harmony in the world that makes humanity worthy of God's blessing. He saw that everything in life depended on God's grace, the attainment of which depended largely on the prayers and moral purity of the clergy. Therefore, he considered it an extremely important task to promote the uninterrupted work of the clergy and to protect their blamelessness. In his Novel 6, he formulated all of the followings:

> The greatest gifts that God, in his celestial benevolence, has bestowed on mankind are priesthood (Gr. ἱερωσύνη, Lat. *sacerdotium*) and sovereignty (Gr. βασιλεία, Lat. *imperium*), the one serving on matters divine, and the other ruling over human affairs, and caring for them. Each proceeds from one and the same authority, and regulates human life. Thus nothing could have as great a claim on the attention of sovereigns as the honour of priests, seeing that they are the very ones who constantly offer prayer to God on the sovereigns' behalf. Hence, should the one be above reproach in every respect, and enjoy access to God, while the other keeps in correct and proper order the realm that has been entrusted to it, there will be a satisfactory harmony (Gr. συμφωνία, Lat. *consonantia*), conferring every conceivable benefit on the human race. We therefore have very great concern for the honour of priests, as well as for the truth of theological doctrine; as long as they maintain that honour, our confident belief is that, through it, great gifts will be bestowed on us by God, and that as well as keeping firm possession of what we hold, we shall also gain what has not yet come to us, even now.[328]

According to Peter Stein, 'Justinian had rejected the Gelasian principle. He had held that the emperor united in himself not only the supreme temporal power, expressed in the notion of *imperium*, but also the supreme spiritual power of *sacerdotium*.'[329] This statement is completely wrong. The emperor was obviously a

328 *The Novels of Justinian* 6 praef. (tr. Miller and Sarris). Cf. Baán, 1997, p. 20.
329 Stein, 1999, p. 42.

layman: he was not ordained as a priest, and thus did not have any priestly authority.[330] Justinian clearly separated the two great heavenly gifts, the priesthood serving divine things and the imperial dignity governing human affairs, and he only considered it his task to watch over priesthood: to supervise that the priests carry out their duties and fulfil their God-given vocation for the benefit of humanity.[331]

Michael Azkoul correctly sees that the church and the state form such a harmonious unity with Justinian, as the divine and human nature within the person of Christ, according to Catholic (i.e. orthodox) theology. (According to the wording of the Fourth Ecumenical Council of Chalcedon held in 451, Christ is both perfect God and perfect man, whose two natures are neither mixed nor separated, but are united into one person while keeping their characteristics intact.) Thus, the fact that the Catholic understanding rejected both the Monophysite position (according to which the divine nature in Christ absorbed the human) and the Nestorian teaching (which rigidly separated the two natures of Christ) also became significant on the level of state theory.[332]

It is also worth highlighting John Meyendorff's statement, according to which the concept of Caesaropapism cannot be applied to the reality of the early Christian imperial system primarily because no one believed in the emperor's personal infallibility in doctrinal matters of faith.[333] The church has always protested against the imperial provisions concerning religious dogmas. After issuing the imperial edict condemning the "Three Chapters", Facundus, bishop of Hermiane in North Africa, warned Justinian to be careful not to act like the haughty King Uzziah, who was severely punished by God for wanting to do what

330 This was later emphasised by the greatest theologian of the seventh century, St. Maximus the Confessor (580–662), who, when he was asked whether a Christian emperor is also a priest and therefore possesses the right to determine dogma, gave this answer: 'He is not, for neither does he stand at the altar nor after the consecration of the bread does he elevate it saying, "Holy things for the Holy." Nor does he baptise, or perform the rite of chrismation, or ordain and make bishops and priests and deacons; nor does he anoint churches, or wear the symbols of the priesthood, the omophorion and the Gospel book, in the way in which he wears, as symbols of kingship, the crown and purple robe' (*Record of the Trial* 4; tr. Cooper). See Cooper, 2005, p. 175. Cf. Marek, 2017, p. 8.

331 Cf. Herman, 1966, p. 105.

332 Azkoul, 1971, p. 459.

333 Meyendorff, 2001, p. 56.

belonged to the priests,[334] and exhorted him to do penance following the example of Theodosius the Great.[335] Justinian realised that his theological views had to always be approved by the competent church authorities: the Roman pope and the ecumenical council. In doing so, he acknowledged that the last decisive word in matters of faith always belongs to the church, and not to the emperor.

The Christian emperors tried to harmonise the laws of the Roman Empire with the divine laws found in the Bible in order to create harmony between the state and the church. For example, the offering of pagan sacrifices and idolatry were declared capital crimes.[336] Those who took an oath using blasphemous words were also ordered to be punished with death.[337] The indissolubility of marriage could not be declared due to public protest,[338] but divorce was made more difficult: legal grounds for divorce were defined, and those who unilaterally divorced their spouse in the absence of such a reason were hit with financial sanctions.[339] Adultery was punishable by death,[340] just like the Mosaic laws,[341] and so was sodomy,[342] also on biblical grounds.[343] They took action against prostitution: procuring was declared a crime,[344] brothels were confiscated, and contracts binding on prostitution were declared invalid.[345]

Importantly, during the reign of Justinian, the most important church canons became state laws. In 533, the emperor confirmed by edict the decisions of the

334 Facundus, *In Defence of the Three Chapters* 12,3. King Uzziah wanted to burn incense to the Lord, but when he entered the temple, Azariah stood in front of the high priest and warned him that offering sacrifices was for the priests. Uzziah did not want to obey, but he finally left the sanctuary because leprosy suddenly broke out on his forehead. He remained a leper until his death (see 2 Chr 26:16–21).

335 Facundus, *In Defence of the Three Chapters* 12,5. Cf. Dvornik, 1966, vol. 2, p. 826.

336 *The Theodosian Code* 16,10,2.4.6–13.17.19.23; *The Code of Justinian* 1,11,10.

337 *The Novels of Justinian* 77,1.

338 Cf. *The Novels of Justinian* 140 praef.

339 *The Theodosian Code* 3,16,1–2; *The Code of Justinian* 5,17,8.10–11; *The Novels of Justinian* 22; 117; 134,11. For more details on the regulation of divorce, see Sáry, 2011, pp. 73–87; idem, 2012a, pp. 196–206.

340 *The Theodosian Code* 11,36,4.

341 Lev 20:10; Deut 22:22; Jn 8:5.

342 *The Theodosian Code* 9,7,6; *The Novels of Justinian* 77,1; 141,1.

343 Lev 20:13.

344 *The Theodosian Code* 11,41,7; *The Theodosian Novels* 18; *The Novels of Justinian* 14.

345 *The Novels of Justinian* 14.

four ecumenical councils that had been held until then.[346] In 545, he declared the canons of these councils to be laws:

> Accordingly, we decree that the holy ecclesiastical canons issued or confirmed by the four holy councils – to wit, that of the 318 at Nicaea, that of the 150 holy fathers at Constantinople, the first at Ephesus, at which Nestorius was condemned, and that at Chalcedon, by which Eutyches was anathematised together with Nestorius – are to rank as laws. We also accept the dogmas of the aforesaid 4 holy councils, just as we accept the divine scriptures, and we uphold their canons as laws.[347]

From then on, those who violated these canons also violated state laws, and thus could be prosecuted using state law.

6. Caring for the Poor

As Jan Assmann points out, lines about the benevolence of the deceased can be found remarkably often on the tombstones of ancient Egyptians.[348] For example, the following can be read in the tomb of a vizier named Paser who lived in the fourteenth century BC: 'I gave bread to the hungry, water to the thirsty, clothing to the naked.'[349] According to Assmann, this suggests that caring for the poor was a basic social norm in Egypt.[350]

In the books of the Old Testament, we can find exhortations to financially support the poor in several places.[351] Jesus also advocated giving alms, but condemned showing it off:

> Thus, when you give alms, sound no trumpet before you, as the hypocrites do in the synagogues and in the streets, that they may be praised by men. Truly, I say to you, they have received their reward. But when you give alms, do not let

346 *The Code of Justinian* 1,1,7.
347 *The Novels of Justinian* 131,1. Cf. Biondi, 1936, p. 92.
348 Assmann, 2008, p. 254.
349 Cited in Assmann, 2008, p. 256 (author translation).
350 Assmann, 2008, p. 259.
351 Tob 4:7–11; 12:8–9; Sir 4:1–6; 29:8–9.

> your left hand know what your right hand is doing, so that your alms may be in secret; and your Father who sees in secret will reward you.[352]

According to Jesus' teaching, the merciful will be saved, those who give food to the hungry, drink to the thirsty, and clothe the naked.[353]

According to Luke, the centurion Cornelius became dear to God by, in addition to his prayers, giving liberally alms to the people.[354] 'Let the thief no longer steal, but rather let him labor, doing honest work with his hands,' writes St. Paul, 'so that he may be able to give to those in need.'[355] During his third missionary journey, Paul organised a collection for the benefit of the impoverished believers in Jerusalem.[356] Among other things, the apostle encouraged the members of the Corinthian Christian congregation to donate with these words:

> Each one must do as he has made up his mind, not reluctantly or under compulsion, for God loves a cheerful giver. ...for the rendering of this service not only supplies the wants of the saints but also overflows in many thanksgivings to God. Under the test of this service, you will glorify God by your obedience in acknowledging the gospel of Christ, and by the generosity of your contribution for them and for all others...[357]

Paul wrote the following to Timothy:

> As for the rich in this world, charge them not to be haughty, nor to set their hopes on uncertain riches but on God who richly furnishes us with everything to enjoy. They are to do good, to be rich in good deeds, liberal and generous...[358]

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352 Mt 6:2–4.

353 Mt 25:35–36. It is interesting how these words resonate with the text of the Egyptian tomb inscriptions mentioned above.

354 Acts 10:2.4.31.

355 Eph 4:28.

356 Cf. Rom 15:26; 1 Cor 16:1–3; 2 Cor 8–9; Acts 24:17.

357 2 Cor 9:7–13.

358 1 Tim 6:17–18.

Among the moral admonitions of the letter to the Hebrews, we can read similar thoughts: 'Do not neglect to do good and to share what you have, for such sacrifices are pleasing to God.'[359]

While Aristotle saw the contrast between the poor and the rich as antagonistic,[360] the social teaching of Christianity softened the contrasts between the rich and the poor. Many Christian authors have pointed out that the rich and the poor should benefit each other. The social teaching of St. Clement of Rome is closely related to the organic view of the church, according to which both the rich and the poor have their own tasks and duties in the church:

> Let the strong not despise the weak, and let the weak show respect unto the strong. Let the rich man provide for the wants of the poor; and let the poor man bless God, because He has given him one by whom his need may be supplied.[361]

Hermas describes the interdependence of the poor and the rich in the most beautiful way in his parable of the vine and the elm. The vine that climbs up the elm tree and gets water from it in drought yields double fruit. The vine thus makes the elm fruitful; the two trees are therefore mutually beneficial. In the same way, the poor and the rich can benefit each other; the rich can financially support the poor, and the poor can pray for the rich in return:

> But when the rich man refreshes the poor, and assists him in his necessities, believing that what he does to the poor man will be able to find its reward with God – because the poor man is rich in intercession and confession, and his intercession has great power with God – then the rich man helps the poor in all things without hesitation; and the poor man, being helped by the rich, intercedes for him, giving thanks to God for him who bestows gifts upon him. And he still continues to interest himself zealously for the poor man, that his wants may be constantly supplied. For he knows that the intercession of the poor man is acceptable and influential with God. Both, accordingly, accomplish their work.[362]

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359 Heb 13:16.
360 Aristotle, *Politics* 1296b.
361 St. Clement of Rome, *Letter to the Corinthians* 38,2 (tr. Keith).
362 *The Shepherd of Hermas* 3,2,1–8 (tr. Crombie).

Bishop St. Gregory of Nyssa (335–394) also emphasised that the support of the poor serves for the salvation of the rich, saying the following about the poor:

> They are the gatekeepers of the Kingdom, who open the gates to those who are kind and shut them to those who are acrimonious and misanthropic. They are severe accusers and yet good advocates, accusing and advocating not with spoken words but by being seen by the Judge. For the deed done to the poor resounds more clearly than the herald's trumpet in the presence of the One who knows the heart.[363]

St. Ambrose encouraged the wealthy to give alms with these words:

> Whatever you have contributed to the poor, therefore, is profitable to you; whatever you have diminished it by is gain to you. You feed yourself with the food that you have given to the poor, for the one who is merciful to the poor is fed himself, and there is fruit already in these things. Mercy is sown on the earth and germinates in heaven; it is planted in the poor and sprouts forth in God's presence.[364]

According to St. John Chrysostom, giving alms compensates for many sins, so even the greatest sinners can go to heaven through it:

> I mean almsgiving, our excellent counselor, the queen of the virtues, who quickly raises human beings to the heavenly vaults. ...even if you have many sins, you should not be afraid if you possess almsgiving as your advocate. For no higher power opposes it. She pays the debt demanded by sin. ... Therefore, regardless of how many other sins you have, your almsgiving counterbalances all of them.[365]

Exhortations to support the poor also influenced the Christian emperors. Constantine the Great took a significant step forward in protecting families when he

363 St. Gregory of Nyssa, *On Good Works* (tr. Blowers). Cited in Blowers, 2020, p. 149. Cf. Artner, 1923, p. 185.

364 St. Ambrose, *On Naboth* 12,53 (tr. Ramsey).

365 St. John Chrysostom, *Concerning Almsgiving and the Ten Virgins* 1,5–6 (tr. Christo). Cf. Artner, 1923, p. 192.

introduced state support for poor fathers.[366] In May 315, the emperor ordered that for those Italian parents who report to the authorities that they are unable to support their children owing to their poverty, the treasury should provide support in order to feed and clothe the children, so that the parents do not resort to infanticide in their hopeless situation.[367] Seven years later, in July 322, the emperor, learning that the starving inhabitants of the provinces were selling their children, instructed the African governors and the local representatives of the treasury to provide an adequate amount of food from the public storehouses to the poor who were unable to support their children.[368]

In addition to all this, Constantine provided regular, targeted support (usually in grain) from the state assets to the local churches for the purpose of feeding the poor.[369] This support was abolished by the apostate emperor Julian (360–363), but shortly afterwards restored by Jovian (363–364).[370] In 451, Marcianus (450–457) confirmed the constitutions on the basis of which the local churches received state aid to feed the poor.[371]

State support for the poor may also have been inspired by the idea that the emperor should imitate God. According to the Scripture, God is merciful and therefore cares for the poor: He 'gives food to the hungry.'[372] According to Hermas, one who imitates God must give to all those in need:

> Practise goodness; and from the rewards of your labours, which God gives you, give to all the needy in simplicity, not hesitating as to whom you are to give or not to give. Give to all, for God wishes His gifts to be shared among all.[373]

In the *Letter to Diognetus*, which was written towards the end of the second century, we can read the following:

> And if you love Him, you will be an imitator of His kindness. And do not wonder that a man may become an imitator of God. He can, if he is willing. For it is not

366 Cf. Holman, 2001, p. 56.
367 *The Theodosian Code* 11,27,1. Cf. Sáry, 2009b, p. 30.
368 *The Theodosian Code* 11,27,2. Cf. Sáry, 2009b, p. 30.
369 See Socrates Scholasticus, *Church History* 2,17.
370 Cf. Theodoret of Cyrus, *Ecclesiastical History* 4,4; Sozomen, *Ecclesiastical History* 5,5.
371 *The Code of Justinian* 1,2,12.
372 Ps 146:7.
373 *The Shepherd of Hermas* 2,2,4 (tr. Crombie).

> by ruling over his neighbours, or by seeking to hold the supremacy over those that are weaker, or by being rich, and showing violence towards those that are inferior, that happiness is found; nor can any one by these things become an imitator of God. But these things do not at all constitute His majesty. On the contrary he who takes upon himself the burden of his neighbour; he who, in whatsoever respect he may be superior, is ready to benefit another who is deficient; he who, whatsoever things he has received from God, by distributing these to the needy, becomes a god to those who receive [his benefits]: he is an imitator of God.[374]

According to St. Ambrose, 'Mercy, also, is a good thing, for it makes men perfect, in that it imitates the perfect Father. Nothing graces the Christian soul so much as mercy; mercy as shown chiefly towards the poor...'[375]

Agapetus urged the emperor to support those in need with these words:

> The wealth of good works is inexhaustible. It is acquired in giving; it is collected through their dispersal. With this wealth in your soul, most munificent emperor, give liberally to all who ask of you, for you will receive infinite reward when the moment comes for repayment of your deeds. Having obtained your kingship by God's command, imitate Him through good works, since you were born amongst those able to do good, and you are not amongst those who seek to receive good. The availability of an abundance of wealth means there is no obstacle to good works for the poor. ... It is the function of the sun to illuminate the creation with his rays. It is the virtue of a ruler to take pity on those in need. ... Your pious empire, walled by acts of charity... The cloak of beneficence is an imperishable garment and charity to the poor is an imperishable robe. He who wishes to be a pious king must adorn his soul with such raiment. For he who is clad in the purple robe of love for the destitute is also judged worthy of the heavenly kingdom.[376]

Justinian accepted the advice of Agapetus and tried to improve the situation of the poor, especially the destitute patients, by founding and financially supporting several social institutions. According to Procopius, the emperor had many

374 *The Letter to Diognetus* 10,4–6 (tr. Roberts and Donaldson).
375 St. Ambrose, *On the Duties of the Clergy* 1,11,38 (tr. Romestin, Romestin, and Duckworth).
376 Agapeus, *Advice to the Emperor Justinian* 44–45; 51; 58; 60 (tr. Bell).

hospitals, poorhouses, and guesthouses built and expanded throughout the empire.[377] The most famous social health institution in the capital was the hospital founded by St. Sampson and named after him, where poor patients were treated. This hospital, which stood between the Cathedral of Hagia Sophia and the Church of Hagia Eirene, burned down during the Nika Revolt. Justinian rebuilt it, much larger than its previous dimensions, and supported its operation with a significant sum of money every year.[378] According to Cyril of Scythopolis (c. 525–c. 559), Justinian had a hundred-bed hospital built in Jerusalem, for the maintenance of which he paid 1,850 gold solidus annually.[379]

7. Leading the Army and Protecting the Borders

Clement of Alexandria states, 'Tactics belong to military command, and the ability to command an army is among the attributes of kingly rule.'[380] St. Augustine also writes that one of the main tasks of the ruler is to lead the army: 'a king himself may be called ... a leader, because he leads the army...'[381]

Roman jurists classified the right to self-defence among the rules of natural law (*ius naturale*).[382] According to natural law, the leader has not only the right but also the duty to protect the community from external attacks. To fulfil this task, he must be skilled in the art of combat. In his speech to emperor Arcadius, Synesius of Cyrene emphasised that the king must be an expert in wars just as a shoemaker is an expert in footwear, and just as the latter must know his tools, the king must also know his soldiers.[383] The excellence of the rulers was primarily indicated by their victories in war. Praising Constantine the Great, Augustine highlights: 'In conducting and carrying on wars he was most victorious...'[384] In one of

377 Procopius, *Buildings* 1,2,17; 1,9,12; 2,10,25; 5,3,20; 5,4,17; 5,6,25; 5,9,4.27; 5,9,34–35.38.

378 Ibid., 1,2,14–16. Cf. *The Novels of Justinian* 59,3. About this hospital, see Miller, 1990, pp. 101–135.

379 Cyril of Scythopolis, *Life of St. Sabas* 73.

380 Clement of Alexandria, *The Stromata* 1,24,158 (tr. Wilson).

381 St. Augustine, *The City of God* 18,45 (tr. Dods).

382 Cf. *The Digest of Justinian* 43,16,1,27. According to Xenophon, even Cyrus remarked that nothing is more justifiable than self-defence (*Cyropaedia* 1,5,13).

383 Synesius of Cyrene, *On Kingship* 9,7. Aristotle also compares a good general to a good shoemaker (*Nicomachean Ethics* 1101a).

384 St. Augustine, *The City of God* 5,25 (tr. Dods).

his parables, Jesus refers to the thorough consideration that the decision to go to war requires:

> Or what king, going to encounter another king in war, will not sit down first and take counsel whether he is able with ten thousand to meet him who comes against him with twenty thousand? And if not, while the other is yet a great way off, he sends an embassy and asks terms of peace.[385]

As with matters of warfare, rulers always had to carefully consider whether to allow foreign peoples into the country's territory. In this regard, the history of the admission of the Goths is instructive. In the mid-370s, the Huns attacked the Goths. The western Goths fled to the Danube and requested admission to the territory of the Roman Empire. They promised to be the emperor's most loyal subjects. Emperor Valens (364–378) ordered the border to be opened and the refugees to be received with compassion and settled in the Thracian province. Soon, however, food problems arose, which led the Goths to loot and rob. This escalated to the point where a clash between the Romans and the Goths became inevitable. The Goths won a crushing victory over the Roman army at the Battle of Adrianople on 9 August, 378; the emperor also lost his life in the battle.[386] This massive defeat started the domino effect that eventually led to the fall of the western Roman Empire.[387] Socrates of Constantinople writes in his *Church History* that the emperor was guided by mercy when accepting the Goths fleeing from the Huns, but he neglected all precautions.[388] With these words, he clearly pointed out that the head of the state must exercise mercy towards foreign peoples wisely and judiciously, while not endangering the safety of his own people.

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385 Lk 14:31–32.

386 Cf. Ammianus Marcellinus, *History* 31,13.

387 Rufinus of Aquileia writes in his work on church history that the Battle of Adrianople was the beginning of all the evil that befell the Roman Empire (*History of the Church* 2,13). With a horrified spirit, St. Jerome reports in one of his letters how, during the next two decades, various barbarian peoples flooded in and destroyed, robbed, and plundered the Roman provinces, destroying churches, taking bishops captive, killing priests, and defaming women (*Letters* 60,16). Cf. Lenski, 1997, p. 159.

388 Socrates Scholasticus, *Church History* 4,34.

CHAPTER IV

Issues of State Violence

1. The Necessity of Violence

These words of Jesus are well known: 'if any one strikes you on the right cheek, turn to him the other also…'[389] This moral command – formulated by Jesus in his Sermon on the Mount – is obviously not to be understood literally. Jesus did not want to encourage his followers to give up their rights and not to demand compensation for the injuries they suffered. Reflecting on the talio principle prescribed by the Mosaic law,[390] he only wished to draw the attention of his followers to the fact that evil does not necessarily have to be answered with evil. Jesus also said that 'from him who takes away your coat do not withhold even your shirt.'[391] As Imre Kocsis points out, this is not to be taken literally either, since following the order literally would result in nudity.[392] According to biblical scholars, Jesus specifically wanted to provoke his listeners with these sayings, to protest against the world's violence in a shocking way.[393]

Kocsis draws attention to a very important fact regarding the interpretation of Jesus' teaching condemning violence: the examples refer to personal human relationships. That is why caution is needed when we want to apply the basic principle of the Gospel passage (non-violence) at the social level.[394] After all, if we think about it, how could the state, social, political, and economic order survive

389 Mt 5:39b. Cf. Lk 6:29a.
390 Cf. Lev 24:19–20; Deut 19:21.
391 Lk 6:29b.
392 Kocsis, 2007, p. 418.
393 See ibid., p. 417.
394 Ibid., p. 418.

if the state did not have the right to use violence against individuals who violate the law?

It is clear that the applicability of state violence is an essential condition for the maintenance of social order. Jesus advised his listeners in his Sermon on the Mount:

> Make friends quickly with your accuser, while you are going with him to court, lest your accuser hand you over to the judge, and the judge to the guard, and you be put in prison; truly, I say to you, you will never get out till you have paid the last penny.[395]

From these words, the contemporary rules of personal execution can be clearly seen: the judge could, at the creditor's request, order the non-performing debtor to be imprisoned. In this passage, Jesus did not condemn official coercion against debtors at all, nor did he say that debtors should not be imprisoned. Instead, he advised debtors to try to settle with their creditors, thus avoiding personal execution.

Moreover, Jesus ended his parable of the unforgiving servant by saying that 'in anger his lord delivered him to the jailers, till he should pay all his debt.'[396] According to the parable, the official coercive measure applied to the servant was lawful and morally appropriate.

Jesus considered official coercion against the perpetrators of serious crimes to be even more natural. He said to his captors: 'Have you come out as against a robber, with swords and clubs to capture me?'[397] So Jesus found it strange that he was being treated like a robber, but he never doubted that it is permissible to use violence against robbers.

2. The Requirement of Legality

John the Baptist primarily called on the soldiers who came to him to avoid breaking the law: 'Rob no one by violence or by false accusation, and be content with your wages.'[398] On one occasion, Jesus referred to the fact that the authorities are obliged to comply with the laws and may not use force unjustifiably. When, during his first

395 Mt 5:25–26.
396 Mt 18:34.
397 Mt 26:55.
398 Lk 3:14.

interrogation in the house of the high priest Annas, he was hit in the face by a guard, Jesus demanded an explanation: 'If I have spoken wrongly, bear witness to the wrong; but if I have spoken rightly, why do you strike me?'[399] According to the words of Jesus, the guard could only legally hit the person under criminal proceedings who had spoken badly – that is, who had answered disrespectfully, in a particularly offensive way or perhaps blatantly lied – to the question of his interrogator. In the absence of such behaviour, the violence used was considered illegal and an abuse of power. Therefore, according to Jesus' teachings, violence can be used but always needs justification.

St. Paul acted like Jesus in this regard. When the high priest Ananias gave the order to strike Paul on the mouth at the meeting of the Jewish Sanhedrin, the apostle was indignant: 'God shall strike you, you whitewashed wall! Are you sitting to judge me according to the law, and yet contrary to the law you order me to be struck?'[400]

Paul also required the Romans to obey the laws. He claimed satisfaction from the magistrates of Philippi for the injuries he had suffered in their Roman colony, demanding that he and his companion, Silas, be personally escorted out of the town, so as to express their respect and acknowledge that they had acted unlawfully against them: 'They have beaten us publicly, uncondemned, men who are Roman citizens, and have thrown us into prison; and do they now cast us out secretly? No! Let them come themselves and take us out.'[401] When the soldiers of the Roman garrison in Jerusalem wanted to interrogate him with whips, Paul indicated the illegality of the procedure by referring to his Roman citizenship: 'Is it lawful for you to scourge a man who is a Roman citizen, and uncondemned?'[402]

In imperial Rome an important question was whether the emperor had to obey the laws of the state. It is clear from the sources that the emperor was above the laws and he was therefore not bound by them. According to an oft-quoted formulation of the jurist Ulpian, the emperor is absolved from the laws: '*Princeps legibus solutus est.*'[403] This principle is also referred to by Christian authors; for example, Ambro-

399 Jn 18:23. This behaviour of Jesus makes it clear that his admonition quoted above regarding the slap in the face (i.e. keeping the other face) is not to be understood literally.

400 Acts 23:3.

401 Acts 16:37.

402 Acts 22:25.

403 *The Digest of Justinian* 1,3,31. Cf. Dio Cassius, *Roman History* 53,18,1; 53,28,2.

siaster uses this accepted rule to explain that the emperor can grant clemency to anyone, overturning a judicial sentence imposed in accordance with the laws.[404]

According to relevant sources, many emperors abused their position and grossly broke the laws. Lactantius lists at length the transgressions of the rulers who persecuted Christians. He writes the following about Diocletian:

> This man, by avarice partly, and partly by timid counsels, overturned the Roman empire. ... There began to be fewer men who paid taxes than there were who received wages; so that the means of the husbandmen being exhausted by enormous impositions, the farms were abandoned, cultivated grounds became woodland, and universal dismay prevailed. ...there were condemnations daily, and forfeitures frequently inflicted; taxes on numberless commodities, and those not only often repeated, but perpetual, and, in exacting them, intolerable wrongs. ... I omit mentioning how many perished on account of their possessions or wealth; for such evils were exceedingly frequent, and through their frequency appeared almost lawful. But this was peculiar to him, that whenever he saw a field remarkably well cultivated, or a house of uncommon elegance, a false accusation and a capital punishment were straightway prepared against the proprietor; so that it seemed as if Diocletian could not be guilty of rapine without also shedding blood.[405]

Galerius was also characterised by a similar avarice:

> But that which gave rise to public and universal calamity, was the tax imposed at once on each province and city. Surveyors having been spread abroad, and occupied in a general and severe scrutiny, horrible scenes were exhibited, like the outrages of victorious enemies, and the wretched state of captives. Each spot of ground was measured, vines and fruit-trees numbered, lists taken of animals of every kind, and a capitation-roll made up. In cities, the common people, whether residing within or without the walls, were assembled, the market-places filled with crowds of families, all attended with their children and slaves, the noise of torture and scourges resounded, sons were hung on the rack to force discovery of the effects of their fathers, the most trusty slaves compelled by pain to bear witness against their masters, and wives to bear witness

404 Ambrosiaster, *Questions on the Old and New Testaments* 115,45.
405 Lactantius, *Of the Manner in Which the Persecutors Died* 7 (tr. Fletcher).

> against their husbands. In default of all other evidence, men were tortured to speak against themselves; and no sooner did agony oblige them to acknowledge what they had not, but those imaginary effects were noted down in the lists.[406]

Galerius also committed other kinds of illegalities: 'he put to death a multitude of real wretches, in violation of every law of humanity', as 'he caused them all to be assembled, put on board vessels, and sunk in the sea.'[407]

However, there were also emperors who obeyed the laws. Among other things, Pliny the Younger glorified Trajan because he submitted himself to the laws.[408] According to Paul, the famous Roman jurist, the emperor should observe the laws despite the fact that he is exempt from them, and thus it is shameless for him to claim legacies or fideicommissa under an invalid will.[409]

In 235, the emperor Severus Alexander (222–235), in one of his rescripts, took the same position.[410] According to Justinian's *Institutes*, numerous rescripts of the divine emperors Severus and Antoninus contained these words: 'for though … the laws do not bind us, yet we live in obedience to them.'[411]

In the works of Christian authors, we can frequently come across the idea that the moral ruler obeys the laws. St. Ambrose emphasises that David as king was 'more ready to bear than to return wrongs.'[412] In 386, Ambrose wrote the following to the emperor Valentinian II (375–392): 'But when you laid down this law for others, you laid it down for yourself as well. For the Emperor is the first to keep the laws which he passes.'[413] According to Synesius, the difference between a king and a tyrant is 'that while the law is his conduct for the king, his own conduct is law for the tyrant.'[414] Agapetus gave the following advice to Justinian:

> Impose on yourself the necessity of keeping the laws, since you have on earth no one able to compel you. You will thus display the majesty of the laws by

406 Ibid., 23 (tr. idem).
407 Ibid. (tr. idem).
408 Pliny, *Panegyricus* 65.
409 *The Digest of Justinian* 32,23.
410 *The Code of Justinian* 6,23,3.
411 *The Institutes of Justinian* 2,17,8 (tr. Moyle).
412 St. Ambrose, *On the Duties of the Clergy* 2,7,32 (tr. Romestin, Romestin, and Duckworth).
413 St. Ambrose, *Letters* 21,9 (tr. Romestin, Romestin, and Duckworth). Cf. Dvornik, 1966, vol. 2, p. 680; Setton, 1967, p. 112; Huszti, 1998, p. 247.
414 Synesius of Cyrene, *On Kingship* 3,11 (tr. Fitzgerald). Cf. Dvornik, 1966, vol. 2, p. 700.

> revering them yourself above all others, and it will be clear to your subjects that acting unlawfully is not without danger.[415]

According to the *Dialogue on Political Science* written by an unknown author, a good emperor regards the violation of the laws 'as more dreadful for him than for his subjects...'[416]

3. The Death Penalty

Those who oppose the death penalty often refer to the fifth commandment of the *Decalogue*.[417] However, this is an obvious slip: the commandment 'Do not kill' limits private authority and has nothing to do with the death penalty applied by the state. Zoltán J. Tóth rightly states that the fifth commandment is not to be understood as 'do not take another person's life', but as 'do not kill an innocent person unjustly'. The correctness of the former interpretation is clearly refuted by the fact that the *Torah* makes the application of the death penalty mandatory in many cases.[418] According to the Mosaic laws, deliberate murder, idolatry, blasphemy, breaking the Sabbath, summoning the dead, kidnapping, serious crimes against parents, fornication of a priest's daughter, incest, sodomy, bestiality and adultery were punishable by death.[419]

Jesus was once asked about the punishment for adultery. He was teaching in the temple when:

> The scribes and the Pharisees brought a woman who had been caught in adultery, and placing her in the midst they said to him, 'Teacher, this woman has been caught in the act of adultery. Now in the law Moses commanded us to stone such. What do you say about her?' This they said to test him, that they might have some charge to bring against him. Jesus bent down and wrote with his finger on the ground. And as they continued to ask him, he stood up and

415 Agapetus, *Advice to the Emperor Justinian* 27 (tr. Bell).
416 *The Dialogue on Political Science* 5,21.
417 Cf. Szemere, 1841, p. 117; Cleave, 2002, p. 52. For the fifth commandment, see Ex 20:13; Deut 5:17.
418 Tóth, 2010, pp. 30–31.
419 Cf. Szathmáry, 2003, p. 75; Tóth, 2010, pp. 23–29.

> said to them, 'Let him who is without sin among you be the first to throw a stone at her.'[420]

The question arises whether, with this answer, Jesus himself condemned the death penalty; in my opinion, no. Rather, Jesus wanted to point out that only he who is innocent can morally judge the sinner. Jesus repeatedly exposed the immorality and hypocritical behaviour of the scribes and Pharisees,[421] making it clear to them that they were wrong to think they were more moral than others.[422] Jesus generally forbade everyone to judge: 'Judge not, that you be not judged.'[423] With these words, Jesus obviously did not forbid his followers from performing judicial duties, since no state community can survive without the administration of justice. What Jesus forbade here was for his followers to morally condemn and despise their fellow human beings in an arrogant way – considering themselves different. In the case of the adulterous woman, he advised the scribes and the Pharisees to do the same.

At the same time, Jesus was aware that his questioners wanted to trap him; if he answered that the woman should be stoned, his enemies could have accused him before the governor of publicly inciting the population to break Roman law. The Romans forbade the Jews to kill anyone; only the governor could impose the death penalty in the province.[424] The stoning of the woman would therefore have been illegal from the point of view of Roman law. Accordingly, with his answer, Jesus did not condemn the death penalty itself but refused to approve an illegal execution.

There is no sentence of Jesus in the Gospels in which he would have rejected the death penalty in a general manner, on a principled level. Bertalan Szemere (1812–1869), a famous Hungarian politician, chose the following scriptural passage as the motto of his work against the death penalty in addition to the fifth commandment: 'I have no pleasure in the death of the wicked, but that the wicked turn from his way and live.'[425] Szemere mistakenly attributes these words to Jesus, whereas the quote is actually from the book of the prophet Ezekiel[426] and relates to the sins of Israel and

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420 Jn 8:3–7.

421 Cf. Mt 23:1–36; Mk 12:38–40; Lk 11:37–12,12; 20:45–47.

422 Cf. Lk 18:9–14.

423 Mt 7:1. Cf. Lk 6:37.

424 The Jewish leaders also refer to this when Pilate instructs them to judge Jesus according to their own laws: 'It is not lawful for us to put any man to death' (Jn 18:31).

425 Szemere, 1841, without page number.

426 Ezek 33:11.

a specific siege and destruction of Jerusalem. Of course, this sentence can also be interpreted as saying that God wants to save everyone: he wants to protect everyone from damnation (i.e. from eternal death) and calls the sinner to repent. All this has nothing to do with the death penalty applied by the state.

The following words of St. Paul have already been quoted above:

> For rulers are not a terror to good conduct, but to bad. Would you have no fear of him who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain; he is the servant of God to execute his wrath on the wrongdoer.[427]

According to Helmut Weber, these thoughts of Paul do not have to be interpreted perforce as recognition of the death penalty, since the "sword" can also refer to the punishment of mutilation.[428] In referring to the social context of the text, Géza Kuminetz rejects Weber's statement.[429] Of the two authors, Kuminetz clearly represents the correct position. Before the late empire, the Romans used mutilation punishments only very rarely,[430] but executions were common. In Rome, the most ancient way of carrying out the death penalty was beheading,[431] that is why an axe in the bundle of rods became, very early on, the main symbol of power of the magistrates with the right to impose the death penalty, and that is why the death penalty was called capital punishment (*poena capitis* or *capitalis*). During the Principate, beheadings were carried out with a sword (*gladius*) instead of an axe (*securis*).[432] According to tradition, Paul himself was beheaded with a sword, which is why the apostle is always depicted with a sword in his hand. The technical term *ius gladii* ("right of the sword") – which can be found in Roman legal sources[433] – also orig-

427 Rom 13:3–4. Cf. 1 Pet 2:13–14.

428 Weber, 2001, p. 189.

429 Kuminetz, 2010, p. 193.

430 Cf. Zlinszky, 1991, p. 95.

431 Cf. ibid., p. 87.

432 Cf. ibid., p. 89.

433 According to Ulpian, those who govern entire provinces have the right of the sword: '*Qui universas provincias regunt, ius gladii habent*' (*The Digest of Justinian* 1,18,6,8). According to Dio Cassius, the governors who could sentence Roman soldiers to death based on the authority they received from the emperor could wear a sword as a badge of office (*Roman History* 53,13,6–7).

inates from the fact that in the early period of the Principate, the death penalty imposed on Roman citizens was mostly carried out with the sword.[434] It follows directly from all this that Paul refers to the sword as an instrument of execution in his letter to the Romans, and thus morally recognises the applicability of the death penalty.

Athenagoras writes about the Christians who were slandered with murder and cannibalism, that in fact they 'cannot endure even to see a man put to death, though justly'.[435] That is, the Christians did not go to see the public executions because the sight of the execution horrified them. However, this does not mean that they rejected the death penalty in principle.

Clement of Alexandria considers the application of the law prescribing the death penalty to protect society just as justified as the medical amputation of limbs, which serves to save the body:

> ...for the sake of bodily health we submit to incisions, and cauterizations, and medicinal draughts; and he who administers them is called saviour and healer, even though amputating parts, not from grudge or ill-will towards the patient, but as the principles of the art prescribe, so that the sound parts may not perish along with them, and no one accuses the physician's art of wickedness... For the law, in its solicitude for those who obey, trains up to piety, and prescribes what is to be done, and restrains each one from sins, imposing penalties even on lesser sins. But when it sees any one in such a condition as to appear incurable, posting to the last stage of wickedness, then in its solicitude for the rest, that they may not be destroyed by it (just as if amputating a part from the whole body), it condemns such an one to death, as the course most conducive to health.[436]

Tertullian, in his work condemning various spectacles (including gladiatorial games), writes that the commandment 'Do not kill' prohibits all forms of killing: '*omnem homicidii speciem ... interimit*'.[437] From this we can conclude that the Carthaginian theologian condemned the death penalty. St. Hippolytus of Rome (c. 170–235) held a similar opinion, writing the following in his work summarising the

434 Cf. Eusebius, *Church History* 5,1,47.
435 Athenagoras, *A Plea for the Christians* 35,4 (tr. Pratten).
436 Clement of Alexandria, *The Stromata* 1,27,171 (tr. Wilson).
437 Tertullian, *The Shows* 2,8.

apostolic tradition: 'A soldier of the civil authority must be taught not to kill men and to refuse to do so if he is commanded…; if he is unwilling to comply, he must be rejected."[438] According to these rules, the soldier must not kill anyone; if he receives such an order, he must refuse it, otherwise he cannot be baptised. We can add to this that both Tertullian and Hippolytus held rigorist views.

Lactantius made important findings regarding the issue of the death penalty. Initially, he also rejected the death penalty, but later radically changed his opinion. In his work entitled *Divine Institutes*, he interpreted the biblical prohibition against killing as an absolute prohibition:

> For when God forbids us to kill, He not only prohibits us from open violence, which is not even allowed by the public laws, but He warns us against the commission of those things which are esteemed lawful among men. Thus it will be neither lawful for a just man to engage in warfare, since his warfare is justice itself, nor to accuse any one of a capital charge, because it makes no difference whether you put a man to death by word, or rather by the sword, since it is the act of putting to death itself which is prohibited. Therefore, with regard to this precept of God, there ought to be no exception at all; but that it is always unlawful to put to death a man, whom God willed to be a sacred animal.[439]

Later, Lactantius realised his mistake, and in his work *On the Anger of God*, he clearly argued for the necessity of the death penalty, striving to reveal the deeper theological, moral and psychological connections of the use of punishment. He begins his thought process with the following statements:

> …if God carries on the care of the world, it follows that He cares for the life of men, and takes notice of the acts of individuals, and He earnestly desires that they should be wise and good. This is the will of God, this the divine law; and he who follows and observes this is beloved by God. It is necessary that He should be moved with anger against the man who has broken or despised this eternal and divine law.[440]

438 St. Hippolytus, *The Apostolic Tradition* 16 (tr. Easton).
439 Lactantius, *The Divine Institutes* 6,20,15–17 (tr. Fletcher).
440 Lactantius, *On the Anger of God* 17 (tr. Fletcher).

Divine wrath and punishment are therefore perfectly understandable, as is the death penalty prescribed by law and imposed by a judge, which is not meant to harm the bad but to protect the good:

> They are deceived by no slight error who defame all censure, whether human or divine, with the name of bitterness and malice, thinking that He ought to be called injurious who visits the injurious with punishment. But if this is so, it follows that we have injurious laws, which enact punishment for offenders, and injurious judges who inflict capital punishments on those convicted of crime. But if the law is just which awards to the transgressor his due, and if the judge is called upright and good when he punishes crimes – for he guards the safety of good men who punishes the evil – it follows that God, when He opposes the evil, is not injurious; but he himself is injurious who either injures an innocent man, or spares an injurious person that he may injure many.[441]

Punishment therefore stems from legitimate indignation, and its purpose is to curb crimes:

> To be angry, therefore, is the part of reason: for thus faults are removed, and licentiousness is curbed; and this is plainly in accordance with justice and wisdom. ... For it cannot fail to be, that he who is just and good is displeased with things which are bad, and that he who is displeased with evil is moved when he sees it practised. Therefore we arise to take vengeance, not because we have been injured, but that discipline may be preserved, morals may be corrected, and licentiousness be suppressed. This is just anger; and as it is necessary in man for the correction of wickedness, so manifestly is it necessary in God, from whom an example comes to man. For as we ought to restrain those who are subject to our power, so also ought God to restrain the offenses of all. And in order that He may do this, He must be angry; because it is natural for one who is good to be moved and incited at the fault of another.[442]

Anger is therefore:

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441 Ibid. (tr. idem).
442 Ibid. (tr. idem).

> ...an emotion of the mind arousing itself for the restraining of faults. ... But that anger which we may call either fury or rage ought not to exist even in man, because it is altogether vicious; but the anger which relates to the correction of vices ought not to be taken away from man; nor can it be taken away from God, because it is both serviceable for the affairs of men, and necessary.[443]

As part of this line of thought, Lactantius asks the poetic question formulated by Cicero:

> For I ask, if any head of a family, when his children had been put to death by a slave, his wife slain and his house set on fire, should not exact most severe punishment from that slave, whether he would appear to be kind and merciful, or inhuman and most cruel?

Of course, Lactantius also believes that 'to pardon deeds of this kind is the part of cruelty rather than of kindness'.[444]

He then states again that 'the very sight of a sin is unbecoming' and that those who do not punish the guilty encourage them to commit even greater crimes:

> Therefore the restraining of one's anger in the case of sins is faulty. ... For as God has furnished the human body with many and various senses which are necessary for the use of life, so also He has assigned to the soul various affections by which the course of life might be regulated; and as He has given desire for the sake of producing offspring, so has He given anger for the sake of restraining faults. ...it is a fault not to check the faults of slaves and children; for through their escaping without punishment they will proceed to greater evil. In this case anger is not to be restrained; but even if it is in a state of inactivity, it must be aroused.[445]

Lactantius also states that 'The judge cannot pardon offenses, because he is subject to the will of another', that is, of the legislator.[446] He also points out that where anger cannot be expressed through the use of coercion, there is essentially no power:

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443 Ibid. (tr. idem).
444 Ibid. (tr. idem). Cf. Cicero, *Against Catiline* 4,6,12.
445 Ibid., 18 (tr. idem).
446 Ibid., 19 (tr. idem).

> For if no one submits to the service of another except by compulsion, it follows that all government exists by fear, and fear by anger. For if any one is not aroused against one who is unwilling to obey, it will not be possible for him to be compelled to obedience. Let any one consult his own feelings; he will at once understand that no one can be subdued to the command of another without anger and chastisement. Therefore, where there shall be no anger, there will be no authority.[447]

However, he adds to all this that anger and the resulting punishment must always be appropriate and just:

> I might say that the anger of man ought to be curbed, because he is often angry unjustly; and he has immediate emotion, because he is only for a time. Therefore, lest those things should be done which the low, and those of moderate station, and great kings do in their anger, his rage ought to have been moderated and suppressed, lest, being out of his mind, he should commit some inexpiable crime. ... Then, again, when He [that is, God] enjoined us to be angry, and yet not to sin, it is plain that He did not tear up anger by the roots, but restrained it, that in every correction we might preserve moderation and justice.[448]

When a judge named Studius asked St. Ambrose if he could impose the death penalty as a Christian, the bishop replied that he had the right to do so, but he should be merciful. Ambrus summed up his opinion as follows: '*Excusationem habebis, si feceris; laudem, si non feceris.*' That is, 'You will be excused if you do it, and praised if you do it not.'[449]

St. Augustine argued for the necessity, justification, and applicability of the death penalty in several of his works. He pointed out that the prohibition of killing in the Ten Commandments does not mean an absolute prohibition, with an example being that the legal execution of criminals does not conflict with this prohibition:

> However, there are some exceptions made by the divine authority to its own law, that men may not be put to death. These exceptions are of two kinds, being justified either by a general law, or by a special commission granted for a time

447 Ibid., 23 (tr. idem).
448 Ibid., 21 (tr. idem).
449 St. Ambrose, *Letters* 25,3 (tr. members of the English Church).

> to some individual. And in this latter case, he to whom authority is delegated, and who is but the sword in the hand of him who uses it, is not himself responsible for the death he deals. And, accordingly, they who have waged war in obedience to the divine command, or in conformity with His laws, have represented in their persons the public justice or the wisdom of government, and in this capacity have put to death wicked men; such persons have by no means violated the commandment, 'You shall not kill.'[450]

Analysing the question of the justice of eternal damnation, Augustine refers to the death penalty as something against which no objection can be raised:

> Some, however, of those against whom we are defending the city of God, think it unjust that any man be doomed to an eternal punishment for sins which, no matter how great they were, were perpetrated in a brief space of time; as if any law ever regulated the duration of the punishment by the duration of the offense punished! … Then as to the award of death for any great crime, do the laws reckon the punishment to consist in the brief moment in which death is inflicted, or in this, that the offender is eternally banished from the society of the living? And just as the punishment of the first death cuts men off from this present mortal city, so does the punishment of the second death cut men off from that future immortal city.[451]

According to Augustine, punishment plays an important role in maintaining the moral order and harmony of the world. Sin breaks the harmony, and just as sins against the inner peace of the family are punished by the head of the family, crimes against the peace of the city must also be punished 'so that either the man himself who is punished may profit by his experience, or others be warned by his example.'[452] The purpose of punishment is therefore to prevent the commission of further crimes in order to protect order, and the protection of state order includes the death penalty:

> What is ghastlier than a savage and terrible public executioner? Yet he holds a necessary office in law, and is inserted in the social order of a well-governed

450 St. Augustine, *The City of God* 1,21 (tr. Dods).
451 Ibid., 21,11 (tr. idem).
452 Ibid., 19,16 (tr. idem).

> state. His personal noxious character is ordered by others towards punishing other noxious characters.[453]

That is why Augustine thought it right that Elijah killed the false prophets.[454] He believed that Cicero also acted justly when (as *consul* in 63 BC) he sentenced the participants of Catiline's conspiracy to death.[455] Augustine also approved that the Gothic king Radagaisus, who attacked Rome, was captured by the Romans in 405 and executed with a worthy punishment.[456]

Despite all this, when the Circumcellions who had committed terrible crimes were brought to justice, Augustine asked Marcellinus, who was acting as a judge, to be merciful and impose a prison or a labour sentence instead of the death penalty:

> I have learned that the Circumcelliones and clergy of the Donatist faction belonging to the district of Hippo, whom the guardians of public order had brought to trial for their deeds, have been examined by your Excellency, and that the most of them have confessed their share in the violent death which the presbyter Restitutus suffered at their hands, and in the beating of Innocentius, another Catholic presbyter, as well as in digging out the eye and cutting off the finger of the said Innocentius. This news has plunged me into the deepest anxiety, lest perchance your Excellency should judge them worthy, according to the laws, of punishment not less severe than suffering in their own persons the same injuries as they have inflicted on others. Wherefore I write this letter to implore you by your faith in Christ, and by the mercy of Christ the Lord Himself, by no means to do this or permit it to be done. For although we might silently pass over the execution of criminals who may be regarded as brought up for trial not upon an accusation of ours, but by an indictment presented by those to whose vigilance the preservation of the public peace is entrusted, we do not wish to have the sufferings of the servants of God avenged by the infliction of precisely similar injuries in the way of retaliation. Not, of course, that we object to the removal from these wicked men of the liberty to perpetrate further crimes; but our desire is rather that justice be satisfied without the taking of their lives or the maiming of their bodies in any part, and that, by such

453 St. Augustine, *On Order* 2,4,12 (tr. Borruso). Cf. Deane, 1963, pp. 141–142; Clark, 2006, p. 140.
454 St. Augustine, *Letters* 93,6. Cf. 1 Kgs 18:40.
455 St. Augustine, *On Order* 2,7,22.
456 St. Augustine, *The City of God* 5,23 (tr. Dods).

> coercive measures as may be in accordance with the laws, they be turned from their insane frenzy to the quietness of men in their sound judgment, or compelled to give up mischievous violence and betake themselves to some useful labour. This is indeed called a penal sentence; but who does not see that when a restraint is put upon the boldness of savage violence, and the remedies fitted to produce repentance are not withdrawn, this discipline should be called a benefit rather than vindictive punishment?[457]

4. Religious Violence

During the Christian persecutions, the holders of state power tried to force the followers of Christ to deny their faith and participate in Roman state religion practice. During this period, the defenders of the Christian faith appeared, and it was they who formulated the idea of religious freedom in their works, as this was a completely new idea in the intellectual world of the Roman Empire.[458]

In several of his writings, Tertullian pointed out that religious coercion applied to Christians is completely meaningless, since the deity cannot be satisfied with respect that is not based on free will. In his *Apology*, he noted the following:

> For see that you do not give a further ground for the charge of irreligion, by taking away religious liberty, and forbidding free choice of deity, so that I may no longer worship according to my inclination, but am compelled to worship against it. Not even a human being would care to have unwilling homage rendered him…[459]

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457 St. Augustine, *Letters* 133,1 (tr. Cunningham). Cf. Frenyó, 2018, p. 279.

458 As E. Gregory Wallace writes, 'A principled defense for religious toleration did not appear until the writings of Christian thinkers near the end of the second century.' See Wallace, 2009, p. 500.

459 Tertullian, *Apology* 24,6 (tr. Thelwall). Timothy Samuel Shah makes an apt comment on these thoughts of Tertullian: 'To repel the oft-repeated charge that Christians were guilty of sacrilege, Tertullian characteristically throws the charge back in the face of the Romans. He argues that the Roman policy of religious coercion was not a sign of their much-vaunted *pietas* … but of their lack of respect for religion and piety.' See Shah, 2016, p. 52. Regarding the quoted passage from Tertullian, see also Wallace, 2009, pp. 502–504; Atkins, 2018, p. 154.

Later he adds:

> But as it was easily seen to be unjust to compel freemen against their will to offer sacrifice (for even in other acts of religious service a willing mind is required), it should be counted quite absurd for one man to compel another to do honour to the gods, when he ought ever voluntarily, and in the sense of his own need, to seek their favour...[460]

From 211 to 213, Scapula was the *proconsul* of the province of Africa, who cruelly persecuted the Christians. Tertullian wrote a separate book addressed to the governor, in which he emphasised the following:

> However, it is a fundamental human right, a privilege of nature, that every man should worship according to his own convictions: one man's religion neither harms nor helps another man. It is assuredly no part of religion to compel religion – to which free-will and not force should lead us – the sacrificial victims even being required of a willing mind. You will render no real service to your gods by compelling us to sacrifice. For they can have no desire of offerings from the unwilling, unless they are animated by a spirit of contention, which is a thing altogether undivine.[461]

These ideas are of outstanding importance in the history of the idea of religious freedom.

As we can see, religious freedom (*libertas religionis*) for Tertullian basically means freedom from coercion.[462] It deserves special mention that Tertullian calls the free choice of religion a human right (*ius humanum*),[463] belonging to everyone by nature and without having to be specifically stated by state law. The right to religious freedom is therefore an institution of natural law (*ius naturale*).[464]

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460 Tertullian, *Apology* 28,1 (tr. Thelwall).

461 Tertullian, *To Scapula* 2,2 (tr. Thelwall). Cf. Hartog, 2012, pp. 64–65; Marcos, 2013, pp. 4–7; Leppin, 2014, pp. 68–69.

462 The content of religious freedom primarily and in a negative approach still means the same today. Cf. Gáspár, 1999, p. 105; Kuminetz, 2006, p. 7.

463 Cf. Gájer, 2013, p. 29; Taliaferro, 2019, p. 105.

464 The position of the Catholic Church today is in perfect harmony with this view. Cf. Gáspár, 1999, p. 105; Kuminetz, 2006, p. 10.

The following answer can be given to the question of why the idea of religious freedom first appeared among Christian apologists. Pagans considered it natural that all peoples follow the religion of their ancestors.[465] The Romans also allowed foreign peoples to practice their ancient religious customs. Dezső Vargha rightly states that under the authority of the Romans, all tolerated religions had to have two characteristic features: they had to be old and national.[466] For example, when the Jewish religion was attacked (or threatened to be attacked), the Jews invoked the antiquity of their religious customs[467] and their national privileges received from the Romans.[468] All this provided them with sufficient protection, and thus they did not have to develop a new idea in defence of their religion. Meanwhile, Christianity was a new religion and transcended nations, which required them had to create a new idea to defend their faith.

How did Tertullian arrive at the position that the right to freely choose one's religion is a human right that exists independently of state legislation? According to Robert Louis Wilken, Tertullian could have started from the book of Genesis, where it can be read that God created man in his own image, which is the basis of human dignity, and which means that God gave man reason and free will. It follows from this that the free choice of religion is a fundamental human right.[469]

We can add to this that Tertullian's views may also have been influenced by other parts of the Bible. The Jewish people in Shechem could freely choose which god they wanted to serve. Joshua then said to the people:

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465 This is well reflected in the words of Celsus: 'As the Jews, then, became a peculiar people, and enacted laws in keeping with the customs of their country, and maintain them up to the present time, and observe a mode of worship which, whatever be its nature, is yet derived from their fathers, they act in these respects like other men, because each nation retains its ancestral customs, whatever they are, if they happen to be established among them' (Origen, *Against Celsus* 5,25; tr. Crombie).

466 Vargha, 1901a, p. 553.

467 When Caligula (37–41) ordered a statue to be erected in the temple of Jerusalem, the Jews protested with these words: 'In order to preserve our ancestral code, we shall patiently endure what may be in store for us…' (Josephus, *Jewish Antiquities* 18,8,2; tr. Feldman). Tacitus (c. 55–c. 120) notes about the Jewish religion: 'Whatever their origin, these rites are maintained by their antiquity…' (Tacitus, *Histories* 5,5; tr. Moore).

468 Flavius Josephus, with no small amount of national pride, quotes verbatim the edicts that provided the Jewish people with various privileges as a reward for their services (*Jewish Antiquities* 14,10,2–26; 14,12,3–6; 16,6,2–7; 19,5,2–3; 19,6,3).

469 Wilken, 2016, p. 65.

> And if you be unwilling to serve the Lord, choose this day whom you will serve, whether the gods your fathers served in the region beyond the River, and in Egypt, or the gods of the Amorites in whose land you dwell; but as for me and my house, we will serve the Lord.[470]

Even more important than this detail, however, is the teaching of Jesus, according to which God must be worshipped from the heart:

> But the hour is coming, and now is, when the true worshipers will worship the Father in spirit and truth, for such the Father seeks to worship him. God is spirit, and those who worship him must worship in spirit and truth.[471]

These words of Jesus are quoted verbatim by Tertullian in his work on prayer.[472]

Tertullian probably connected these ideas of the Holy Scripture with the Stoics' legal theory.[473] According to Cicero, the natural law (*lex natura*) which was created by God, and which thus originates from divine reason, is above the national law (*ius civile*) of the Romans.[474] Since, according to the Bible, divine reason does not consider as true worship that which is not based on free will, religious coercion is contrary to the principles of *lex natura*. Therefore, the state power cannot restrict religious freedom because it is the right of everyone based on natural law.

The efforts of Christian apologists remained completely ineffective for a long time. Emperor Decius (249–251) made sacrifices compulsory for all inhabitants of the empire in late 249 or early 250. We can find a reference to this edict, among other sources, in the *Martyrdom of St. Pionius*: 'Surely you are aware … of the emperor's edict commanding us to sacrifice to the gods.'[475] St. Cyprian, the martyred bishop of Carthage, expressed his bewilderment and astonishment at the cruel torture of Christians, pointing that religious belief changes should not be achieved by violence and breaking the body, but by an intellectual way with the arguments of reason:

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470 Jos 24:15.
471 Jn 4:23–24.
472 Tertullian, *On Prayer* 28,2.
473 On the Stoic philosophical foundations of Tertullian's views, see Colish, 1985, pp. 9–29; Pap, 2014, pp. 7–16.
474 See Cicero, *On Duties* 3,17,69; idem, *On the Republic* 3,22,33; idem, *On the Laws* 1,3,8–4,14.
475 *The Martyrdom of St. Pionius* 3 (tr. Musurillo).

> What is this insatiable madness for blood-shedding, what this interminable lust of cruelty? … Why do you turn your attention to the weakness of our body? Why do you strive with the feebleness of this earthly flesh? Contend rather with the strength of the mind, break down the power of the soul, destroy our faith, conquer if you can by discussion, overcome by reason…[476]

In early 304, emperor Diocletian also ordered that all inhabitants of the empire make sacrifices in honour of the Roman gods; according to Eusebius, imperial edicts were issued 'commanding by a general decree that all the people should sacrifice at once in the different cities, and offer libations to the idols.'[477] According to the *Martyrdom of St. Crispina*, executed in 304, the *proconsul* Anullinus threatened Crispina with these words: 'So our gods are not acceptable to you! … But you shall be forced to show them respect if you want to remain alive for any worship at all!' To which Crispina replied, 'That piety is worthless … which forces men to be crushed against their will.'[478]

Lactantius also pointed out that the religious coercion used by pagans is completely futile, since those who are forced to offer a pagan sacrifice against their will do not lose their Christian faith, but rather come to hate the pagan gods even more because of the tortures they have suffered, and then, as the compulsion ceases, they immediately return to their Christian brothers.[479] Like Tertullian, he believed that the choice of religion should be a decision made by a person's free will, and therefore indignantly asked the question:

> For who is so arrogant, who so lifted up, as to forbid me to raise my eyes to heaven? Who can impose upon me the necessity either of worshipping that which I am unwilling to worship, or of abstaining from the worship of that which I wish to worship? What further will now be left to us, if even this, which must be done of one's own will, shall be extorted from me by the caprice of another?[480]

According to Lactantius, the practice of religion is worthless if it is not based on free will (i.e. if it does not come from the heart):

476 St. Cyprian, *To Demetrianus* 13 (tr. Vallis). Cf. Hartog, 2012, p. 66.
477 Eusebius, *Martyrs of Palestine* 3,1 (tr. McGiffert).
478 *The Martyrdom of St. Crispina* 2,1 (tr. Musurillo).
479 Lactantius, *The Divine Institutes* 5,13,8–10. Cf. Wallace, 2009, pp. 507–509.
480 Lactantius, *The Divine Institutes* 5,13,18–19 (tr. Fletcher).

> Oh with what an honourable inclination the wretched men go astray! For they are aware that there is nothing among men more excellent than religion, and that this ought to be defended with the whole of our power; but as they are deceived in the matter of religion itself, so also are they in the manner of its defense. For religion is to be defended, not by putting to death, but by dying; not by cruelty, but by patient endurance; not by guilt, but by good faith: for the former belong to evils, but the latter to goods; and it is necessary for that which is good to have place in religion, and not that which is evil. For if you wish to defend religion by bloodshed, and by tortures, and by guilt, it will no longer be defended, but will be polluted and profaned. For nothing is so much a matter of free-will as religion; in which, if the mind of the worshipper is disinclined to it, religion is at once taken away, and ceases to exist.[481]

Lactantius clearly points out that a sacrifice offered under duress does not benefit anyone:

> I wish therefore to ask them to whom especially they think that they are doing a service in compelling them to sacrifice against their will, is it to those whom they compel? But that is not a kindness which is done to one who refuses it. But we must consult their interests, even against their will, since they know not what is good. Why, then, do they so cruelly harass, torture, and weaken them, if they wish for their safety? Or whence is piety so impious, that they either destroy in this wretched manner, or render useless, those whose welfare they wish to promote? Or do they do service to the gods? But that is not a sacrifice which is extorted from a person against his will. For unless it is offered spontaneously, and from the soul, it is a curse; when men sacrifice, compelled by proscription, by injuries, by prison, by tortures.[482]

These ideas were completely at odds with the religious views of the Romans. The Roman state religion was characterised by formalism: the inner faith of the citizens was of no importance; the essence was the exact observance of the formal rules of religious ceremonies.[483] It followed from this way of thinking that a religious act

481 Ibid., 5,19,21–23 (tr. idem).

482 Ibid., 5,20,5–7 (tr. idem).

483 As Charles King writes, for the pagan Romans, orthopraxy was important instead of orthodoxy; see King, 2003, p. 299.

is valid even if it is performed under duress or intimidation. Against these views, Lactantius emphasised that people should not be forced to follow a religion by force, but should be convinced by reason that the given religion is correct and therefore worth following:

> Let their priests come forth into the midst, whether the inferior ones or the greatest; their flamens, augurs, and also sacrificing kings, and the priests and ministers of their superstitions. Let them call us together to an assembly; let them exhort us to undertake the worship of their gods; let them persuade us that there are many beings by whose deity and providence all things are governed; let them show how the origins and beginnings of their sacred rites and gods were handed down to mortals; let them explain what is their source and principle; let them set forth what reward there is in their worship, and what punishment awaits neglect; why they wish to be worshipped by men; what the piety of men contributes to them, if they are blessed… There is no occasion for violence and injury, for religion cannot be imposed by force; the matter must be carried on by words rather than by blows, that the will may be affected. Let them unsheath the weapon of their intellect…[484]

The aforementioned *Edict of Milan* issued in 313 – promoting the idea of the state's religious neutrality – ensured the citizens of the empire the right to freely choose their religion:

> …it seemed to us that, among those things that are profitable to mankind in general, the reverence paid to the Divinity merited our first and chief attention, and that it was proper that the Christians and all others should have liberty to follow that mode of religion which to each of them appeared best… And therefore we judged it a salutary measure, and one highly consonant to right reason, that no man should be denied leave of attaching himself to the rites of the Christians, or to whatever other religion his mind directed him, that thus the supreme Divinity, to whose worship we freely devote ourselves, might continue to vouchsafe His favour and beneficence to us.[485]

484 Lactantius, *The Divine Institutes* 5,19,10–11 (tr. Fletcher). Cf. Bowlin, 2006, pp. 19–28; Hartog, 2012, pp. 65–66; Marcos, 2013, pp. 8–10; Leppin, 2014, pp. 69–70.

485 Lactantius, *Of the Manner in Which the Persecutors Died* 48 (tr. Fletcher). Cf. Eusebius, *Church History* 10,5,4.

The drafters of the edict condemning religious coercion and declaring the right to free choice of religion were certainly influenced by the thoughts of Christian apologists, especially Tertullian and even more so of Lactantius.[486] As we know, Lactantius was called to the imperial court in Augusta Treverorum (today's Trier) in Gaul, to teach Crispus, one of the sons of Constantine.[487] Elizabeth DePalma Digeser convincingly argues that Lactantius introduced, between 310 and 313, not only Crispus but also the entire court and the emperor to the doctrines of Christian religion and morality.[488] In these years, Lactantius could significantly influence Constantine's religious policy.[489]

However, the most important idea of Tertullian was left out of the text of the *Edict of Milan*. As Brad Inwood and Fred D. Miller point out, the edict grants religious freedom to the population as an imperial favour, and there is no mention of the fact that this freedom is based on natural law, which the holders of state power would therefore obliged to respect.[490] Constantine, thus, reserved for himself the right to restrict religious freedom, and shortly afterwards he used this opportunity.

After the Constantinian turn, Christian authors began to criticise pagan religious customs and beliefs more and more boldly. Soon, views were formulated that called for the violent eradication of paganism. Firmicus Maternus, for example, already between 347 and 350 – shortly after his conversion to Christianity, with the excessive enthusiasm characteristic of the new believers – urged the Christian rulers to completely eradicate the pagan religion:

> These practices must be eradicated, Most Holy Emperors, utterly eradicated and abolished. All must be set aright by the severest laws of your edicts, so that the ruinous error of this delusion may no longer besmirch the Roman world, so that the wickedness of this pestilential usage may no longer wax strong... For your hands the benevolent Godhead of Christ has reserved the extermination of idolatry and the overthrow of the pagan temples. ... Take away, yes, calmly take away, Most Holy Emperors, the adornments of the temples. Let the fire of the mint or the blaze of the smelters melt them down, and confiscate all

486 As Wallace properly suggests, 'Lactantius provided the theological and philosophical foundations for Constantine's religious policy.' See Wallace, 2009, p. 507.

487 Cf. St. Jerome, *On Illustrious Men* 80.

488 Digeser, 1994, p. 52.

489 Cf. Wilken, 2016, p. 56; Digeser, 2016, pp. 93–94, 96.

490 Inwood and Miller, 2007, p. 159.

> the votive offerings to your own use and ownership. Since the time of the destruction of the temples you have been, by God's power, advanced in greatness. … But on you also, Most Holy Emperors, devolves the imperative necessity to castigate and punish this evil, and the law of the Supreme Deity enjoins on you that your severity should be visited in every way on the crime of idolatry.[491]

Not long after, the idea of religious tolerance reappeared in the writings of those Catholic bishops who protested against the religious policy of the Arian emperors. St. Hilary (c. 315–367), bishop of Pictavium (today's Poitiers), called on the emperor Constantius II to stop violence against Catholics, pointing out that God does not need forced confession of faith. This is clear from the fact that when God taught the people about himself, he did not use violence against anyone.[492]

St. Gregory of Nazianzus also emphasised that people should not be forced in the religious field, but convinced, as it is only through persuasion that a deep, sincere, and lasting effect on people's souls can be achieved:

> I do not consider it good practice to coerce people instead of persuading them. Persuasion has more weight with me, and indeed with those very people I direct towards God. Whatever is done against one's will, under the threat of force, is like an arrow artificially tied back, or a river dammed in on every side of its channel. Given the opportunity it rejects the restraining force. What is done willingly, on the other hand, is steadfast for all time. It is made fast by the unbreakable bonds of love.[493]

In the empire that became officially Christian, pagans were not persecuted as Christians had been. St. John Chrysostom drew attention to this fact in several of his works. In his discourse on St. Babylas, he addressed the Gentiles:

> Such is the character of our doctrine; what about yours? No one ever persecuted it, nor is it right for Christians to eradicate error by constraint and force, but to save humanity by persuasion and reason and gentleness. Hence no emperor

491 Firmicus Maternus, *The Error of the Pagan Religions* 16,4; 20,7; 28,6; 29,1 (tr. Forbes). Cf. Marcos, 2013, p. 10.

492 St. Hilary of Poitiers, *Letter to the Emperor Constantius* 6. Cf. Wallace, 2009, p. 516.

493 St. Gregory of Nazianzus, *Concerning His Own Life* 1293–1302 (tr. Meehan). Cf. Wallace, 2009, p. 516.

> of Christian persuasion enacted against you legislation such as was contrived against us by those who served demons.[494]

In one of his homilies, he said: 'No Christian emperor has ever stooped to torture an infidel or compelled him by force to abjure his error. Yet, paganism has spontaneously dissolved and perished, that you may acknowledge the invincibility of truth and the weakness of lies...'[495]

For a long time, St. Augustine was far from the idea of religious violence, and for decades he worked hard to establish a dialogue with those who held different religious and theological views, trying to convince them. According to his biography, he examined the views of the Donatists 'patiently and calmly', and:

> He even wrote private letters to prominent bishops of this error and to laymen, urging and exhorting them by the arguments which he offered that they should either abandon the error or at least enter into a discussion with him. In their distrust they were never willing even to answer him in writing, but in anger spoke furiously, privately and publicly declaring that Augustine was a seducer and deceiver of souls.[496]

In addition, the Circumcellions, the most extreme group of the Donatists, who were mentioned several times above, committed serious crimes against the Catholics. St. Possidius gives the following account of these events:

> These Donatists had in nearly all their churches an unusual kind of men, perverse and violent, going about under a profession of continency, who were called Circumcellions. They were very numerous and formed themselves into bands throughout almost all the regions of Africa. Inspired by evil teachers, in their insolent boldness and lawless temerity they never spared either their own or strangers, and in violation of right and justice deprived men of their civil rights; and unless men obeyed, they were visited with the severest losses and injuries, when armed with every kind of weapon, the Circumcellions madly overran the farms and estates and did not even hesitate to shed human blood. ... They made

494 St. John Chysostom, *Discourse on St. Babylas and against the Greeks* 13 (tr. Schatkin). Cf. Dvornik, 1966, vol. 2, pp. 696–697; Wallace, 2009, pp. 517–518; Marcos, 2013, p. 13.

495 St. John Chysostom, *Homily on St. Drosis* 2 (tr. Dvornik). Cited in Dvornik, 1966, vol. 2, p. 697.

496 St. Possidius, *The Life of St. Augustine* 9 (tr. Weiskotten).

> daily and nightly attacks even upon the Catholic priests and ministers and robbed them of all their possessions; and they crippled many of the servants of God by tortures. They also threw lime mixed with vinegar in the eyes of some and others they murdered.[497]

It is no wonder that the Catholics asked for the help of the state authorities, and it is also quite understandable that imperial edicts were issued around 405 ordering the application of severe punishments, such as the complete confiscation of property, against the Donatists.[498]

In 408, Vincentius, the Donatist bishop of Cartenna in North Africa (a follower of the Donatist Rogatus), wrote a letter to Augustine in which he denounced the fact that the Catholics appealed to the imperial authorities to persecute other Christians. He expressed his opinion that there was no place for the use of coercion in the religious field and protested vehemently against the confiscation of property ordered by law on religious grounds. Augustine responded to all this in a lengthy letter wherein he justified the necessity and correctness of using state violence against the Donatists with numerous theological arguments.

Vincentius pointed out that, in the writings of the evangelists and apostles, there is no example of a petition addressed to the kings of the earth for the sake of the church, against its enemies. Augustine admitted that this was true but pointed out that the reason for this was that the psalmist's wish had not yet come true when the mentioned works were written: 'Now therefore, O kings, be wise; be warned, O rulers of the earth. Serve the Lord with fear…'[499] Up to that time, only these words of the psalm were fulfilled: 'The kings of the earth set themselves, and the rulers take counsel together, against the Lord and his anointed…'[500] Augustine also drew attention to the fact that King Nebuchadnezzar's two types of behaviour were an important foreshadowing of the events of later ages. Nebuchadnezzar first ordered that everyone should fall down before his statue made of gold and worship it, and those righteous people who disobeyed this order were put into a fiery furnace.[501] Similar things happened in the age of the apostles and

497 Ibid., 10 (tr. idem). Cf. St. Augustine, *Letters* 133,1; 185,27.30.
498 Cf. *The Theodosian Code* 16,6,5.
499 Ps 2:10–11.
500 Ps 2:2.
501 Dan 3:1–7.

martyrs. Later, after recognising the true God in the God of the Jews, the king ordered that those who blaspheme the God of the Jews Shadrach, Meshach, and Abednego be punished with death.[502] Augustine found the events of his own time similar to this. Nebuchadnezzar's earlier behaviour thus foreshadowed the actions of the wicked emperors from whom the Christians suffered, and his later behaviour was a foreshadowing of the actions of the Christian emperors under whom the wicked suffer.[503]

Augustine gives many biblical examples of the use of religious violence in his letter. On one occasion, Jesus told the following parable about entering heaven:

> A man once gave a great banquet, and invited many; and at the time for the banquet he sent his servant to say to those who had been invited, 'Come; for all is now ready.' But they all alike began to make excuses. The first said to him, 'I have bought a field, and I must go out and see it; I pray you, have me excused.' And another said, 'I have bought five yoke of oxen, and I go to examine them; I pray you, have me excused.' And another said, 'I have married a wife, and therefore I cannot come.' So the servant came and reported this to his master. Then the householder in anger said to his servant, 'Go out quickly to the streets and lanes of the city, and bring in the poor and maimed and blind and lame.' And the servant said, 'Sir, what you commanded has been done, and still there is room.' And the master said to the servant, 'Go out to the highways and hedges, and compel people to come in, that my house may be filled.'[504]

From this, Augustine came to the conclusion that God's servants can use coercion against others in order for them to be saved.[505] Augustine mentions several Old Testament examples of religious violence (e.g. he refers to Elijah, who executed all the prophets of Baal at the Kishon stream),[506] and points out that Christ himself

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502 Dan 3:29.

503 St. Augustine, *Letters* 93,9.

504 Lk 14:16–23.

505 St. Augustine, *Letters* 93,5. See also ibid., 185,24. Cf. Loetscher, 1935, p. 39; Brown, 1964, p. 116; Rohr, 1967, p. 58; Markus, 1988, p. 110; Harrison, 2000, pp. 152–154; Weithman, 2006, p. 246; Marcos, 2013, pp. 1–3; Wallace, 2009, pp. 521–523.

506 St. Augustine, *Letters* 93,6. Cf. 1 Kg 18:40.

converted Saul using violence: he raised such a light that Saul fell to the ground and became temporarily blinded.[507]

In his letter, Augustine refers to the fact that he had previously been a supporter of religious patience, dialogue, and persuasion with arguments, but had to admit that his efforts had not been successful. At the same time, the fear created by the imperial edicts issued against heretics and schismatics proved to be effective: not only a few, but entire cities left Donatism and joined the Catholic Church.[508]

Augustine also draws attention to the fact that Christ said only those who suffer persecution for the sake of righteousness are blessed.[509] The pursuit of lies serves to protect the truth and is therefore very appropriate. Violence can be judged morally depending on the purpose for which it is used.[510] God also punishes out of love in order to correct the sinner.[511] The violence against the Donatists – paradoxically – serves precisely the Donatists' interest, since they can only be saved if they are forced to change from their errors to the right path. Accordingly, as Hajnalka Óbis states, Augustine subordinated the question of religious tolerance to the question of salvation in his thought system,[512] and saw no possibility of salvation outside the Catholic Church.[513]

In agreement with the findings of John A. Rohr, we can add to all of this that Augustine never proposed state action against the Jews, and he was much more tolerant towards the pagans than towards the Donatists. He urged the authorities to exercise restraint in the cases of the latter. He considered religious coercion as the last resort, and only if the effort to persuade was unsuccessful, and he never said that schismatics or heretics should be executed.[514] A similar conclusion was reached by Frederick W. Loetscher, who rightly pointed out that those who regard Augustine as the spiritual father of the Inquisition are wrong.[515]

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507 St. Augustine, *Letters* 93,5. See also ibid., 185,22. Cf. Acts 9:3–8.

508 St. Augustine, *Letters* 93,16–17.

509 Ibid., 93,8. Cf. Mt 5:10.

510 St. Augustine, *Letters* 93,16: 'You now see therefore, I suppose, that the thing to be considered when any one is coerced, is not the mere fact of the coercion, but the nature of that to which he is coerced, whether it be good or bad…' (tr. Cunningham).

511 Ibid., 93,4.

512 Óbis, 2014b, p. 192. Cf. Frenyó, 2018, p. 281.

513 Cf. St. Augustine, *Sermon to the People of the Church of Caesarea* 6; idem, *Letters* 185,50.

514 Rohr, 1967, pp. 58, 64–65.

515 Loetscher, 1935, p. 39.

5. War

Jesus did not prohibit the violent action of different states against each other, that is, the waging of war, with a general argument. We have already mentioned one of his parables, in which a king has to decide whether to go to war against an enemy who attacks with a double superiority.[516] Thus, Jesus considers the possibility of armed defence to be completely natural, and does not condemn it in the slightest. However, the risks of engaging in combat must be carefully considered. If there is no chance of victory, then it is obviously better to ask for peace in order to avoid unnecessary blood loss, even if peace comes with disadvantages.

Great Greek and Roman thinkers also considered defensive war to be legitimate and just. According to Plato, the number of citizens in an ideal state is sufficient if they are able to defend themselves against the unlawful attacks of their neighbours.[517] According to Aristotle, 'The proper object of practising military training is not in order that men may enslave those who do not deserve slavery, but in order that first they may themselves avoid becoming enslaved to others...'[518] Cicero believed that only a war waged for revenge or defence can actually be just (*bellum iustum*).[519]

Eusebius expressed his moral appreciation for those who died in a just war, noting the following regarding the death of Maximinus Daia (309–313): 'But his end was not like that of military chieftains who, while fighting bravely in battle for virtue and friends, often boldly encounter a glorious death...'[520]

As already mentioned, Lactantius condemned imperialist wars:

> When the agreement of men is taken away, virtue has no existence at all; for what are the interests of our country, but the inconveniences of another state or nation? – that is, to extend the boundaries which are violently taken from others, to increase the power of the state, to improve the revenues – all which things are not virtues, but the overthrowing of virtues...[521]

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516 Lk 14:31–32. With this example, Jesus wanted to warn the people gathered around him that anyone who wants to follow him radically should carefully consider, before making a decision, whether he can meet the expectations.

517 Plato, *Laws* 5,737d.

518 Aristotle, *Politics* 7,1333b (tr. Rackham).

519 Cicero, *On the Republic* 3,23,35.

520 Eusebius, *Church History* 9,10,14 (tr. McGiffert).

521 Lactantius, *The Divine Institutes* 6,6,19 (tr. Fletcher).

Later he added:

> But how greatly utility differs from justice the Roman people themselves teach, who, by proclaiming war through the Fecials, and by inflicting injuries according to legal forms, by always desiring and carrying off the property of other, have gained for themselves the possession of the whole world.[522]

According to Lactantius, the wars considered just by the Romans and propagated as such were not always just.

As stated earlier, Synesius of Cyrene considered it natural that the ruler should also participate in wars.[523] St. Ambrose morally clearly supported wars for the benefit of the homeland. He pointed out that:

> Moses feared not to undertake terrible wars for his people's sake, nor was he afraid of the arms of the mightiest kings, nor yet was he frightened at the savagery of barbarian nations. He put on one side the thought of his own safety so as to give freedom to the people.[524]

Ambrose often praises the war heroes of the Old Testament, such as Joshua, 'who in one battle laid low five kings together with their people';[525] Gideon, who 'with three hundred men gained a triumph over a great nation and a cruel foe';[526] David, who as king 'showed himself an equal to all in warfare', and who 'was brave in battle';[527] Judas Maccabaeus, who fought alongside Elasa with the hugely outnumbered enemy and chose a glorious death instead of running shamefully;[528] Eleazar, who as a soldier of Judas sacrificed his life with unparalleled courage in the battle of Beth Zechariah (in believing that King Antiochus V was sitting on the elephant, he wounded the animal from below, which collapsed and buried him under it);[529] Jonathan Maccabaeus, brother of Judas,

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522 Ibid., 6,9,4 (tr. idem).
523 Synesius of Cyrene, *On Kingship* 9,7.
524 St. Ambrose, *On the Duties of the Clergy* 1,27,135 (tr. Romestin, Romestin, and Duckworth).
525 Ibid., 1,40,196 (tr. idem).
526 Ibid. (tr. idem).
527 Ibid., 2,7,32 (tr. idem).
528 Ibid., 1,41,200 (tr. idem).
529 Ibid., 1,40,198–199 (tr. idem).

> ...who fought against the king's force, with but a small troop. Though forsaken by his men, and left with only two, he retrieved the battle, drove back the enemy, and recalled his own men, who were flying in every direction, to share in his triumph.[530]

We can add to this that the letter to the Hebrews also extols the great figures of the Old Testament as eternal role models, 'who through faith conquered kingdoms, ... became mighty in war, put foreign armies to flight.'[531]

We have already partially quoted Cicero, who says that 'Those wars are unjust which are undertaken without provocation. For only a war waged for revenge or defence can actually be just.'[532] Ambrose also makes a distinction between just and unjust wars, classifying the war started because of a grievance into the former category:

> Fortitude, therefore, is a loftier virtue than the rest, but it is also one that never stands alone. For it never depends on itself alone. Moreover, fortitude without justice is the source of wickedness. For the stronger it is, the more ready is it to crush the weaker, while in matters of war one ought to see whether the war is just or unjust. David never waged war unless he was driven to it.[533]

Ambrose considered the war against the Arian barbarians to be clearly justified. According to the Mosaic laws, Jews could charge interest on loans to foreigners, but not to their fellow believers.[534] Explaining this passage of Scripture, Ambrose writes that war against foreigners – that is, war against those who are not Roman and not Catholic – is considered legitimate.[535] In one of his other treatises, he explained to emperor Gratian that the defence of the empire against the barbarians was also the defence of the true faith.[536]

According to Cicero, the promise is binding even if it is made to the enemy in the midst of compelling circumstances of war,[537] and he condemned the general

530 Ibid., 1,41,201 (tr. idem).
531 Heb 11:33–34.
532 Cicero, *On the Republic* 3,23,35 (tr. Keyes).
533 St. Ambrose, *On the Duties of the Clergy* 1,35,176–177 (tr. Romestin, Romestin, and Duckworth).
534 Deut 23:20–21.
535 St. Ambrose, *On Tobias* 15,51. Cf. Swift, 1970, p. 534.
536 St. Ambrose, *Exposition of the Christian Faith* 2,14,136–143.
537 Cicero, *On Duties* 1,13,39.

who, after agreeing to a truce with the enemy for thirty days, destroyed the fields at night, since the truce stipulated days, not nights.[538] Ambrose also believed that the commandments of morality must be observed in war, even against the enemy: 'It is clear from this that faith and justice should be observed even in war; and that it could not but be a disgraceful thing if faith were violated.'[539] He pointed out that King David 'loved valour even in an enemy. He had also thought that justice should be shown to those who had borne arms against himself the same as to his own men.'[540] The bishop emphasised, based on the examples of the Old Testament, that every detail of the agreement made with the enemy must be observed: 'For instance, if the day or the spot for a battle has been agreed upon with them, it would be considered an act against justice to occupy the spot beforehand, or to anticipate the time.'[541]

According to Cicero, the best example of justice towards the enemy can be seen in the behaviour of Gaius Fabricius:

> ...when a deserter from Pyrrhus promised the senate to administer poison to the king and thus work his death, the senate and, Gaius Fabricius delivered the deserter up to Pyrrhus. Thus they stamped with their disapproval the treacherous murder even of an enemy who was at once powerful, unprovoked, aggressive, and successful.[542]

Ambrose also refers to this famous and glorious deed, emphasising the moral requirement of fair victory:

> It is related as a memorable deed of a Roman general, that when the physician of a hostile king came to him and promised to give him poison, he sent him back bound to the enemy. In truth, it is a noble thing for a man to refuse to gain the victory by foul acts, after he has entered on the struggle for power. He did not consider virtue to lie in victory, but declared that to be a shameful victory unless it was gained with honour.[543]

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538 Ibid., 1,10,33.
539 St. Ambrose, *On the Duties of the Clergy* 1,29,140 (tr. Romestin, Romestin, and Duckworth).
540 Ibid., 2,7,33 (tr. idem).
541 Ibid., 1,29,139 (tr. idem).
542 Cicero, *On Duties* 1,13,40 (tr. Miller).
543 St. Ambrose, *On the Duties of the Clergy* 3,15,91 (tr. Romestin, Romestin, and Duckworth).

In another place, Ambrose praises the Greeks who did not burn the ships of the Persians secretly because they would have considered it a shameful thing.[544]

Ambrose also emphasised the need to show mercy to a defeated enemy, and cited the story of Elisha, who:

> ...wished to save, not destroy, those who were deceived indeed, though not by some foul act, and had been struck blind by the power of the Lord. For it was seemly to spare an enemy, and to grant his life to an adversary when indeed he could have taken it, had he not spared it.[545]

According to St. Augustine, behind even wars is God's will; the sufferings caused by wars serve the moral purification of people: 'They ought rather, had they any right perceptions, to attribute the severities and hardships inflicted by their enemies, to that divine providence which is wont to reform the depraved manners of men by chastisement...'[546]

Like Ambrose, Augustine distinguished between just and unjust wars,[547] writing in one place that 'when we wage a just war, our adversaries must be sinning',[548] and in another place that 'it is the wrongdoing of the opposing party which compels the wise man to wage just wars...'[549] Analysing the war that broke out owing to the rape of the Sabine women, Augustine points out that a just war is always caused by some kind of grievance, and in such a war it is illegal to oppose the party that acts because of the grievance:

> If the Sabines were wrong to deny their daughters when the Romans asked for them, was it not a greater wrong in the Romans to carry them off after that denial? The Romans might more justly have waged war against the neighboring nation for having refused their daughters in marriage when they first sought them, than for having demanded them back when they had stolen them. War should have been proclaimed at first; it was then that Mars should

544 Ibid., 3,14,87. Cf. Plutarch, *Themistocles* 20.

545 St. Ambrose, *On the Duties of the Clergy* 3,14,87 (tr. Romestin, Romestin, and Duckworth).

546 St. Augustine, *The City of God* 1,1 (tr. Dods). Cf. idem, *Against Faustus* 22,75.

547 Cf. Markus, 1983, pp. 1–13; idem, 1988, p. 115; Lenihan, 1988, pp. 37–70; Schmal, 1994, pp. 11–32; Mattox, 2006, pp. 44–91.

548 St. Augustine, *The City of God* 19,15 (tr. Dods).

549 Ibid., 19,7 (tr. idem).

> have helped his warlike son, that he might by force of arms avenge the injury done him by the refusal of marriage, and might also thus win the women he desired. There might have been some appearance of right of war in a victor carrying off, in virtue of this right, the virgins who had been without any show of right denied him; whereas there was no right of peace entitling him to carry off those who were not given to him, and to wage an unjust war with their justly enraged parents.[550]

When the Manichaean Faustus rejected the God of Israel on the grounds that a God who commands war is incompatible with the image of Jesus, Augustine pointed out that not all wars should be morally condemned. Instead, war can be judged morally based on its cause: 'A great deal depends on the causes for which men undertake wars…'[551] Only war motivated by evil desires should be rejected; as he writes, 'The real evils in war are love of violence, revengeful cruelty, fierce and implacable enmity, wild resistance, and the lust of power, and such like…'[552]

It was already mentioned above that, like Lactantius, Augustine also condemned imperialist war:

> But perhaps it is displeasing to good men to fight with most wicked unrighteousness, and provoke with voluntary war neighbors who are peaceable and do no wrong, in order to enlarge a kingdom? If they feel thus, I entirely approve and praise them.[553]

Augustine's statement is often cited, according to which kingdoms without justice are just great robberies. With this statement, the Church Father did not condemn the unjustly governed state, but the state that fights unjust, imperialist, predatory wars against other states:

> Justice being taken away, then, what are kingdoms but great robberies? For what are robberies themselves, but little kingdoms? The band itself is made up of men; it is ruled by the authority of a prince, it is knit together by the pact of the confederacy; the booty is divided by the law agreed on. If, by the admittance

550 Ibid., 2,17 (tr. idem).
551 St. Augustine, *Against Faustus* 22,75 (tr. Stothert).
552 Ibid., 22,74 (tr. idem). Cf. Helgeland, Daly and Burns, 1985, p. 81.
553 St. Augustine, *The City of God* 4,14 (tr. Dods). Cf. Figgis, 1921, p. 53; Deane, 1963, p. 171.

> of abandoned men, this evil increases to such a degree that it holds places, fixes abodes, takes possession of cities, and subdues peoples, it assumes the more plainly the name of a kingdom, because the reality is now manifestly conferred on it, not by the removal of covetousness, but by the addition of impunity. Indeed, that was an apt and true reply which was given to Alexander the Great by a pirate who had been seized. For when that king had asked the man what he meant by keeping hostile possession of the sea, he answered with bold pride, 'What you mean by seizing the whole earth; but because I do it with a petty ship, I am called a robber, while you who does it with a great fleet are styled emperor.'[554]

As already described earlier, Augustine considered the constant expansion of an empire to be a foolish and futile endeavour, pointing out that smaller states are happier, considering that the bigger the state, the more problem, the greater the problems and troubles that cause restlessness and the tension of war:

> Why must a kingdom be distracted in order to be great? In this little world of man's body, is it not better to have a moderate stature, and health with it, than to attain the huge dimensions of a giant by unnatural torments, and when you attain it to find no rest, but to be pained the more in proportion to the size of your members?[555]

Augustine pointed out that the Roman Empire, despite its enormous expansion, was not free from fear: the slave revolt led by Spartacus caused terror throughout the empire.[556]

Despite all of this, Augustine believed that the Romans were justified in starting their wars: 'If, therefore, by carrying on wars that were just, not impious or unrighteous, the Romans could have acquired so great an empire…'[557] This was, because their neighbours, by committing some injustice, always provided a reason for the Romans to launch a campaign against them. Augustine regrets that the

554 St. Augustine, *The City of God* 4,4 (tr. Dods). Cf. Figgis, 1921, p. 53; Loetscher, 1935, p. 28; Martin, 1972, p. 212; TeSelle, 1988, p. 97.

555 St. Augustine, *The City of God* 3,10 (tr. Dods). Cf. Loetscher, 1935, p. 29.

556 St. Augustine, *The City of God* 4,5 (tr. Dods).

557 Ibid., 4,15 (tr. idem).

Romans were constantly forced into wars by the surrounding peoples with various injustices:

> For the iniquity of those with whom just wars are carried on favors the growth of a kingdom, which would certainly have been small if the peace and justice of neighbors had not by any wrong provoked the carrying on of war against them; and human affairs being thus more happy, all kingdoms would have been small, rejoicing in neighborly concord; and thus there would have been very many kingdoms of nations in the world, as there are very many houses of citizens in a city.[558]

Elsewhere, however, Augustine also pointed out that the desire for glory and domination was behind the Roman conquests, describing the Romans as follows:

> Glory they most ardently loved: for it they wished to live, for it they did not hesitate to die. Every other desire was repressed by the strength of their passion for that one thing. At length their country itself, because it seemed inglorious to serve, but glorious to rule and to command, they first earnestly desired to be free, and then to be mistress.[559]

Augustine praises Theodosius the Great for his merciful and generous behaviour towards the defeated:

> The sons of his own enemies, whose fathers had been slain not so much by his orders as by the vehemence of war, having fled for refuge to a church, though they were not yet Christians, he was anxious, taking advantage of the occasion, to bring over to Christianity, and treated them with Christian love. Nor did he deprive them of their property, but, besides allowing them to retain it, bestowed on them additional honors. He did not permit private animosities to affect the treatment of any man after the war. He was not like Cinna, and Marius, and Sylla, and other such men, who wished not to finish civil wars even when they were finished, but rather grieved that they had arisen at all, than wished that when they were finished they should harm any one.[560]

558 Ibid. (tr. idem).
559 Ibid., 5,12 (tr. idem). Cf. ibid., 3,10.14.
560 Ibid., 5,26 (tr. idem).

In many places, Augustine praises the mercy shown to the vanquished, those who fled to the churches and the civilian population in general:

> Marcus Marcellus, a distinguished Roman, who took Syracuse, a most splendidly adorned city, is reported to have bewailed its coming ruin, and to have shed his own tears over it before he spilled its blood. He took steps also to preserve the chastity even of his enemy. For before he gave orders for the storming of the city, he issued an edict forbidding the violation of any free person.[561]

He also praised the Arian Goths who occupied Rome because, despite their military customs, they left the refugees in the Christian churches unharmed out of respect for Christ:

> ...contrary to the custom of war, these bloodthirsty barbarians spared them, and spared them for Christ's sake, whether this mercy was actually shown in promiscuous places, or in those places specially dedicated to Christ's name, and of which the very largest were selected as sanctuaries...[562]

According to Augustine, the greatest good for man is peace: 'For peace is a good so great, that even in this earthly and mortal life there is no word we hear with such pleasure, nothing we desire with such zest, or find to be more thoroughly gratifying.'[563] Paradoxically, wars also aim at achieving peace: the earthly city

> ...desires earthly peace for the sake of enjoying earthly goods, and it makes war in order to attain to this peace; since, if it has conquered, and there remains no one to resist it, it enjoys a peace which it had not while there were opposing parties who contested for the enjoyment of those things which were too small to satisfy both. This peace is purchased by toilsome wars; it is obtained by what they style a glorious victory. Now, when victory remains with the party which had the juster cause, who hesitates to congratulate the victor, and style it a desirable peace?[564]

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561 Ibid., 1,6 (tr. idem). Cf. Livy, *History of Rome* 25,24.

562 St. Augustine, *The City of God* 1,1 (tr. Dods). Cf. ibid., 1,6.7; 2,2; 5,23.

563 Ibid., 19,11 (tr. idem). Augustine therefore sees one of the main functions of the state in maintaining peace. Cf. Raeder, 2003, p. 98.

564 St. Augustine, *The City of God* 15,4 (tr. Dods).

Later Augustine explains these thoughts in more detail:

> Whoever gives even moderate attention to human affairs and to our common nature, will recognize that if there is no man who does not wish to be joyful, neither is there any one who does not wish to have peace. For even they who make war desire nothing but victory – desire, that is to say, to attain to peace with glory. For what else is victory than the conquest of those who resist us? And when this is done there is peace. It is therefore with the desire for peace that wars are waged, even by those who take pleasure in exercising their warlike nature in command and battle. And hence it is obvious that peace is the end sought for by war. For every man seeks peace by waging war, but no man seeks war by making peace. For even they who intentionally interrupt the peace in which they are living have no hatred of peace, but only wish it changed into a peace that suits them better. … And thus all men desire to have peace with their own circle whom they wish to govern as suits themselves. For even those whom they make war against they wish to make their own, and impose on them the laws of their own peace.[565]

565 Ibid., 19,12 (tr. idem). Even Aristotle came to the conclusion that the goal of war is peace (see *Politics* 1333a; 1334a).

CHAPTER V

The Issue of Property Relations

1. The Institution of Private Property

Jesus also refers to the seventh commandment of the *Decalogue* (i.e. 'Do not steal') when he calls on the rich young man who longs for eternal life to obey the commandments.[566] According to St. Paul, the commandment to love one's fellow man – together with the other dictates of the Ten Commandments – also includes the commandment 'Do not steal'.[567] 'Let the thief no longer steal, but rather let him labor, doing honest work with his hands,' writes the apostle in another place,[568] who also warns that thieves will not inherit the kingdom of God.[569] St. Peter also condemns thieves.[570] All of this obviously strengthened Christians' respect for private property.

In the early Christian writings, we can find details about the division of goods that can be easily misunderstood. The *Didache* (also known as *The Teaching of the Twelve Apostles*), probably written in Syria between 100 and 110, is the oldest surviving church order, and it includes not only moral commands across its 16 chapters but also social provisions:

> You shall not turn away from him that is in want, but you shall share all things with your brother, and shall not say that they are your own; for if you are partakers in that which is immortal, how much more in things which are mortal?[571]

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566 Mk 10:19; Lk 18:20.
567 Rom 13:9.
568 Eph 4:28.
569 1 Cor 6:10.
570 1 Pet 4:15.
571 *The Didache* 4,8 (tr. Riddle).

The order therefore makes it mandatory to take care of the poor. The cited passage from the work is misleading, as it appears to be a rejection of private property. However, this can be easily refuted. It is obvious that everyone can only donate from their own possessions. The text of the work continues by saying, 'You shall not enjoin anything in your bitterness upon your bondman or maidservant, who hope in the same God,'[572] and evidently only those who have their own property can own a slave.

The *Epistle of Barnabas* – which was presumably written in Alexandria in the first half of the second century – repeats the commands of the *Didache* and prescribes the following to those who walk the path of light: 'You shall communicate in all things with your neighbour; you shall not call things your own; for if you are partakers in common of things which are incorruptible, how much more [should you be] of those things which are corruptible!'[573] By itself, this sentence is also ambiguous, but if we put another sentence of the letter next to it, which prescribes respecting others' property, we can see that the author did not think of abolishing the private property institution: 'You shall not covet what is your neighbour's...'[574]

Among the early Christian authors, Lactantius was the one that dealt with the institution of private property on a deeper, philosophical level. He begins his explanations by analysing the idea of community of property in Plato:

> Let us, however, see what it was that he learned from Socrates, who, having entirely rejected natural philosophy, betook himself to inquiries about virtue and duty. And thus I do not doubt that he instructed his hearers in the precepts of justice. Therefore, under the teaching of Socrates, it did not escape the notice of Plato, that the force of justice consists in equality, since all are born in an equal condition. Therefore (he says) they must have nothing private or their own; but that they may be equal, as the method of justice requires, they must possess all things in common. This is capable of being endured, as long as it appears to be spoken of money. But how impossible and how unjust this is, I could show by many things.[575]

572 Ibid., 4,10 (tr. idem).
573 *The Epistle of Barnabas* 19,8 (tr. Roberts and Donaldson).
574 Ibid., 19,6 (tr. idem).
575 Lactantius, *The Divine Institutes* 3,21,1–3 (tr. Fletcher).

Lactantius therefore considered the abolition of private property and the establishment of a complete community of property to be unfeasible and unjust.

Lactantius clearly pointed out that the condition for society to become just is not the sharing of women and wealth, but the change of people's spirit and morals, which can be achieved on a religious basis. The abolition of private property does not promote this positive moral change, but rather has the opposite effect, since the absence of private property makes people lazy and unscrupulous in enjoying common goods:

> Therefore he did not find the concord which he sought, because he did not see whence it arises. For justice has no weight in outward circumstances, not even in the body, but it is altogether employed on the mind of man. He, therefore, who wishes to place men on an equality, ought not to take away marriage and wealth, but arrogance, pride, and haughtiness, that those who are powerful and lifted up on high may know that they are on a level even with the most needy. For insolence and injustice being taken from the rich, it will make no difference whether some are rich and others poor, since they will be equal in spirit, and nothing but reverence towards God can produce this result. He thought, therefore, that he had found justice, whereas he had altogether removed it, because it ought not to be a community of perishable things, but of minds. For if justice is the mother of all virtues, when they are severally taken away, it is also itself overthrown. But Plato took away above all things frugality, which has no existence when there is no property of one's own which can be possessed; he took away abstinence, since there will be nothing belonging to another from which one can abstain... Thus, while he wishes to confer virtue upon all, he takes it away from all. For the ownership of property contains the material both of vices and of virtues, but a community of goods contains nothing else than the licentiousness of vices.[576]

Greco-Roman mythology describes the first era of humanity as a peaceful, happy Golden Age, when, according to the Greeks, Cronus (or Saturn according to the Romans) ruled gently and justly and people lived in complete harmony, abundance, and prosperity with God, nature, and each other. This idea is adopted by Lactantius, who describes the Golden Age and quotes Virgil: 'It was not even allowed to mark

576 Ibid., 3,22,2–7 (tr. idem).

out or to divide the plain with a boundary: men sought all things in common'.[577] According to Lactantius, this does not mean that there was no private property in the Golden Age. There was private property, but people were so generous that they shared their possessions with those in need:

> And this saying of the poet ought so to be taken, not as suggesting the idea that individuals at that time had no private property, but it must be regarded as a poetical figure; that we may understand that men were so liberal, that they did not shut up the fruits of the earth produced for them, nor did they in solitude brood over the things stored up, but admitted the poor to share the fruits of their labour... And no wonder, since the storehouses of the good liberally lay open to all. Nor did avarice intercept the divine bounty, and thus cause hunger and thirst in common; but all alike had abundance, since they who had possessions gave liberally and bountifully to those who had not.[578]

According to mythology, this initial Golden Age lasted until Zeus (Jupiter) came to power. According to Lactantius, Jupiter 'introduced among men hatred, and envy, and stratagem; so that they were poisonous as serpents, and rapacious as wolves.'[579] This ended peace and harmonious cooperation among people. Lactantius believes that:

> ...the source of all these evils was lust... For not only did they who had a superfluity fail to bestow a share upon others, but they even seized the property of others, drawing everything to their private gain; and the things which formerly even individuals laboured to obtain for the common use of men, were now conveyed to the houses of a few. For, that they might subdue others by slavery, they began especially to withdraw and collect together the necessaries of life, and to keep them firmly shut up, that they might make the bounties of heaven their own; not on account of kindness, a feeling which had no existence in them, but that they might sweep together all the instruments of lust and avarice. They also, under the name of justice, passed most unequal and unjust laws, by which they might defend their plunder and avarice against the force of the multitude.[580]

577 Ibid., 5,5,5 (tr. idem). Cf. Virgil, *Georgics* 1,126–127.
578 Ibid., 5,5,7–8 (tr. idem).
579 Ibid., 5,5,10 (tr. idem).
580 Ibid., 5,6,1–3 (tr. idem). Cf. Swift, 1968, p. 151; Garnsey, 2007, pp. 129–130.

St. Ambrose – contrary to Lactantius and in agreement with Cicero[581] – did not consider private property to be natural, and thought that it did not exist in the beginning:

> Next they considered it consonant with justice that one should treat common, that is, public property as public, and private as private. But this is not even in accord with nature, for nature has poured forth all things for all men for common use. God has ordered all things to be produced, so that there should be food in common to all, and that the earth should be a common possession for all. Nature, therefore, has produced a common right for all, but greed has made it a right for a few. Here, too, we are told that the Stoics taught that all things which are produced on the earth are created for the use of men, but that men are born for the sake of men, so that mutually one may be of advantage to another.[582]

However, this does not mean that Ambrose propagated the abolition of private property and the forcible creation of community property. His work on duties is permeated by the teaching that one should not wrongfully cause any harm to others. Thus, everyone is obliged to respect other people's property, and no one should be deprived of their possessions unlawfully. As he writes,

> ...the very law of the Lord teaches us that this rule must be observed, so that we may never deprive another of anything for the sake of our own advantage. For it says: Remove not the bounds which your fathers have set.[583] It bids a neighbour's ox to be brought back if found wandering.[584] It orders a thief to be put to death.[585] ... And if it is not lawful to refuse to give, how is it lawful to deprive another? And do not our very laws teach us the same? They order those things which have been taken from others with injury to their persons or property to be restored with additional recompense; so as to check the thief from stealing by the penalty, and by the fine to recall him from his ways.[586]

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581 Cf. Cicero, *On Duties* 1,7,21–22.

582 St. Ambrose, *On the Duties of the Clergy* 1,28,132 (tr. Romestin, Romestin, and Duckworth). Cf. Garnsey, 2007, pp. 125–128.

583 Prov 22:28.

584 Ex 23:4.

585 Ex 22:2.

586 St. Ambrose, *On the Duties of the Clergy* 3,3,20–21 (tr. Romestin, Romestin, and Duckworth).

The idea that wealth in itself is not a sin, just as poverty in itself is not a virtue, often recurs in the works of the Church Fathers. A person's virtue does not depend on his specific material situation, but on his spiritual attitude towards material things.[587] Clement of Alexandria gave the following answer to the question of who can be saved among the rich:

> ...he who holds possessions, and gold, and silver, and houses, as the gifts of God; and ministers from them to the God who gives them for the salvation of men; and knows that he possesses them more for the sake of the brethren than his own; and is superior to the possession of them, not the slave of the things he possesses; and does not carry them about in his soul, nor bind and circumscribe his life within them, but is ever labouring at some good and divine work, even should he be necessarily some time or other deprived of them, is able with cheerful mind to bear their removal equally with their abundance. This is he who is blessed by the Lord, and called poor in spirit, a meet heir of the kingdom of heaven, not one who could not live rich.[588]

In the *Church History* of Socrates, we can read that Eustathius, who was deposed from his bishopric in Sebastia by the Council of Caesarea held in 334, was also condemned by the Council of Gangra convened around 340, because he did 'many things repugnant to the ecclesiastical canons'[589] after his deposition. According to the letter of the synod fathers of Gangra, Eustathius and his followers preached false doctrines, including condemning the rich who did not leave all their wealth and claiming that such people could not hope for mercy from God. In the epilogue of their letter, the fathers emphasised that they do not despise the wealth that comes with justice and charity.

St. Jerome expressed similar thoughts:

> For each individual is to be judged not by his personal importance but by the merits of his case. His wealth need not stand in the way of the rich man, if he makes a good use of it; and poverty can be no recommendation to the poor if in the midst of squalor and want he fails to keep clear of wrong doing. Proofs of

587 Cf. Ryan, 1903, pp. 34, 39.

588 Clement of Alexandria, *Who is the Rich Man That Shall Be Saved?* 16 (tr. Wilson). Cf. Artner, 1923, pp. 100–101; Garnsey, 2007, pp. 88–90.

589 Socrates Scholasticus, *Church History* 2,43 (tr. Zenos).

> these things are not wanting either in scriptural times or our own; for Abraham, in spite of his immense wealth, was 'the friend of God' and poor men are daily arrested and punished for their crimes by law.[590]

St. Augustine also emphasised that it is not the possession of earthly goods, but the desire for wealth and the spiritual attachment to temporal goods that is morally reprehensible.[591]

2. The Issue of Property Relation Changes

According to some authors, Jesus was a communist, and the early church can be considered a model of communism.[592] This view is completely wrong because Jesus never spoke about the forced collectivisation of privately owned goods. He encouraged his followers not to be overly attached to material things, addicted to money, to free themselves from financial worries, and taught that the path to perfection is complete liberation from wealth: 'If you would be perfect, go, sell what you possess and give to the poor, and you will have treasure in heaven; and come, follow me.'[593]

This advice was enthusiastically fulfilled by the members of the early church in Jerusalem. According to Luke,

> Now the company of those who believed were of one heart and soul, and no one said that any of the things which he possessed was his own, but they had everything in common. ... There was not a needy person among them, for as many as were possessors of lands or houses sold them, and brought the proceeds of what was sold and laid it at the apostles' feet; and distribution was made to each as any had need.[594]

590 St. Jerome, *Letters* 79,1 (tr. Fremantle, Lewis, and Martley).
591 St. Augustine, *The City of God* 1,10 (tr. Dods).
592 This view was first formulated by the Anabaptist Wilhelm Weitling (1808–1871); see Weitling, 1845, pp. 62, 80.
593 Mt 19:21. Cf. Mk 10:21; Lk 12:33; 18:22.
594 Acts 4:32–35.

From these lines, it can be concluded that all members of the early church renounced their entire property. However, this is refuted by the following sentence: 'Thus Joseph who was surnamed by the apostles Barnabas (which means, Son of encouragement), a Levite, a native of Cyprus, sold a field which belonged to him, and brought the money and laid it at the apostles' feet.'[595] As Edgár Artner writes, we can conclude from this specific example that not all of the believers parted with their property.[596]

This is greatly confirmed by the story of Ananias and Sapphira. Ananias, with the knowledge of his wife Sapphira, secretly retained for himself part of the purchase price of their sold property and donated only a portion of it to the church congregation, lying that it was the full amount of the proceeds. But Peter, seeing through his deceit, said:

> Ananias, why has Satan filled your heart to lie to the Holy Spirit and to keep back part of the proceeds of the land? While it remained unsold, did it not remain your own? And after it was sold, was it not at your disposal? How is it that you have contrived this deed in your heart? You have not lied to men but to God.[597]

According to these words, the members of the church were not obliged to give up their property for the benefit of their community.

In one of his letters, St. Jerome also points out that Ananias and Sapphira did not die because they kept part of their wealth for themselves, but because they acted in a lying way in holy matters:

> Ananias and Sapphira deserved to be condemned by the apostle Saint Peter, because they had quietly set aside part of their property. Is it a crime, you might ask, not to donate everything one has? No, but the apostle punished them with the death penalty because they had lied to the Holy Spirit, for while reserving for themselves what they needed to live, they pretended to surrender completely all earthly things – thus seeking, in vain, only the approval and esteem of men. Notwithstanding that we are free to give or not to give...[598]

595 Acts 4:36–37.
596 Artner, 1923, p. 21.
597 Acts 5:3–4.
598 St. Jerome, *Letters* 120,1 (tr. Snapp).

Accordingly, Larry and Chuck Bates rightly point out that while communism is a forced community of property, the early church was a voluntary community of property.[599] Ferenc Gál comes to a similar conclusion while comparing the property community of the Essenes and early Christians, noting that the property community of the former was mandatory and that of the latter was voluntary.[600]

The difference between the teachings of Jesus and modern communist ideas was most clearly expressed by Edgár Artner, who stated:

> ...[Jesus] valued poverty more than wealth and prosperity. Here is the greatest contrast between the Lord and the communists, a contrast that stems from the difference in worldview. While our Lord Christ taught divine idealism, today's communists are the most extreme materialists. So they diverge from Christianity at the starting point. According to the teaching and intention of the divine Saviour, the rich should start socialising, and for an ideal purpose. Out of attachment to God, out of a desire for greater perfection, he should give up all his wealth, or at least his surplus. On the contrary, according to the communists' understanding, the poor, the proletarian, starts collectivisation by taking everything from the rich. In this, he is guided by a purely materialistic point of view, because according to him, since there is no afterlife, he wants to find his complete happiness here on earth. Briefly, this difference can be expressed as, according to the Saviour's intention: what is mine is yours; and according to the communists: what is yours is mine.[601]

Thus, while Jesus encourages giving, communists encourage taking the goods of others: the goal and the action are therefore exactly opposite to each other in the two cases. The basis of all these differences is the huge divergence between the idealist and materialist worldviews.

Regarding the property community of the ancient church, we must highlight that the believers who renounced their entire property may have been decisively influenced by the mistaken idea that the end of the world was imminent.[602] It also seems clear that the church in Jerusalem became impoverished precisely because

599 Bates and Bates, 2010, p. 101.

600 Gál, 1982, p. 29. Cf. Cadoux, 1925, p. 128. On the community of property of the Essenes, see Josephus, *The Jewish War* 2,8,3; idem, *Jewish Antiquities* 18,1,5.

601 Artner, 1923, pp. 15–16 (author translation).

602 Cf. Artner, 1923, p. 20; Gál, 1982, p. 29.

of the creation of the community of property. As we know, the apostle Paul soon had to collect donations in other cities to help the believers in Jerusalem.[603] According to Artner's extremely logical idea, the community of wealth:

> ...by its very nature must have been nicer and more desirable to the poorer part of the population, so that they could join the church en masse just for the sake of better living, while the rich – with the exception of one or two enthusiastic families – perhaps just because of their wealth attachment (which was not a sinful thing anyway) kept them from joining a congregation following such a lifestyle. Thus, the many poor believers, who could contribute very little to the provision of the religious community, could quickly eat up the wealth of one or two rich brothers...[604]

The community of property of the believers in Jerusalem soon came to an end. The bankruptcy was obviously greatly accelerated by the joining of elements who stopped working after receiving free care. Such elements abusing the love of others have probably appeared in every local church. This was certainly the case in the church at Thessalonica, to which Paul wrote the following:

> Now we command you, brethren, in the name of our Lord Jesus Christ, that you keep away from any brother who is living in idleness and not in accord with the tradition that you received from us. For you yourselves know how you ought to imitate us; we were not idle when we were with you, we did not eat any one's bread without paying, but with toil and labor we worked night and day, that we might not burden any of you. It was not because we have not that right, but to give you in our conduct an example to imitate. For even when we were with you, we gave you this command: If any one will not work, let him not eat. For we hear that some of you are living in idleness, mere busybodies, not doing any work. Now such persons we command and exhort in the Lord Jesus Christ to do their work in quietness and to earn their own living.[605]

The termination of the community property could also be justified, in addition to the problem of impoverishment, by the frictions, disputes, and internal conflicts

603 Cf. 1 Cor 16:1–4; Acts 24:17.
604 Artner, 1923, p. 24 (author translation).
605 2 Thess 3:6–12.

that arose during common asset distribution. Luke describes that when in Jerusalem 'the disciples were increasing in number, the Hellenists murmured against the Hebrews because their widows were neglected in the daily distribution.'[606] Aristotle had already pointed out the frequent occurrence of such problems, rejecting the Socratic and Platonic idea of community of property: 'we see far more quarrels occurring among those who own or use property in common than among those who have their estates separate...'[607]

Christian authors of later centuries often emphasised that renouncing wealth is not obligatory for anyone. Apologists described that congregation members were free to donate to the needy without any coercion or constraint. St. Justin writes the following:

> And they who are well to do, and willing, give what each thinks fit; and what is collected is deposited with the president, who succours the orphans and widows and those who, through sickness or any other cause, are in want, and those who are in bonds and the strangers sojourning among us, and in a word takes care of all who are in need.[608]

We can read about a similar procedure in Tertullian:

> Though we have our treasure chest, it is not made up of purchase-money, as of a religion that has its price. On the monthly day, if he likes, each puts in a small donation; but only if it be his pleasure, and only if he be able: for there is no compulsion; all is voluntary. These gifts are, as it were, piety's deposit fund. For they are not taken thence and spent on feasts, and drinking-bouts, and eating-houses, but to support and bury poor people, to supply the wants of boys and girls destitute of means and parents, and of old persons confined now to the house; such, too, as have suffered shipwreck; and if there happen to be any in the mines, or banished to the islands, or shut up in the prisons, for nothing but their fidelity to the cause of God's Church, they become the nurslings of their confession.[609]

606 Acts 6:1.
607 Aristotle, *Politics* 2,1263b (tr. Rackham).
608 St. Justin Martyr, *The First Apology* 67,6 (tr. Dods and Reith).
609 Tertullian, *Apology* 39,5–6 (tr. Thelwall).

The Church Fathers have never come near the idea of forcibly changing property relations. Lactantius considered the idea of the state depriving some of people's property and gifting the goods thus acquired to others as completely absurd, stressing that a king, not even a tyrant, had ever done such a thing.[610] St. John Chrysostom expressed his opinion on such a procedure by formulating a poetic question:

> It is better to give nothing, than to give the things of one set of persons to others. For tell me, if you saw any two persons, one naked, one having a garment, and then having stripped the one that had the garment, thou were to clothe the naked, would you not have committed an injustice?[611]

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610 Lactantius, *The Divine Institutes* 3,21,6.

611 St. John Chrysostom, *Homilies on Matthew* 85,3 (tr. Prevost). Cf. Artner, 1923, p. 193.

CHAPTER VI

Duties of Subjects

1. Obedience to Public Authorities

Xenophon writes that most states command their citizens 'not to steal and not to rob, not to break into anybody's house, not to strike a person whom they have no right to strike, not to commit adultery, not to disobey an officer, and so forth…'[612] Obedience to officers is therefore one of the most basic duties based on natural law. The wisdom books of the Old Testament indeed encourage respect and obedience to the king.[613] According to Flavius Josephus, whoever wished to enter the Essenes had to swear, among other things, that he would 'for ever keep faith with all men, especially with the powers that be, since no ruler attains his office save by the will of God…'[614] A good example of subject obedience is the behaviour of Joseph, who, following the regulations of emperor Augustus's edict on the census, went up from Nazareth to his hometown, Bethlehem, 'to be enrolled with Mary, his betrothed, who was with child.'[615]

Some modern authors portray Jesus as a national revolutionary who wanted to start an armed rebellion against the Roman occupiers.[616] However, this image of Jesus is completely false, and its propagandists deliberately misinterpret Jesus' words,[617] as Jesus was not a political rebel. When he declared before Pilate that his

612 Xenophon, *Cyropaedia* 1,2 (tr. Miller).
613 Prov 24:21; Eccles 8:2–4.
614 Josephus, *The Jewish War* 2,8,7 (tr. Thackeray).
615 Lk 2:1–5.
616 See, e.g., Brandon, 1967; Aslan, 2014.
617 Cf. Sáry, 2016a, pp. 179–206; idem, 2017a, pp. 11–53.

kingship was 'not of this world',[618] he made it clear that his kingship had no political and legal character, and thus it did not threaten the power of the emperor and the Roman legal order. The governor understood this and declared to the accusers: 'I find no crime in him.'[619]

Like Jesus, St. Paul accepted the political rule of the Romans and asked his followers to do the same, having sent this message to the Christians living in the capital: 'Let every person be subject to the governing authorities.'[620] Paul also advised Titus, the first bishop of Crete, in relation to the leadership of the faithful: 'Remind them to be submissive to rulers and authorities, to be obedient…'[621] According to some authors, the apostle did all this because he was an agent of the Romans who "integrated" among the Christians in order to transform the national-revolutionary teachings of Jesus into a pacifist, pro-Rome doctrine.[622] Unfortunately for these authors, this view is just an exciting speculation that lacks any basis and can be easily refuted.[623] First, there was no revolutionary-political content in Jesus' teaching, which the Romans had to neutralize for the purpose of state security. Second, the Roman authorities favoured Paul's accusers in several cases,[624] which they certainly would not have done if the apostle had acted specifically to serve their political interests. Third, Paul's entire world of thought was permeated by the command of obedience: the apostle not only called on subjects to obey the authorities, but also on women, children, and slaves to obey their husbands, parents, and masters, respectively.[625] On the ideological level, the principles of family government are obviously related to the principles of state government, and it is no coincidence that Aristotle deals with family government in detail before examining state government in his *Politics*.[626]

St. Peter also demanded obedience from Christians towards the holders of state power: 'Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do

618 Jn 18:36.
619 Jn 18:38.
620 Rom 13:1.
621 Tit 3:1.
622 See, e.g., Voskuilen and Sheldon, 2008.
623 Cf. Sáry, 2016b, pp. 32–56; idem, 2017a, pp. 54–88.
624 Cf. Acts 24:22; 25:9.
625 Cf. Eph 5:22; 6:1; 6:5; Col 3:18; 3:20; 3:22; 1 Tim 6:1; Tit 2:9.
626 Aristotle, *Politics* 1253b.

wrong and to praise those who do right.'[627] These words prove that the political philosophies of the two apostolic princes did not differ from each other. Therefore, the view[628] that Paul stood in opposition to the anti-Roman Peter is wrong: Peter was not an anti-Roman rebel either.

It is important to highlight the fact that Christians refrained from participating in the riots; they did not join the uprising that the Jews launched against the Romans in 66,[629] nor the Bar Kokhba's anti-Roman Jewish revolt that broke out in 132.[630]

St. Clement of Rome considered obedience to state leaders a fundamental duty of subjects; in the closing prayer of his letter to the Corinthians, he related this duty to the divine origin of power, pointing out that whoever obeys those in power indirectly obeys God:

> Give concord and peace to us and all who dwell upon the earth... To our rulers and governors on the earth – to them You, Lord, gave the power of the kingdom by Your glorious and ineffable might, to the end that we may know the glory and honour given to them by You and be subject to them, in nought resisting Your will...[631]

St. Polycarp expressed similar thoughts: 'we are taught to give all due honour (which entails no injury upon ourselves) to the powers and authorities which are ordained of God.'[632]

The words of St. Theophilus of Antioch have been quoted several times:

> Wherefore I will rather honour the king [than your gods], not, indeed, worshipping him, but praying for him. But God, the living and true God, I worship, knowing that the king is made by Him. ... Accordingly, honour the king, be subject to him, and pray for him with loyal mind; for if you do this, you do the

627 1 Pet 2:13–14.

628 Cf. Voskuilen and Sheldon, 2008, pp. 66, 113, 132.

629 According to Eusebius, the members of the Christian community in Jerusalem left the holy city before the outbreak of the fighting and settled in Pella in Perea (*Church History* 3,5,3). Cf. Cadoux, 1925, p. 121.

630 According to St. Justin, the Jewish rebels persecuted and forced the Christians to apostatise (*The First Apology* 31,6). Cf. Knox, 1949, p. 23.

631 St. Clement of Rome, *Letter to the Corinthians* 60,4–61,2 (tr. Keith).

632 *The Martyrdom of St. Polycarp* 10,2 (tr. Roberts and Donaldson).

> will of God. For the law that is of God, says, 'My son, fear the Lord and the king, and be not disobedient to them; for suddenly they shall take vengeance on their enemies.'[633]

Theophilos, like previous Christian authors, pointed out that power comes from God, and therefore the emperor must be respected; and as it is written in the book of Proverbs, his commands must be obeyed.[634] It is easy to recognise the teaching of St. Paul in Theophilos' words, with the latter in fact later quoting the apostle verbatim:

> Moreover, concerning subjection to authorities and powers, and prayer for them, the divine word gives us instructions, in order that 'we may lead a quiet and peaceable life.' And it teaches us to render all things to all, 'honour to whom honour, fear to whom fear, tribute to whom tribute; to owe no man anything, but to love all.'[635]

As László Perendy points out,[636] the similarity between the thoughts of Theophilus and the following words of the martyr St. Apollonius is striking:

> Would you want me to swear that we pay honour to the emperor and pray for his authority? If so, then I should gladly swear, calling upon the one, true God, the One existing before all the ages, who was not fashioned by human hands, but rather appointed a man among men to be ruler over the earth.[637]

Tertullian also justified the respect due to the emperor with the divine origin of power:

> But why dwell longer on the reverence and sacred respect of Christians to the emperor, whom we cannot but look up to as called by our Lord to his office? So that on valid grounds I might say Caesar is more ours than yours, for our God has appointed him.[638]

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633 St. Theophilus of Antioch, *To Autolycus* 1,11 (tr. Dods).
634 Cf. Prov 24:21–22.
635 St. Theophilus of Antioch, *To Autolycus* 3,14 (tr. Dods). Cf. 1 Tim 2:2; Rom 13:7–8.
636 Perendy, 2012, pp. 215–217.
637 *The Martyrdom of St. Apollonius* 6 (tr. Musurillo).
638 Tertullian, *Apology* 33,1 (tr. Thelwall).

According to Origen, in their activities for the sake of the community, subjects are obliged to obey their leader, like bees:

> But we ought to admire the divine nature, which extended even to irrational animals the capacity, as it were, of imitating rational beings, perhaps with a view of putting rational beings to shame; so that by looking upon ants, for instance, they might become more industrious and more thrifty in the management of their goods; while, by considering the bees, they might place themselves in subjection to their Ruler, and take their respective parts in those constitutional duties which are of use in ensuring the safety of cities.[639]

St. Athanasius also considered it natural for subjects to be obliged to obey state leaders: 'I did not resist the commands of your Piety, God forbid; I am not a man that would resist even the Quaestor of the city, much less so great a Prince.'[640]

St. Ambrose compared the fight between the legitimate ruler Theodosius the Great and the rebel Eugenius to the fight between Christ and Satan.[641] With this, he essentially rejected all rebellion, pointing out that all rebels imitate the original rebel, Satan. It is worth highlighting that Ambrose supported the legitimate monarch Valentinian II during his struggle with the usurper Magnus Maximus despite the fact that the first sympathised with the Arians and the latter was a committed Catholic.[642]

According to Aristotle,

> ...the greatest transgressions spring from a desire for superfluities, not for bare necessaries (for example, men do not become tyrants in order to avoid shivering with cold, and accordingly high honours are awarded to one who kills a tyrant, but not to one who kills a thief)...[643]

Cicero writes that killing a tyrant is the most beautiful of all glorious deeds[644] and a service worthy of the community's gratitude.[645] According to classical Greek and

639 Origen, *Against Celsus* 4,81 (tr. Crombie).
640 St. Athanasius, *Apology to Constantius* 19 (tr. Atkinson and Robertson).
641 St. Ambrose, *Letters* 61; 62. Cf. Helgeland, Daly and Burns, 1985, pp. 75.
642 Cf. Liebeschuetz, 2011, p. 83.
643 Aristotle, *Politics* 1267a (tr. Rackham).
644 Cicero, *On Duties* 3,4,19.
645 Cicero, *Philippics* 2,46,117.

Roman thought, the one who kills the tyrant is morally correct. St. Ambrose completely rejected the idea of tyrannicide (*tyrannocidium*) based on the teachings of the Old Testament, seeing David's behaviour towards Saul as an example to be followed and pointing out that there is no place for armed action against legitimate rulers.[646] Elsewhere, referring to the fate of Saul and Ahab, he emphasised that God reserves the right to punish bad rulers.[647]

The teaching of Ambrosiaster in relation to the requirement of subject obedience deserves to be highlighted here. According to the Gospel of John, Caiaphas – who was otherwise a bad, vile man – was able to prophesy correctly about Jesus because he held the office of high priest at that time.[648] In this regard, Ambrosiaster points out that priestly acts are valid not because of the priest's personal merits but because of the priest's official dignity and the power associated with it.[649] According to Ambrosiaster, this notion extends to the king: the king should be respected not because of his individual merits but because of his rank and office, which he received from God.[650]

Vegetius (c. 365–c. 450), who was presumably a Christian, considered the emperor to be the image of God, and emphasised that whoever serves the emperor who rules by God's will serves God indirectly:

> For when he has once received the title of August, his subjects are bound to pay him the most sincere devotion and homage, as the representative of God on earth. And every man, whether in a private or military station, serves God in serving him faithfully who reigns by his Authority.[651]

According to St. Augustine, obedience to the ruler is required for the interest of the entire political community:

> For if it be lawful for a king, in the state over which he reigns, to command that which neither he himself nor any one before him had commanded, and to

646 St. Ambrose, *A Defense of the Prophet David* 6,27. Cf. Dvornik, 1966, vol. 2, p. 676.

647 St. Ambrose, *On Naboth* 16,69. Cf. Dvornik, 1966, vol. 2, p. 677.

648 Jn 11:51.

649 Ambrosiaster, *Questions on the Old and New Testaments* 11,2; 101,6. Cf. Lunn-Rockliffe, 2007, pp. 119–121; idem, 2011, p. 149.

650 Ambrosiaster, *Questions on the Old and New Testaments* 35. Cf. Lunn-Rockliffe, 2007, pp. 134–135; idem, 2011, p. 149.

651 Vegetius, *Concerning Military Matters* 2,5 (tr. Clarke).

> obey him cannot be held to be inimical to the public interest, – nay, it were so if he were not obeyed (for obedience to princes is a general compact of human society)...[652]

According to Augustine's teaching, Christians are obliged to serve the state faithfully, even if it is a very bad state: 'the people of Christ, whatever be their condition ... are enjoined to endure this earthly republic, wicked and dissolute as it is...'[653] Augustine firmly rejected the idea of a political rebellion, and together with St. Paul, as we saw above, he testified that there is no power except from God. He saw that rebellion always leads to chaos, and that chaos is even worse than bad order. He pointed out that all evil is the result of the original sin, and that the original sin was nothing but rebellion against God. He also believed that the rule of the wicked – viewed from the perspective of eternal life – is only a temporary test for virtuous subjects. Finally, he held that all those who abstain from sin remain morally free, regardless of the oppression they may experience from those in power, and that the real slaves are those who live in slavery to their own sins, even if they hold political power:

> But the dominion of bad men is hurtful chiefly to themselves who rule, for they destroy their own souls by greater license in wickedness; while those who are put under them in service are not hurt except by their own iniquity. For to the just all the evils imposed on them by unjust rulers are not the punishment of crime, but the test of virtue. Therefore the good man, although he is a slave, is free; but the bad man, even if he reigns, is a slave, and that not of one man, but, what is far more grievous, of as many masters as he has vices...[654]

Augustine later summarises these thoughts as follows:

> For, as far as this life of mortals is concerned, which is spent and ended in a few days, what does it matter under whose government a dying man lives, if they who govern do not force him to impiety and iniquity?[655]

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652 St. Augustine, *The Confessions* 3,8,15 (tr. Pilkington).
653 St. Augustine, *The City of God* 2,19 (tr. Dods). Cf. Ruber, 1931, p. 60.
654 St. Augustine, *The City of God* 4,3 (tr. Dods).
655 Ibid., 5,17 (tr. idem).

Like Ambrose, Augustine saw David's behaviour as an example to be followed:

> David bears with Saul his persecutor, even when forsaking the things that are above by his wicked life, and following after the things that are beneath by magical arts, avenges his death, and calls him the Lord's anointed, because of the venerable right by which he had been consecrated.[656]

Augustine also emphasised the patience of prophets;[657] Isaiah and Jeremiah, for instance, condemned the sins of the rulers (e.g. unjust, selfish, and profit-seeking behaviours and abuses of power)[658] but did not incite rebellion against them.

In his main work, Augustine lists examples from Roman history and points out repeatedly that there is nothing worse and more harmful to the community than sedition, the breakdown of political unity within the state, and civil war. As he writes, there was so much destruction from, first, the fierce and bloody seditions and, second, from the civil wars that unravelled that the Romans suffered more cruelly from their fellow citizens than before from the enemy.[659] He believes that the Gracchi 'threw everything into confusion', and that they and other seditious politicians (e.g. Marius, Cinna, and Carbo) 'involved their country in civil wars, most iniquitous and unjustifiable in their causes, cruelly conducted, and yet more cruelly terminated...'[660] He notes in another place:

> ...many had been moved by the story of the soldier, who, on stripping the spoils of his slain foe, recognized in the stripped corpse his own brother, and, with deep curses on civil wars, slew himself there and then on his brother's body.[661]

According to his findings, disasters were all the more vexing the closer they were to home:

> I mean those discords which are erroneously called civil, since they destroy civil interests. The seditions had now become urban wars, in which blood was

656 St. Augustine, *Letters* 43,23 (tr. Cunningham).
657 Ibid.
658 Cf. Is 1:23; 3:14; Jer 22:13–30.
659 St. Augustine, *The City of God* 1,30.
660 Ibid., 2,22 (tr. Dods).
661 Ibid., 2,25 (tr. idem).

> freely shed, and in which parties raged against one another, not with wrangling and verbal contention, but with physical force and arms. What a sea of Roman blood was shed, what desolations and devastations were occasioned in Italy by wars social, wars servile, wars civil![662]

He recalls with horror that in the 'war between Marius and Sylla, besides those who fell in the field of battle, the city, too, was filled with corpses in its streets, squares, markets, theatres, and temples…'[663] According to Augustine's concluding thoughts, these bloody civil wars were much crueller than the wars fought with foreigners and completely destroyed the republic.[664]

2. Following the Catholic Faith

Before the Constantinian turn, Roman citizens – except those of the Jewish religion – were obliged to cultivate the cult of the Roman gods. After 313, this situation completely changed. The emperors – with the exception of the Arian rulers and the apostate Julian – wanted to establish the religious unity of the empire based on the Catholic Christian creed. Christian authors, including many Catholic bishops, played an important role in these changes, as they significantly influenced the thinking of the emperors with their theological work – and often with their personal advice. St. Ambrose is an example of one who had a decisive influence here, in this case over the young Gratian, who was the first among the emperors to renounce the title of *pontifex maximus* and have the altar of the goddess Victoria removed from the senate building.

In the aforementioned *Edict of Thessalonica* issued in 380, Theodosius the Great ordered his Christian subjects to follow, instead of the heretical Arian dogmas, the Catholic faith transmitted by the apostle St. Peter to the Romans and followed – at the time when the edict was issued – by the Roman pontiff Damasus and by Peter, bishop of Alexandria.[665] From then on, for Christians,

662 Ibid., 3,23 (tr. idem). See also about the servile war of Spartacus: ibid., 3,26; 4,5. Cf. Burnell, 1993, pp. 184–185.

663 St. Augustine, *The City of God* 3,27 (tr. Dods).

664 Ibid., 3,30.

665 *The Theodosian Code* 16,1,2 = *The Code of Justinian* 1,1,1.

obedience to the emperor included obedience to the Catholic Church.[666] Theodosius was able to receive help in the exact wording of the edict – as Mihály Kránitz, among others, writes – from Ascholius, the Catholic bishop of Thessalonica, who baptised the emperor.[667]

Later emperors continued Theodosius' religious policy. In February 405, Honorius (395–423), condemning the heretics, ordered his Christian subjects to follow the Catholic creed.[668] A month later, referring to his earlier edict on religious unity (*Edictum de unitate*), the western Roman emperor once again ordered all Christians to profess the one true Catholic faith (*una et vera fides catholica*).[669] Valentinian III (425–455) decreed in 425 that those schismatics, probably the Novatians, who did not return to unity with the pope within twenty days would be expelled from Rome.[670]

Then, in the fifth century, edicts were issued one after the other that excluded pagans, Jews, Samaritans, and heretics from public offices.[671] These rules were confirmed by Justin and Justinian in 527,[672] and Justinian obliged the pagans to be baptised in 529,[673] as described above. Among the later constitutions of Justinian, it is important to emphasise Novel 109 issued in 541, which denounced as heretics all those Christians who are not members of the Catholic and Apostolic Church of God in which the patriarchs of Rome, Constantinople, Alexandria, Antioch and Jerusalem, together with the bishops assigned to them, teach the apostolic faith and tradition.[674]

The Christian emperors, like their pagan predecessors, tried to make the political community a religious community, but differed significantly from pagan thinking in that they distinguished the tasks, organisation, hierarchy, and leaders of the state and the church. They considered the definition of the criteria of belonging to the religious community to be the task of the Catholic Church leaders.

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666 Cf. Coleman-Norton, 1966, vol. 1, p. 335.
667 Kránitz, 2002, p. 136.
668 *The Theodosian Code* 16,5,38.
669 Ibid., 16,11,2. Cf. Sáry, 2009b, p. 64.
670 *The Theodosian Code* 16,5,62.
671 Cf. Sáry, 2009b, pp. 21, 73, 115; idem, 2010b, p. 96.
672 *The Code of Justinian* 1,5,12. Cf. Sáry, 2012a, pp. 153–154.
673 *The Code of Justinian* 1,11,10. Cf. Sáry, 2012a, pp. 160–161.
674 *The Novels of Justinian* 109 praef. Cf. Sáry, 2012a, p. 168.

3. Law-abiding Behaviour

Jesus obeyed the laws of the conquering Romans, which entailed that his enemies could therefore only bring false accusations against him before the governor: 'We found this man perverting our nation, and forbidding us to give tribute to Caesar, and saying that he himself is Christ a king.'[675] Importantly, Jesus respected not only Roman laws but also Jewish religious rules, which is why Paul writes about him that he was 'born under the law'.[676] He paid the half-shekel tax[677] and encouraged others to obey the law. When he healed a leper, he said to him: 'go and show yourself to the priest, and make an offering for your cleansing, as Moses commanded, for a proof to the people.'[678] St. Justin repeatedly points out in his writings that Christ did not commit any lawlessness.[679]

St. Paul also observed the rules of both Jewish and Roman law, allowing him to declare with a clear conscience before the governor Festus the following: 'Neither against the law of the Jews, nor against the temple, nor against Caesar have I offended at all.'[680] The apostle also called on his followers to demonstrate fair and law-abiding behaviour.[681]

The respect that Paul had for the legal order of the empire may have guided him even when he sent Onesimus, the runaway slave, back to his master, Philemon,[682] as he knew full well that it was forbidden to accept a foreign slave without the owner's consent. The followers of Christ did not oppose the institution of slavery itself precisely because of respect for the legal order. Thus, instead of demanding the end of slavery, Paul called on the slave owners in his letters to treat their slaves humanely.[683]

Like his fellow apostle, Peter also called on the faithful to observe the laws and strictly refrain from committing crimes: 'let none of you suffer as a murderer, or a thief, or a wrongdoer, or a mischief-maker'.[684]

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675 Lk 23:2.
676 Gal 4:4.
677 Mt 17:24–27.
678 Lk 5:14.
679 St. Justin Martyr, *The First Apology* 51,2; idem, *Dialogue with Trypho* 102,7.
680 Acts 25:8.
681 Cf. 1 Thess 4:6.
682 Philem 12–14.
683 Cf. Eph 6:9; Col 4:1.
684 1 Pet 4:15.

The *Letter to Diognetus* states the following about Christians inhabiting Greek and barbarian cities:

> They dwell in their own countries, but simply as sojourners. As citizens, they share in all things with others, and yet endure all things as if foreigners. Every foreign land is to them as their native country, and every land of their birth as a land of strangers. … They pass their days on earth, but they are citizens of heaven. They obey the prescribed laws, and at the same time surpass the laws by their lives.[685]

Thus, the letter – which was probably influenced by the *Shepherd of Hermas* in addition to the teaching of the New Testament – claims that Christians belong to two cities at the same time, namely to their place of residence on earth and to heaven. Its statements can obviously be interpreted as definite requirements. Christians are obliged to obey the laws and fulfil their civic obligations in their earthly city. However, they are morally obliged to do more than what is prescribed in the rules of positive law, as they should fulfil all their religious and moral obligations arising from their heavenly citizenship.

St. Gregory of Nazianzus also emphasised that Christians must also meet higher moral standards in addition to complying with state laws:

> …amongst whom it is a crime not merely to have acted wickedly, but even to have been on the point of it, the wish being punished as much as the deed; by whom chastity is so studied that even the eye is restrained; with whom the murderous hand is so far removed that even anger is chastised; to whom the swearing a false oath is so terrible and monstrous a thing, that to us alone swearing at all is interdicted… But the greatest thing of all is, that whereas others punish the ends, as the law directs, we chastise the beginnings, and repress them like some dangerous and unruly torrent.[686]

As their bishop, Gregory called on the inhabitants of Constantinople to be the first not in moral decay, but in strict observance of the laws, such as to set an example to the inhabitants of the other cities.[687]

685 *The Letter to Diognetus* 5,4–10 (tr. Roberts and Donaldson).
686 St. Gregory of Nazianzus, *Orations* 4,122 (tr. King).
687 Ibid., 36,12.

According to St. Augustine's teachings, God's people must obey earthly laws that do not conflict with religious doctrines because these laws ensure peace on earth. The Church Father explains these thoughts as follows:

> The heavenly city, or rather the part of it which sojourns on earth and lives by faith ... makes no scruple to obey the laws of the earthly city, whereby the things necessary for the maintenance of this mortal life are administered. ... This heavenly city, then, while it sojourns on earth, calls citizens out of all nations, and gathers together a society of pilgrims of all languages, not scrupling about diversities in the manners, laws, and institutions whereby earthly peace is secured and maintained, but recognizing that, however various these are, they all tend to one and the same end of earthly peace. It therefore is so far from rescinding and abolishing these diversities, that it even preserves and adopts them, so long only as no hindrance to the worship of the one supreme and true God is thus introduced.[688]

Augustine warned the Donatists who violated the emperor's constitutions with these words:

> For, moreover, when emperors enact bad laws on the side of falsehood, as against the truth, those who hold a right faith are approved, and, if they persevere, are crowned; but when the emperors enact good laws on behalf of the truth against falsehood, then those who rage against them are put in fear, and those who understand are reformed. Whosoever, therefore, refuses to obey the laws of the emperors which are enacted against the truth of God, wins for himself a great reward; but whosoever refuses to obey the laws of the emperors which are enacted in behalf of truth, wins for himself great condemnation.[689]

In another letter, Augustine called on the rebellious Donatists to obey the emperor's edicts with these words: 'The emperors command what Christ also commands, because, when they command something good, Christ alone commands through them.'[690]

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688 St. Augustine, *The City of God* 19,17 (tr. Dods).
689 St. Augustine, *Letters* 185,8 (tr. King).
690 Ibid., 105,3,11 (tr. Teske). Cf. Chroust, 1950, p. 314; idem, 1973, p. 78.

4. Tax Payment

We have already quoted Jesus' well-known answer to the question about paying taxes.[691] According to the Gospels, the questioners were marvelled and went away in silence after hearing the answer. The provocation was unsuccessful: Jesus recognised the political power of the emperor, his right to levy taxes, and the payment of taxes to be the duty of the subjects. His position was contrary to the views of the anti-Roman rebels. In Flavius Josephus, we can read that during the governorship of Coponius, 'a Galilaean, named Judas, incited his countrymen to revolt, upbraiding them as cowards for consenting to pay tribute to the Romans…'[692]

St. Paul also drew the attention of Christ's followers to the obligation to pay taxes:

> For the same reason you also pay taxes, for the authorities are ministers of God, attending to this very thing. Pay all of them their dues, taxes to whom taxes are due, revenue to whom revenue is due, respect to whom respect is due, honor to whom honor is due.[693]

Accordingly, like Jesus, Paul urged the faithful to pay taxes and other revenues, referring to the principle of distributive justice.

In defence of Christianity, St. Justin called the ruler's attention to the following: 'And everywhere we, more readily than all men, endeavour to pay to those appointed by you the taxes both ordinary and extraordinary, as we have been taught by Him [i.e. Christ] …'[694] Tatian made a similar statement: 'Does the sovereign order the payment of tribute, I am ready to render it.'[695] According to the *Acts of the Scillitan Martyrs*, Speratus, one of the Christian martyrs, declared before the Carthaginian *proconsul* Saturninus that he always paid the tax.[696]

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691 Mt 22:21; Mk 12:17; Lk 20:25.
692 Josephus, *The Jewish War* 2,8,1 (tr. Thackeray).
693 Rom 13:6–7.
694 St. Justin Martyr, *The First Apology* 17,1 (tr. Dods and Reith). Cf. Zsifkovits, 1964, p. 49.
695 Tatian, *Address to the Greeks* 4,2 (tr. Ryland).
696 *The Acts of the Scillitan Martyrs* 6.

By paying the temple-tax,[697] Jesus set an example for all Christians that taxes must be paid. With these words, St. Ambrose warned the faithful to fulfil their duties as subjects:

> We have here a great and spiritual lesson, which teaches Christians the submission they ought to show to those placed above them. Let no one think that he may infringe the edicts of the emperor. If the Son of God paid His taxes, are you so high and mighty that you think you need not pay them? Even he – who possessed nothing – paid the tax. And you, who pursue hot-foot the lucre of this world, are you unwilling to recognise your obligations to the world?[698]

On the topic of the obligation to pay taxes, it is worth mentioning again the rebellion in Antioch that broke out in March 387.[699] The revolt was triggered by the emperor Theodosius imposing a new tax on the city. The enraged crowd attacked the governor's palace, ransacked the city baths, and toppled and smashed public statues and pictures depicting the emperor and his family. The army put down the rebellion already at noon. Several of the rebels were brought before a summary court and executed. Because of what happened, the emperor stripped Antioch of its metropolitan status, destroyed its theatres, baths, and race track, and suspended the distribution of free bread in the city. Several of the city councillors were held accountable, some of them were exiled, and others were executed. Meanwhile, St. John of Chrysostom, the famous orator of Antioch, described in his Lenten sermons the rebellion as a disgraceful assassination, for which the wrath of the emperor justly fell on the city. In his speeches, John emphasised that the emperor has the right to levy such taxes as he sees fit.[700]

5. Military Service

At his arrest, Jesus said the following to Peter, who drew the sword and cut off the ear of the high priest's servant: 'Put your sword back into its place; for all who take

697 Cf. Mt 17:24–26.

698 St. Ambrose, *Commentary on the Gospel According to St. Luke* 4,73 (tr. Ní Riain). Cf. Parsons, 1940, p. 361.

699 Cf. Browning, 1952, pp. 13–20; Kelly, 2011, pp. 101–114; Liebeschuetz, 2011, pp. 209–215.

700 St. John Chrysostom, *Homilies on the Statues* 3,2; 4,4. Cf. Kelly, 2011, p. 110.

the sword will perish by the sword.'[701] Can we interpret these sentences to mean that Jesus held a general argument of prohibiting the use of weapons? In my opinion, no way, and instead Jesus merely stated that anyone who goes into battle runs the risk of being killed in the process. Jesus had plans for Peter, and that is why he did not want him to get in trouble. Moreover, Jesus did not want his disciples to prevent his arrest because that would have hindered the fulfilment of his mission.[702] In view of all this, Jesus' prohibition regarding the use of weapons cannot be generalised regardless of the specific situation.

It is also striking that Jesus was not at all opposed to military service when he met the Capernaum centurion, but rather praised the pagan officer's enormous faith – which he himself marvelled at – and turned to his companions and declared that the kingdom of heaven belongs to those with such faith.[703]

John the Baptist did not condemn armed military service either, but rather only asked the soldiers who approached him to be satisfied with their wages and not to abuse their power.[704] The apostle Peter had no objection to military service when he met the God-fearing Cornelius, the centurion of the Italian Cohort who was the first among the pagans to be baptised in Caesarea.[705] In Philippi, to the jailer's question ('Men, what must I do to be saved?'), Paul and Silas only answered this: 'Believe in the Lord Jesus, and you will be saved, you and your household.' Thus, the guard, who was certainly a Roman soldier, did not have to give up armed service; Paul and his companion baptised him and his relatives even without it.[706]

Tertullian refers several times to Christians serving in the Roman army. In one place, he writes – emphasising the large number of Christians – that there are already Christians everywhere, including in the army.[707] In another place, he lists, refuting the accusation that Christians cannot be of use, the useful forms of activity that Christians also pursue, including military service.[708] Moreover, he refers to

701 Mt 26:52.

702 With this, Jesus continued his words to Peter, who confronted the arresting group with a weapon: 'Do you think that I cannot appeal to my Father, and he will at once send me more than twelve legions of angels? But how then should the scriptures be fulfilled, that it must be so?' (Mt 26:53–54).

703 Mt 8:5–13; Lk 7:1–10. Cf. Blank, 1988, p. 133.

704 Lk 3:14.

705 Acts 10:48.

706 Acts 16:30–34.

707 Tertullian, *Apology* 37,4.

708 Ibid., 42,3.

the famous rain miracle that happened in the camp of Marcus Aurelius in several places, such in his *Apology*:

> ...as you will see by examining the letters of Marcus Aurelius, that most grave of emperors, in which he bears his testimony that that Germanic drought was removed by the rains obtained through the prayers of the Christians who chanced to be fighting under him.[709]

He also mentions the incident in his work addressed to Scapula: 'Marcus Aurelius also, in his expedition to Germany, by the prayers his Christian soldiers offered to God, got rain in that well-known thirst.'[710]

Tertullian wrote his work *The Chaplet* around 211, when he was already under strong Montanist influence, and where he explains that Christians cannot participate in military ceremonies related to the emperor cult without renouncing their faith:

> Lo the yearly public pronouncing of vows, what does that bear on its face to be? It takes place first in the part of the camp where the general's tent is, and then in the temples. In addition to the places, observe the words also: 'We vow that you, O Jupiter, will then have an ox with gold-decorated horns.' What does the utterance mean? Without a doubt the denial (of Christ).[711]

Tertullian warns Christian soldiers that 'Neither does military service hold out escape from punishment of sins... Nowhere does the Christian change his character. ... A state of faith admits no plea of necessity...'[712] According to his opinion, baptised soldiers must either leave the military field or be careful in everything so as not to do anything against God:

> ...when a man has become a believer, and faith has been sealed, there must be either an immediate abandonment of it, which has been the course with many;

709 Ibid., 5,5 (tr. Thelwall).
710 Tertullian, *To Scapula* 4,7 (tr. Thelwall). Cf. Helgeland, 1979, pp. 766–773; Kovács, 2015, pp. 30–36.
711 Tertullian, *The Chaplet* 12,3 (tr. Thelwall).
712 Ibid., 11,5–6 (tr. idem).

> or all sorts of quibbling will have to be resorted to in order to avoid offending God...[713]

The great apologist finally takes the position that Christians cannot serve in the military at all:

> To begin with the real ground of the military crown, I think we must first inquire whether warfare is proper at all for Christians. ... Shall it be held lawful to make an occupation of the sword, when the Lord proclaims that he who uses the sword shall perish by the sword? And shall the son of peace take part in the battle when it does not become him even to sue at law? And shall he apply the chain, and the prison, and the torture, and the punishment, who is not the avenger even of his own wrongs? ... Shall he be disturbed in death by the trumpet of the trumpeter, who expects to be aroused by the angel's trump?[714]

The argument of the heretic-turned-theologian is no longer convincing here, and as he goes on he only increasingly misinterprets the Scripture. Similar, erroneous ideas can be seen in his work on idolatry, where he also rigidly rejects military service:

> But now inquiry is made about this point, whether a believer may turn himself unto military service, and whether the military may be admitted unto the faith, even the rank and file, or each inferior grade, to whom there is no necessity for taking part in sacrifices or capital punishments. There is no agreement between the divine and the human sacrament, the standard of Christ and the standard of the devil, the camp of light and the camp of darkness. One soul cannot be due to two masters – God and Caesar. And yet Moses carried a rod, and Aaron wore a buckle, and John (Baptist) is girt with leather and Joshua the Son of Nun leads a line of march; and the People warred: if it pleases you to sport with the subject. But how will a Christian man war, nay, how will he serve even in peace, without a sword, which the Lord has taken away? For albeit soldiers had come unto John, and had received the formula of their rule; albeit, likewise, a centurion had believed; still the Lord afterward, in disarming Peter, unbelted every soldier.[715]

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713 Ibid., 11,4 (tr. idem).

714 Ibid., 11,1–3 (tr. idem).

715 Tertullian, *On Idolatry* 19,1–3 (tr. Thelwall). Cf. Cadoux, 1919, p. 113; Swift, 1979, p. 846.

Tertullian unsuccessfully tries to refute the arguments in favour of military service: he comes an obviously wrong conclusion, interpreting Jesus' command to Peter independently of the specific situation. However, earlier, before his confrontation with the Catholics, he compared the sufferings of the persecuted Christians to the sufferings caused by the war, and during this he did not morally condemn the armed participation in the war at all:

> Well, it is quite true that it is our desire to suffer, but it is in the way that the soldier longs for war. No one indeed suffers willingly, since suffering necessarily implies fear and danger. Yet the man who objected to the conflict, both fights with all his strength, and when victorious, he rejoices in the battle, because he reaps from it glory and spoil.[716]

Above we mention a part of the words of St. Hippolytus, who sought to codify the church tradition, that he formulated in relation to soldiers who wish to participate in the sacrament of baptism, and believers applying for military service:

> A soldier of the civil authority must be taught not to kill men and to refuse to do so if he is commanded, and to refuse to take an oath; if he is unwilling to comply, he must be rejected. ... If a catechumen or a believer seeks to become a soldier, they must be rejected, for they have despised God.[717]

According to this text, a soldier can be baptised and continue his military service after his baptism, but he must not take a pagan oath. The ban on killing – as we have already briefly mentioned above – probably does not mean here that the soldier cannot kill an enemy in battle, but rather that the soldier should not carry

716 Tertullian, *Apology* 50,1–2 (tr. Thelwall). According to Stephen Gero, Tertullian fundamentally changed his original opinion not because he became a Montanist, but because, as a result of the military reforms of Septimius Severus (193–211) and Caracalla (211–217) – which made the military career much more attractive and respected, significantly increasing the salary and benefits in kind of the soldiers and making it possible for the soldiers to settle down, marry, acquire land, trade, among others – Christians probably suddenly began to volunteer for the army in droves (Gero, 1970, pp. 298, 290). Undoubtedly, there may be something in this as well, but I rather consider it the effect of Montanist rigorism that Tertullian's opinion about soldiering having changed.

717 St. Hippolytus, *The Apostolic Tradition* 16 (tr. Easton). Cf. Bainton, 1946, p. 198; Ryan, 1952, p. 20; Helgeland, 1974, pp. 153–154; Kreider, 2003, pp. 419–425.

out an execution order, because such an order is sometimes unjust, for example when someone is sentenced to death for his Christian faith. Persons preparing to be baptised and already baptised believers were probably forbidden from enlisting as soldiers owing to the pagan military oath.

St. Cyprian compares the church's behaviour towards heretics to the behaviour of a good soldier: 'It is a good soldier's duty to defend the camp of his general against rebels and enemies.'[718] This statement can also be considered as a moral recognition of military service. In another letter, Cyprian mentions two Christian martyrs 'who themselves also were once warring in the camps of the world'; not in a single word does the bishop condemn service in the imperial army.[719]

The doctrines of Tertullian, who became a Montanist, were shared by Origen, who said the following on behalf of the Christians: 'we no longer take up sword against nation, nor do we learn war any more, having become children of peace, for the sake of Jesus, who is our leader…'[720] Despite this, Christians still served in the imperial army. In Eusebius' *Church History*, we can read about Marinus, who was worthy of a high military position and was martyred in Caesarea around 262, during the reign of Gallienus.[721]

St. Eucherius (c. 380–450), bishop of Lugdunum (today's Lyon), recorded, in a letter to a fellow bishop, the story of the martyrdom of St. Maurice and the Theban legion. In this narration, the legion of Egyptian Christian soldiers was massacred at Agaunum (today's Saint-Maurice) by order of emperor Maximian (286–310) around 286 because they refused to participate in the persecution of Christians. It is disputed whether the passion of the martyrs of Agaunum is based on real events,[722] but the story certainly confirms that Christian soldiers served in the Roman legions.

Regarding the Christian assessment of military service, an especially important source is the *Acts of the Martyr St. Maximilian*. In 295, young Maximilian, who appeared at the conscription, refused military service citing his Christian faith: '*Mihi non licet militare, quia Christianus sum.*' ('I cannot serve because I am a Christian.')[723] Later, during a dialogue with the governor, Maximilian justified his decision, declaring

718 St. Cyprian, *Letters* 72,10 (tr. Wallis).

719 Ibid., 33,3 (tr. Wallis). Cf. Bainton, 1946, p. 192.

720 Origen, *Against Celsus* 5,33 (tr. Crombie). Cf. Vargha, 1901b, p. 717; Helgeland, 1974, pp. 152–153.

721 Eusebius, *Church History* 7,15.

722 Cf. Helgeland, 1979, pp. 774–777; Woods, 1994, pp. 385–395.

723 *The Acts of Maximilian* 1,2 (tr. Musurillo). Cf. Harnack, 1905, pp. 84–85; Cadoux, 1919, pp. 149–151.

that he did not want to commit a sin: 'I cannot serve. I cannot commit a sin. I am a Christian.'[724] He refused to wear the lead seal (*signaculum*) around his neck, which was probably connected to the military oath. This seal may have contained a sacred inscription with the emperor's name and possibly his image, which is why Maximilian considered its wearing to be blasphemy and idolatry and refused to do so:

> I will not accept the seal of this world; and, if you give it to me, I shall break it, for it is worthless. I am a Christian. I cannot wear a piece of lead around my neck after I have received the saving sign of Jesus Christ my Lord, the son of the living God.[725]

The *proconsul*, Cassius Dio, responded by saying that there were Christian soldiers among the emperors' bodyguards: 'In the sacred bodyguard of our lords Diocletian and Maximian, Constantius and Maximus, there are soldiers who are Christian, and they serve.' Maximilian replied: 'They know what is best for them. But I am a Christian and I cannot do wrong.'[726] This dialogue proves that Christians did not have a unified opinion about military service, in that some considered it compatible with their faith, others not.

In 298, a centurion named Marcellus refused to participate in a feast organised in honour of the emperor, and throwing down his military belt in front of the legion's insignia, he declared: 'I am a soldier of Jesus Christ, the eternal king. From now I cease to serve your emperors and I despise the worship of your gods of wood and stone, for they are deaf and dumb images.'[727] Later, during his first interrogation, Marcellus made a confession before the governor Fortunatus:

> On 21 July, while you were celebrating the emperor's feast day, I declared clearly and publicly before the standards of this legion that I was a Christian, and said that I could not serve under this military oath, but only for Christ Jesus, the son of God the Father almighty.[728]

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724 *The Acts of Maximilian* 1,3 (tr. Musurillo).

725 Ibid., 2,6 (tr. idem).

726 Ibid., 2,9 (tr. idem). We know the governor's *praenomen* from other sources (cf. Helgeland, 1979, p. 777).

727 *The Acts of Marcellus* (Recension M) 1,1 (tr. Musurillo). Cf. Harnack, 1905, p. 85; Cadoux, 1919, p. 152.

728 *The Acts of Marcellus* (Recension M) 2,1 (tr. Musurillo).

During his second interrogation, before the deputy *praefectus praetorio*, Aurelius Agricolanus, Marcellus again admitted that he had dropped his weapon, 'For it is not fitting that a Christian, who fights for Christ his Lord, should fight for the armies of this world.'[729] It is clear from this *acta* that idolatry in the army caused the biggest problem of conscience for the Christian soldiers.

Many other martyr acts also testify that Christians served in the army. For example, the veteran St. Julius, who refused to offer pagan sacrifices in 303, proudly told the *praefectus* Maximus:

> I went on seven military campaigns, and never hid behind anyone nor was I the inferior of any man in battle. My chief never found me at fault. ... I was in the army ... and when I had served my term I re-enlisted as a veteran. All of this time I worshipped intear the God who made heaven and earth and even to this day I show him my service.[730]

From the text, we can conclude that Julius did not convert after his retirement, he was already a Christian when he was an active soldier and did not consider military service and participation in battles to be incompatible with his faith at all.

Also in 303, on the festival of Saturn (Cronus), a Christian soldier named Dasius was elected "king" by his comrades, which meant that he was allowed to freely fornicate in all kinds of obscene ways for thirty days, but at the end would have to sacrifice himself in honour of Saturn. However, Dasius refused to participate in all of this, preferring martyrdom: 'Seeing that you force me to such a despicable act, better is it for me to become a sacrifice to the Lord Christ by my own choice rather than immolate myself to your idol Saturn.'[731] From the incident, we can conclude that if Dasius had not been elected by his comrades as the "king" of the pagan celebration, Dasius would not have given up armed military service.

Lactantius also mentions that Christians served in Diocletian's army. It was only with great difficulty that Galerius managed to persuade Diocletian to act cruelly against the Christians:

> The old man [i.e. Diocletian] long opposed the fury of Galerius, and showed how pernicious it would be to raise disturbances throughout the world and to shed

729 Ibid., 4,3 (tr. idem).
730 *The Martyrdom of St. Julius the Veteran* 2,2–3 (tr. Musurillo).
731 *The Martyrdom of St. Dasius* 5,2 (tr. Musurillo).

> so much blood; that the Christians were wont with eagerness to meet death; and that it would be enough for him to exclude persons of that religion from the court and the army.[732]

During Galerius' reign, many Christian soldiers were given a choice: either deny their faith, or lose their rank (with all its privileges) and be dishonourably discharged. According to Eusebius,

> ...a great many soldiers of Christ's kingdom, without hesitation, instantly preferred the confession of him [i.e. Christ] to the seeming glory and prosperity which they were enjoying. And one and another of them occasionally received in exchange, for their pious constancy, not only the loss of position, but death. But as yet the instigator of this plot proceeded with moderation, and ventured so far as blood only in some instances; for the multitude of believers, as it is likely, made him afraid, and deterred him from waging war at once against all.[733]

These lines clearly prove that Christians performed armed military service in large numbers.

Meanwhile, the opinion that interpreted the fifth commandment as an absolute prohibition against killing and considered military service incompatible with the Christian faith persisted. Lactantius opined as follows:

> For when God forbids us to kill, He not only prohibits us from open violence, which is not even allowed by the public laws, but He warns us against the commission of those things which are esteemed lawful among men. Thus it will be neither lawful for a just man to engage in warfare...[734]

Due to differing opinions within the church, an official church decision had to be made regarding military service. In 314, the Council of Arles declared: 'Concerning those who throw down their arms in time of peace, we have decreed that they should be kept from communion.'[735] The phrase "in time of peace" (*in pace*) is

732 Lactantius, *Of the Manner in Which the Persecutors Died* 11 (tr. Fletcher).
733 Eusebius, *Church History* 8,4,3–4 (tr. McGiffert).
734 Lactantius, *The Divine Institutes* 6,20,15 (tr. Fletcher). Cf. Bainton, 1946, p. 197.
735 Council of Arles, canon 3 (tr. Stevenson). See Stevenson, 1987, p. 322.

controversial in the literature.[736] Roland H. Bainton interprets the council's decision as meaning that the faithful were not obliged to participate in armed conflicts (i.e. they could refuse to participate in battle for reasons of conscience), but they were obliged to perform the policing tasks that soldiers were given in peacetime.[737] We cannot agree with this opinion for several reasons. According to most sources, it was not the shedding of blood but the mandatory practice of pagan religion in the army that caused a problem of conscience for Christian soldiers, since it was considered idolatry from the Christian point of view.[738] Of course, the soldiers also had to perform pagan religious ceremonies in peacetime. In contemporary Christian works, the peace of the church refers to periods when Christians were not persecuted.[739] The synodal provision therefore refers to peace between the state and the church, during which time Christian believers should not refuse armed military service for religious reasons since they are not forced to deny their religion in the army.[740]

Licinius later turned against the Christians and forced the Christian soldiers to perform pagan sacrifices; anyone who refused to do so was dismissed from the army.[741] Around 320, forty Christian soldiers were executed in Sebaste, Armenia, for refusing to offer sacrifices.[742]

In 325, the Ecumenical Council of Nicaea passed the following decision:

> As many as were called by grace, and displayed the first zeal, having cast aside their military girdles, but afterwards returned, like dogs, to their own vomit, (so that some spent money and by means of gifts regained their military stations); let these, after they have passed the space of three years as hearers, be for ten years prostrators.[743]

736 Cf. Helgeland, 1974, p. 163; idem, 1979, pp. 805–806.

737 Bainton, 1946, p. 200. Chadwick takes a similar position; see Chadwick, 1988, p. 18.

738 Cf. Bajnok, 2013, p. 5.

739 See, e.g., Lactantius, *Of the Manner in Which the Persecutors Died* 52; Eusebius, *Church History* 10,1,1.

740 This position is represented by Vargha, 1901b, p. 719; Gaudemet, 1977, p. 48; Erdő, 2017, p. 271; idem, 2021, p. 150.

741 Cf. Eusebius, *Life of Constantine* 1,54.

742 Cf. Sozomen, *Ecclesiastical History* 9,2. The forty men were burned alive (cf. *The Testament of the Forty Martyrs of Sebaste* 1,3).

743 Ecumenical Council of Nicaea, canon 12 (tr. Percival).

As John Helgeland points out, this canon refers to the Christian soldiers who were dismissed because they refused to comply with Licinius's command to offer pagan sacrifices, but who later asked to be re-enrolled in Licinius's army and even committed bribery for the sake of their readmission.[744] The synod therefore did not condemn the believers serving as soldiers in a general manner, but only those who requested to be readmitted to Licinius's army, which performed pagan ceremonies.

According to the suffering story of St. Bonosus and Maximilian, during the reign of the apostate Julian, Christian soldiers were also executed for refusing to honour the pagan gods. These soldiers were not willing to replace the Christian military standard (containing the Chi-Rho monogram of Christ) with the previous insignia containing pagan symbols.[745] St. Augustine also mentions that Julian, the infidel and idolatrous emperor, was served by Christian soldiers; when the emperor ordered them to fight with arms against the enemy, they obeyed, but when they were ordered to worship idols and sacrifice to them, they obeyed 'their everlasting Master' and not 'their temporal master'.[746]

St. Basil the Great (330–374), bishop of Caesarea, glorifies the military career in one of his works:

> No soldier builds a house, or burdens himself with the acquisition of lands, or mixes himself up with the various moneymaking activities of commerce. 'No soldier on service entangles himself with the affairs of this life; that he may please him who enrolled him as a soldier.'[747] A soldier has rations from the king; he need not get rations for himself, nor concern himself on this score. Everywhere the houses of subjects are open to him, by the king's command. He need not trouble about a house. His tent is pitched in the streets, bare necessities are his food, water is his drink, and his sleep is what nature gives and no more. Many are his journeys and vigils; he contends against heat, against cold. He fights the foe and faces extreme dangers and often, it may be, death. But a glorious death and honours and royal gifts are his lot. His life is laborious in war, splendid in peace. The prize of valour, and the crown awarded to one whose

744 Helgeland, 1979, p. 807.

745 Cf. *The Passion of St. Bonosus and Maximilian* 1; 5.

746 St. Augustine, *Expositions on the Psalms* 125,7. Cf. Parsons, 1941, p. 333; Dvornik, 1966, vol. 2, pp. 841–842.

747 2 Tim 2:4.

> life is a successful record of good actions, is to be entrusted with rule, to be called The King's Friend, to stand near the king, to take his right hand, to enjoy honours conferred by the king, to be foremost among his subjects, to plead on behalf of his friends outside, for whatever they desire.[748]

Nevertheless, in his first canonical letter, Basil takes the position that a relatively mild ecclesiastical penalty (i.e. banning from Holy Communion for three years) should be applied for killing in war, given the intentionality of such an act.[749]

St. Ambrose writes that 'each one is wont to follow his parent's choice in life. Thus those whose fathers were in the army generally enter the army too',[750] and makes no objection to this.

St. Augustine speaks approvingly of those Roman generals who defended their earthly country as 'the bravest and most renowned heroes',[751] and does not consider killing the enemy as murder if a soldier does it on the orders of his superior in war.[752]

In 397, against the excessively rigid pacifism of the Manichean Faustus, Augustine proved that military service was not contrary to the spirit of the Gospels. He pointed out that John the Baptist did not call on the soldiers to leave the armed service: he knew that the soldiers were defenders of legality and public safety, not murderers nor avengers of private grievances. Furthermore, the Lord Jesus, when he said to give to the emperor what is the emperor's, gave the order to pay the tax from which the soldiers' wages were paid. Jesus did not ask the Roman centurion, whose faith he praised and whose servant he healed, to give up his military service.[753]

A few decades later, a military officer named Boniface informed the bishop Augustine in a letter that he wanted to leave the military career and choose the monastic profession. In his reply, Augustine advised Boniface to stay in the army and continue to serve God as a soldier, proving with numerous biblical examples that military service is an activity that pleases God: in addition to David, he also referred to the soldiers who sought out John the Baptist, the centurion praised by Jesus for his faith, and the centurion Cornelius baptised by Peter. He pointed out

748 St. Basil, *Preliminary Sketch of the Ascetic Life* 1 (tr. Clarke).
749 St. Basil, *Letters* 188,8.13.
750 St. Ambrose, *On the Duties of the Clergy* 1,44,226 (tr. Romestin, Romestin, and Duckworth).
751 St. Augustine, *The City of God* 1,24 (tr. Dods).
752 Ibid., 1,26. Cf. Miller, 2009, pp. 7–8.
753 St. Augustine, *Against Faustus* 22,74.

that soldiering is very similar to the profession of a monk, and both are necessary: monks fight with their prayers against the invisible enemy for the soldiers, and soldiers fight with weapons against the visible barbarians for the monks. Finally, he emphasised that the fighting soldiers are also peacemakers, whom Jesus called happy, since the purpose of warfare is to win and consolidate peace.[754]

6. Praying for State Leaders and the State's Well-being

For the sake of the internal peace of the state community, St. Paul required the members of the Christian congregations to pray for state leaders:

> First of all, then, I urge that supplications, prayers, intercessions, and thanksgivings be made for all men, for kings and all who are in high positions, that we may lead a quiet and peaceable life, godly and respectful in every way.[755]

In the ancient world, praying for kings was a common phenomenon and an important part of subject loyalty. In the letters written to the Assyrian kings, we often read that the local official prays to the gods every day for the ruler. A certain Nabubalatsuikbi wrote the following to King Ashurbanipal: 'Now, daily, do I pray unto the great gods of heaven and earth for the life and welfare, the health of mind and body, and the overthrow of the enemies of the king my lord.'[756] Another offical named Nabuushabshi wrote to the same king: 'Daily unto Ishtar of Uruk and Nana do I pray for the life and welfare of the king my lord.'[757]

According to the book of the prophet Baruch, the Jews who were taken to Babylon asked the following of their compatriots who remained in Jerusalem:

> ...and pray for the life of Nebuchadnezzar king of Babylon, and for the life of Belshazzar his son, that their days on earth may be like the days of heaven. And the Lord will give us strength, and he will give light to our eyes, and we shall

754 St. Augustine, *Letters* 189,4–6. Cf. Seidel, 1910, p. 32; Loetscher, 1935, p. 31; Deane, 1963, pp. 205–206; Helgeland, Daly and Burns, 1985, pp. 76–79; Harrison, 2000, p. 219; Frenyó, 2019, p. 2.

755 1 Tim 2:1–2.

756 Tr. Waterman. See Waterman, 1930, p. 7.

757 Tr. idem (ibid., p. 27).

> live under the protection of Nebuchadnezzar king of Babylon, and under the protection of Belshazzar his son, and we shall serve them many days and find favor in their sight.[758]

The prophet Jeremiah wrote the following to the Jews taken to Babylon: 'But seek the welfare of the city where I have sent you into exile, and pray to the Lord on its behalf, for in its welfare you will find your welfare.'[759]

At the end of his letter to the believers in Corinth, which has already been quoted several times, St. Clement of Rome prays for the rulers like this:

> ...to them, Lord, give health, peace, concord, stability, that they may exercise the authority given to them without offense. For You, O heavenly Lord and King eternal, givest to the sons of men glory and honour and power over the things that are on the earth; do Thou, Lord, direct their counsel according to that which is good and well-pleasing in Your sight, that, devoutly in peace and meekness exercising the power given them by You, they may find You propitious.[760]

In his letter to the Philippian church, St. Polycarp asked the faithful to: 'Pray also for kings, and potentates, and princes, and for those that persecute and hate you, and for the enemies of the cross, that your fruit may be manifest to all, and that you may be perfect in Him.'[761]

St. Justin wrote the following in the name of the Christians to the leaders of Rome: 'Whence to God alone we render worship, but in other things we gladly serve you, acknowledging you as kings and rulers of men, and praying that with your kingly power you be found to possess also sound judgment.'[762]

Athenagoras ends his appeal to the emperors in the case of Christians with these words:

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758 Bar 1:11–12.

759 Jer 29:7. In Flavius Josephus, we can read that the Jews prayed out of gratitude for the Egyptian king Ptolemy Philadelphus II, who had done them good, and later for the recovery of the sick King Herodes Agrippa I (*Jewish Antiquities* 12,2,6; 19,8,2).

760 St. Clement of Rome, *Letter to the Corinthians* 61 (tr. Keith). Cf. Vargha, 1901b, p. 599; Cadoux, 1925, pp. 180–181; Aland, 1968, p. 123.

761 St. Polycarp, *Epistle to the Philippians* 12,3 (tr. Roberts and Donaldson).

762 St. Justin Martyr, *The First Apology* 17,3–4 (tr. Dods and Reith).

> For who are more deserving to obtain the things they ask, than those who, like us, pray for your government, that you may, as is most equitable, receive the kingdom, son from father, and that your empire may receive increase and addition, all men becoming subject to your sway? And this is also for our advantage, that we may lead a peaceable and quiet life, and may ourselves readily perform all that is commanded us.[763]

St. Theophilus of Antioch also mentions that he prays for the emperor and encourages others to do the same:

> Wherefore I will rather honour the king [than your gods], not, indeed, worshipping him, but praying for him. ... Accordingly, honour the king, be subject to him, and pray for him with loyal mind; for if you do this, you do the will of God.[764]

Later, referring to the apostle Paul, he notes again: 'Moreover, concerning subjection to authorities and powers, and prayer for them, the divine word gives us instructions, in order that "we may lead a quiet and peaceable life".'[765]

Tertullian also refers to Christians praying for rulers:

> For we offer prayer for the safety of our princes to the eternal, the true, the living God, whose favour, beyond all others, they must themselves desire. ... Without ceasing, for all our emperors we offer prayer. We pray for life prolonged; for security to the empire; for protection to the imperial house; for brave armies, a faithful senate, a virtuous people, the world at rest, whatever, as man or Caesar, an emperor would wish.[766]

According to the apologist, as already mentioned above, the Christians prayed for the prosperity of the emperor and for the survival of the Roman state, pleading for the postponement of the end of the world.[767] Later Tertullian repeats: 'We pray, too, for the emperors, for their ministers and for all in authority, for the welfare of the

763 Athenagoras, *A Plea for the Christians* 37,2–3 (tr. Pratten).
764 St. Theophilus of Antioch, *To Autolycus* 1,11 (tr. Dods).
765 Ibid., 3,14 (tr. idem). Cf. 1 Tim 2:2; Rom 13:7–8.
766 Tertullian, *Apology* 30,1–4 (tr. Thelwall).
767 Ibid., 32,1.

world, for the prevalence of peace, for the delay of the final consummation.'[768] In another work, Tertullian writes that Christians pray for the safety of the emperor:

> We therefore sacrifice for the emperor's safety, but to our God and his, and after the manner God has enjoined, in simple prayer. ... So all the more we pray for the imperial well-being, as those who seek it at the hands of Him who is able to bestow it.[769]

Origen writes that instead of performing armed military service, Christians help the emperor with their prayers:

> ...the more any one excels in piety, the more effective help does he render to kings, even more than is given by soldiers, who go forth to fight and slay as many of the enemy as they can. ... And as we by our prayers vanquish all demons who stir up war, and lead to the violation of oaths, and disturb the peace, we in this way are much more helpful to the kings than those who go into the field to fight for them. And we do take our part in public affairs, when along with righteous prayers we join self-denying exercises and meditations, which teach us to despise pleasures, and not to be led away by them. And none fight better for the king than we do. We do not indeed fight under him, although he require it; but we fight on his behalf, forming a special army – an army of piety – by offering our prayers to God.[770]

Therefore, Origen posits that Christians can help the emperor more effectively through their prayers than if they fight for him with weapons, and says the same thing later about serving the country:

> And if Celsus would have us to lead armies in defense of our country, let him know that we do this too, and that not for the purpose of being seen by men, or of vainglory. For in secret, and in our own hearts, there are prayers which ascend as from priests in behalf of our fellow citizens.[771]

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768 Ibid., 39,2 (tr. idem).
769 Tertullian, *To Scapula* 2,8–9 (tr. Thelwall). Cf. Cadoux, 1919, p. 210.
770 Origen, *Against Celsus* 8,73 (tr. Crombie). Cf. Cadoux, 1919, p. 210.
771 Origen, *Against Celsus* 8,74 (tr. Crombie).

It is interesting that Galerius, in his edict of toleration, ordered the Christians, whom he considered to be mad and behaving in a way that was incomprehensible to him, to pray not only for their own salvation, but also for the salvation of the emperors and the state:

> Wherefore it will be the duty of the Christians, in consequence of this our toleration, to pray to their God for our welfare, and for that of the public, and for their own; that the commonweal may continue safe in every quarter, and that they themselves may live securely in their habitations.[772]

In his apology to Constantius, St. Athanasius repeatedly refers to the fact that he and his followers prayed for the emperor's salvation:

> Must I not have thought that the blessed Prince beheld me, when I prayed for your safety? ... I had only to say, 'Let us pray for the safety of the most religious Emperor, Constantius Augustus,' and all the people immediately cried out with one voice, 'O Christ send help to Constantius;' and they continued praying thus for some time.[773]

St. Augustine, who emphasises the importance of peace, also refers to the words of the apostle Paul and the prophet Jeremiah, with which God's people were encouraged to pray for the state and its leaders for the sake of a peaceful life on earth:

> But it is our interest that it enjoy this peace meanwhile in this life; for as long as the two cities are commingled, we also enjoy the peace of Babylon. For from Babylon the people of God is so freed that it meanwhile sojourns in its company. And therefore the apostle also admonished the Church to pray for kings and those in authority, assigning as the reason, 'that we may live a quiet and tranquil life in all godliness and love.' And the prophet Jeremiah, when predicting the captivity that was to befall the ancient people of God, and giving them the divine command to go obediently to Babylonia, and thus serve their God, counselled them also to pray for Babylonia, saying, 'In the peace thereof shall you have peace,' – the temporal peace which the good and the wicked together enjoy.[774]

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772 Lactantius, *Of the Manner in Which the Persecutors Died* 34 (tr. Fletcher).
773 St. Athanasius, *Apology to Constantius* 10 (tr. Atkinson and Robertson). Cf. ibid., 14; 16; 17; 18.
774 St. Augustine, *The City of God* 19,26 (tr. Dods).

Justinian especially expected priests and monks to pray for the welfare of the empire. He stated in several constitutions that the constant prayers of the priests serve the good of the state, as without them it would not have been possible to win victories over the barbarians and expand the borders of the empire.[775] According to one of his novels, 'nothing could have as great a cleam on the attention of sovereigns as the honour of peace, seeing that they are the very ones who constantly offer payer to God on the sovereigns' behalf.'[776] Justinian issued many novels regarding the way of life, rights, and duties of monks,[777] and the reason why the emperor dealt so much with the institution of monasticism was because he attached great importance to it from the point of view of the entire empire. In one of his novels, he affirmed that monastic life and contemplation is a holy thing that leads souls to God and benefits not only the monks themselves but also everyone else.[778] The emperor saw that monks praying for the sake of the state and for the successful management of public affairs played an extremely important role in the service of the public good.[779]

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775 *The Code of Justinian* 1,4,34.
776 *The Novels of Justinian* 6 praef. (tr. Miller and Sarris).
777 See, e.g., *The Novels of Justinian* 5; 133. Cf. Sáry, 2007, pp. 57–76; idem, 2012a, pp. 96–113.
778 *The Novels of Justinian* 133 praef.
779 *The Novels of Justinian* 133,5.

CHAPTER VII

The Right of Resistance of Subjects

1. Criticism of Those in Power

Jesus was not only characterised by political obedience but also expressed strong criticism of those in power in several cases. For example, he called Herod Antipas a fox when he was warned that the tetrarch of Galilee and Perea wanted to kill him, and therefore he was advised to leave Perea.[780] As Imre Kocsis points out,

> ...the word "fox" does not only refer to cunning here. Since the fox was considered a small animal compared to the lion as a large predator, the word was also used in Palestine to denote an insignificant person. Accordingly, with the name "fox", Jesus also expresses that Herod's authority and will are not a determining factor for him. So he continues his mission until it reaches the end determined by God.[781]

Jesus also expressed criticism when, during the trial against him, he did not talk to Herod, the murderer of John the Baptist, who interrogated him at length.[782] Furthermore, Jesus condemned the Jewish leaders and, to a lesser extent, Pilate with the words he said to the governor: 'he who delivered me to you has the greater sin.'[783]

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780 Lk 13:32.
781 Kocsis, 1995, p. 327 (author translation).
782 Lk 23:9.
783 Jn 19:11.

Among other things, Tertullian argued against the persecution of Christians by saying that the emperors who persecuted Christians the most intensively were those who were also considered bad emperors by the pagans: 'Such as these have always been our persecutors – men unjust, impious, base, of whom even you yourselves have no good to say…'[784]

It has already been mentioned above that, according to St. Irenaeus, the just king considers himself a subject of God and does not ask people to worship him as a god.[785] With this, the bishop of Lugdunum formulated a clear criticism of the emperor cult.

Some of the Christian rulers, such as Constantius II and Valens, joined the heretical Arian trend against the Catholics. At first, St. Athanasius showed great respect to Constantius II, praising his piety, Christian zeal, religiousness, generosity, justice, kindness, patience, goodness, virtue, great knowledge, and God-given wisdom.[786] Later, after it became clear that the Orthodox believers could not expect anything good from the emperor, he formulated a merciless criticism against him; he called him the patron and leader of impiety, the emperor of heresy, a new Ahab, a second Belshazzar, the enemy of Christ, who himself is the Antichrist, or at least his image.[787]

Constantius II's conduct was also condemned by St. Hilary, who wrote the following to the emperor: 'you fight against God, you rage against the Church, you persecute the saints, you detest those who proclaim Christ, you abolish religion, you are now a tyrant not just in human matters but also divine.'[788] The anti-Arian bishop St. Lucifer also called Constantius a tyrant,[789] and stated in another of his works that the emperor was an imitator of Satan (*imitator diaboli*) instead of being the image of God (*imago Dei*), which God created him to be.[790]

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784 Tertullian, *Apology* 5,4 (tr. Thelwall).

785 St. Irenaeus, *Against Heresies* 5,25.

786 St. Athanasius, *Apology to Constantius* 2; 3; 5; 9; 14; 18; 28; 32. Cf. Setton, 1967, pp. 78–79; Barnard, 1977, p. 431.

787 St. Athanasius, *History of the Arians* 45; 67; 74. Cf. Barnard, 1977, pp. 434–435.

788 St. Hilary of Poitiers, *Against Constantius* 7 (tr. Flower). Cf. Setton, 1967, p. 101.

789 St. Lucifer of Cagliary, *The Necessity of Dying for the Son of God* 170–171; 571–573. Cf. Setton, 1967, pp. 96–97.

790 St. Lucifer of Cagliary, *Concerning Athanasius* 1,31.

2. Refusal to Execute the Will of the State

The emperor cult appeared in the empire already during the reign of Augustus.[791] According to Flavius Josephus, king Herod the Great had three temples built in Palestine in honour of emperor Augustus, as follows: one in Caesarea on the coast, one in the city of Sebaste in Samaria, and one in the source region of the Jordan, near the city of Paneion.[792] The emperor cult stood in antagonistic contrast to the strict monotheistic teachings of the Jewish religion.[793] The respect of earthly rulers as gods was therefore clearly rejected by the Jews, and Jesus also took this rejecting position; in his answer to the question about paying taxes, he also expressed that he did not consider the emperor to be a god. Thus, Jesus' teachings' imly that the emperor could not claim to be worshipped as a god.

The apostles openly refused to comply with the official instructions that were contrary to the divine order. According to the *Acts of the Apostles*, when the members of the Jewish Sanhedrin ordered the apostles 'not to speak or teach at all in the name of Jesus', Peter and John answered them: 'Whether it is right in the sight of God to listen to you rather than to God, you must judge…'[794] Later, when the apostles were arrested again, brought before the Sanhedrin, and the high priest questioned them for continuing to teach in violation of the council's prohibition, Peter and the apostles answered as follows: 'We must obey God rather than men.'[795] Obedience to authority was therefore not considered by the apostles to be unconditional and absolute, and it was only spread until the order of the authorities was in conflict with God's orders.

St. Peter called on Christians in his oft-quoted first letter: 'Honor all men. Love the brotherhood. Fear God. Honor the emperor',[796] a wording that also implies that God and the emperor are two different persons. A similar idea can be found in the book of Proverbs: 'My son, fear the Lord and the king, and do not disobey either of them…'[797] The distinction between God and the king was emphasised in Pe-

791 Jones, 1976, p. 223.
792 Josephus, *Jewish Antiquities* 15,8,5; 15,9,6; 15,10,3; idem, *The Jewish War* 1, 21,2–3.
793 Cf. Ex 20:1–3; Deut 6,4; 1 Kgs 8:60; Is 44:6; 45:5.6.14.18.21.22.
794 Acts 4:18–19.
795 Acts 5:29.
796 1 Pet 2:17.
797 Prov 24:21.

ter's letter – due to the strengthening of the emperor cult – by the use of different verbs.[798]

Among the books of the New Testament, the strongest criticism against the emperor cult and the pagan authorities that enforced it was formulated in the book of *Revelation*.[799] The apostle John writes about two beasts in this book: one is a sea beast, which is amazed, followed, and worshipped by the whole earth.[800] This first beast probably symbolises the emperor, who is revered as a god.[801] The second beast is an earth beast that 'makes the earth and its inhabitants worship the first beast…',[802] representing the pagan priesthood and the officials who cooperate with them.[803] The work naturally wants to encourage Christians to refuse to participate in the emperor cult, highlighting the fact that the names of those who worship the sea beast are not written 'in the book of life of the Lamb that was slain.'[804]

For Christians, the behaviour of the Jews served as an example of passive resistance to idolatry.[805] In the book of the Prophet Daniel, we can read that three Jewish youths, Hananiah, Misha-el, and Azariah, rather allowed themselves to be thrown into a fiery furnace by order of Nebuchadnezzar than to bow down and worship the golden statue of the king.[806] Later, Daniel was thrown into the lions' den because he continued to pray to his God despite king Darius's interdict.[807] Even under Roman rule, the Jews heroically resisted instructions that were contrary to their religious rules.[808]

We have already referred to the *Shepherd of Hermas* several times above. This apocalypse consisting of visions, commandments, and similitudes could have been written at the beginning of the second century. Its first similitude draws the attention of Christians to the following:

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798 Cf. Bammel, 1965, pp. 279–281.

799 Cf. Monera, 2005, p. 124.

800 Rev 13:3–4.

801 I share Philip A. Harland's opinion on this (Harland, 2000, pp. 117, 120). The majority of scholars, however, believe that the sea beast is a symbol of the Roman Empire (cf. Cuss, 1974, pp. 50–51; Jones, 1980, p. 1035).

802 Rev 13:12.

803 In this, I agree with the majority of scholars (cf. Cuss, 1974, p. 96; Jones, 1980, p. 1035).

804 Rev 13:8.

805 Cf. Tertullian, *On Idolatry* 15,9–10.

806 Dan 3:14–21.

807 Dan 6:11–17.

808 Cf. Josephus, *Jewish Antiquities* 18,3,1; 18,8,2.

> You know that you who are the servants of God dwell in a strange land; for your city is far away from this one. … For the lord of this country justly says to you, 'Either obey my laws or depart from my dominion.' What, then, do you intend to do, having a law in your own city, on account of your lands, and the rest of your possessions? You shall altogether deny your law, and walk according to the law of this city. See lest it be to your hurt to deny your law; for if you shall desire to return to your city, you will not be received, because you have denied the law of your city, but will be excluded from it. Have a care, therefore: as one living in a foreign land… Have a care, then, you who serve the Lord, and have Him in your heart…[809]

This description is closely related to the teachings of Jesus and Paul. A person who follows Christ lives his earthly life in the world,[810] but instead of belonging to the "sons of this world" he already belongs to the "sons of light".[811] That is why Paul writes that 'our country is in heaven'[812] and refers to this when he says the following to the Gentile converts: 'you are no longer strangers and sojourners, but you are fellow citizens with the saints…'[813] According to Paul, the names of Christ's followers 'are in the book of life.'[814] As Francis Lyall points out, the book of life in heaven is like the register of citizens in Rome.[815] The position of Christians on earth is therefore like that of ambassadors from a foreign country, as Paul writes: 'we are ambassadors for Christ'.[816]

Accordingly, Christians are connected to two countries, or we can say, two cities: they live in an earthly city; they already belong to the heavenly city in spirit, and are its citizens, since their conversion and baptism. Hermas adds that both cities have their own laws. In the eighth similitude of the work, there is a large willow tree. As Hermas explains,

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809 *The Shepherd of Hermas* 50,1–7 (tr. Crombie). Cf. Cadoux, 1925, p. 250.

810 Jesus prayed for his apostles like this: 'I do not pray that thou shouldst take them out of the world, but that thou shouldst keep them from the evil one' (Jn 17:15).

811 At the end of the parable about the dishonest steward, Jesus states: 'the sons of this world are more shrewd in dealing with their own generation than the sons of light' (Lk 16:8).

812 Phil 3:20. Cf. Heb 13:14.

813 Eph 2:19.

814 Phil 4:3. Cf. Heb 12:22.

815 Lyall, 1984, p. 61.

816 2 Cor 5:20.

> This great tree that casts its shadow over plains, and mountains, and all the earth, is the law of God that was given to the whole world; and this law is the Son of God, proclaimed to the ends of the earth; and the people who are under its shadow are they who have heard the proclamation, and have believed upon Him.[817]

Christ is therefore the embodied, living law (Gr. νόμος ἔμψυχος, Lat. *lex animata*), which Hermas teaches that lives in the human heart. This law, which tells what is good and what is bad, what is right and what is wrong, differs in certain matters from the laws of the city that serves as the earthly residence. In the case of such collisions, according to the Shepherd's teaching, God's law must be chosen, even if this results in punishment on earth (e.g. exile), for whoever refuses God's law on earth cannot gain admission to the heavenly city. Obviously, the one who participates in the emperor's cult denies God's law and thus commits idolatry. According to the ninth similitude of the work, as plants, 'on seeing the sun, were withered, so also the wavering, when they hear of affliction, on account of their fear, worship idols, and are ashamed of the name of their Lord.'[818]

As Mark Grundeken states, the work of Hermas called on Christians to passively resist the command to participate in the emperor's cult. However, it did all this – on a pragmatic basis, considering the vulnerable position of Christians and the intention to avoid unnecessary hostility – much more subtly than the book of *Revelation*, which, speaking with complete openness, extremely harshly condemned the entire Roman Empire, its morals, and politics.[819]

St. Justin told the leaders of the Roman state: 'to God alone we render worship, but in other things we gladly serve you…'[820] Tatian also defined the limits of civil obedience in a similar way:

> Does the sovereign order the payment of tribute, I am ready to render it. Does my master command me to act as a bondsman and to serve, I acknowledge the serfdom. Man is to be honoured as a fellow-man; God alone is to be feared, – He who is not visible to human eyes, nor comes within the compass of human art.

817 *The Shepherd of Hermas* 69,2 (tr. Crombie).
818 Ibid., 98,21,3 (tr. idem).
819 Grundeken, 2015, p. 200.
820 St. Justin Martyr, *The First Apology* 17 (tr. Dods and Reith).

> Only when I am commanded to deny Him, will I not obey, but will rather die than show myself false and ungrateful.[821]

As we can see, there is nothing new in this line of thought compared to the teaching of the New Testament. Tatian is an obedient subject who pays the tax, but he sees the emperor only as a human being, and if the emperor orders him to deny God, he refuses to obey. His political obedience is therefore limited and not absolute, and he considers that divine orders are superior to the orders of the emperor. Denying God would be a lie and ingratitude, as whoever receives everything from God is obliged to serve God above all based on the principle of mutual justice.

It is worth quoting the words of St. Theophilus of Antioch again here:

> Wherefore I will rather honour the king [than your gods], not, indeed, worshipping him, but praying for him. But God, the living and true God, I worship, knowing that the king is made by Him. You will say, then, to me, 'Why do you not worship the king?' Because he is not made to be worshipped, but to be reverenced with lawful honour, for he is not a god, but a man appointed by God, not to be worshipped, but to judge justly. …so neither is it lawful for any to be worshipped but God only.[822]

Tertullian had a similar opinion about the limits of respect for rulers:

> Therefore, as to what relates to the honours due to kings or emperors, we have a prescript sufficient, that it behooves us to be in all obedience, according to the apostle's precept, 'subject to magistrates, and princes, and powers;' but within the limits of discipline, so long as we keep ourselves separate from idolatry.[823]

Regarding the obligatory sacrificial acts, Origen points out that in the event of a conflict between divine and human laws, the former must always be followed:

> Besides, what are the laws in accordance with which Celsus would have us propitiate the demons? For if he means laws enacted in states, he must show that they are in agreement with the divine laws. But if that cannot be done,

821 Tatian, *Address to the Greeks* 4,2 (tr. Ryland).
822 St. Theophilus of Antioch, *To Autolycus* 1,11 (tr. Dods).
823 Tertullian, *On Idolatry* 15,8 (tr. Thelwall).

> as the laws of many states are quite inconsistent with each other, these laws, therefore, must of necessity either be no laws at all in the proper sense of the word, or else the enactments of wicked men; and these we must not obey, for we must obey God rather than men.[824]

In another place, Origen makes a distinction between natural law of divine origin and state laws, and in the event of a collision between the two, he considers the commands of the former law to be followed, especially when it comes to issues related to God:

> As there are, then, generally two laws presented to us, the one being the law of nature, of which God would be the legislator, and the other being the written law of cities... For when there are some laws in harmony with the will of God, which are opposed to others which are in force in cities, and when it is impracticable to please God (and those who administer laws of the kind referred to), it would be absurd to contemn those acts by means of which we may please the Creator of all things, and to select those by which we shall become displeasing to God, though we may satisfy unholy laws, and those who love them. But since it is reasonable in other matters to prefer the law of nature, which is the law of God, before the written law, which has been enacted by men in a spirit of opposition to the law of God, why should we not do this still more in the case of those laws which relate to God?[825]

Celsus endorsed Pindar's statement that 'law is king of all things'. Origen also agreed with this, but he pointed out that this universal law is not the written law, which differs from state to state, but the natural law of divine origin, which Christians also observe:

> What law do you mean to say, good sir, is 'king of all things?' If you mean those which exist in the various cities, then such an assertion is not true. For all men are not governed by the same law. You ought to have said that 'laws are kings of all men,' for in every nation some law is king of all. But if you mean that which is law in the proper sense, then it is this which is by nature 'king of all things;'

824 Origen, *Against Celsus* 8,26 (tr. Crombie). Cf. Vargha, 1901b, p. 614.

825 Origen, *Against Celsus* 5,37 (tr. Crombie). These thoughts resonate deeply with the eternal moral teaching of Sophocles' Antigone, which Aristotle also refers to (*Art of Rhetoric* 1373b).

> although there are some individuals who, having like robbers abandoned the law, deny its validity, and live lives of violence and injustice. We Christians, then, who have come to the knowledge of the law which is by nature 'king of all things,' and which is the same with the law of God, endeavour to regulate our lives by its prescriptions, having bidden a long farewell to those of an unholy kind.[826]

In the end, Origen comes to the conclusion that state laws contrary to natural law of divine origin are not laws at all and therefore must not be obeyed. It is easy to recognise how much the Alexandrian theologian's thinking was influenced by the natural law teachings of the Stoic philosophers. We have already mentioned above that Cicero also considered the natural law to be a creation of God, which cannot be degraded by state laws.[827]

In the acts of Christian martyrs and other documents about their sufferings, we find plenty of examples of their refusal to fulfil the will of the state. In the passion of St. Felicitas and her sons, one of the boys, Silvanus, responded to Publius *praefectus urbi*, who referred to the imperial edict ordering pagan sacrifices: 'we accordingly scorn Roman law with confidence, so that we may keep divine commandments by scorning idols…'[828] During the proceedings against him, St. Apollonius boldly struck the governor Perennis in the eye: 'A divine decree cannot be quelled by a decree of man.'[829]

St. Polycarp, despite repeated appeals, refused to take a pagan vow for the welfare of the emperor; instead of participating in the emperor cult, he chose martyrdom. When the governor called on him to curse Christ, he replied: 'Eighty and six years have I served Him, and He never did me any injury; how then can I blaspheme my King and my Saviour?'[830] Thus, the bishop believed that by executing the official order, he would be committing an injustice against Christ and refused to obey the Roman authorities.

In the account of the martyrdom of St. Pionius and his companions, we can read the following:

826 Origen, *Against Celsus* 5,40 (tr. Crombie). Cf. Banner, 1954, pp. 68–77.
827 Cf. Szabadfalvi, 2011, p. 150; Erdő, 2021, p. 61.
828 *The Martyrdom of St. Felicitas and Her Seven Sons* 3 (tr. Lapidge).
829 *The Martyrdom of St. Apollonius* 24 (tr. Musurillo).
830 *The Martyrdom of St. Polycarp* 9,3 (tr. Roberts and Donaldson).

> It was Saturday and after they had prayed and taken the sacred bread with water, Polemon the temple verger came in on them with his men in order to seek out the Christians and drag them off to offer sacrifice and to taste forbidden meats. 'Surely you are aware', said the verger, 'of the emperor's edict commanding us to sacrifice to the gods.' 'We are aware', said Pionius, 'of the commandments of God ordering us to worship him alone.' Polemon said: 'Come then to the market-place; there you will change your minds.' Sabina and Asclepiades said: 'We obey the living God.'[831]

The story of the martyrdom of St. Maurice and the Theban legion has already been mentioned above. According to the account of bishop St. Eucherius, the soldiers of the legion refused the emperor's order to persecute their fellow Christians, having written a letter to the emperor which ended with these lines: '*Christianos nos fatemur, persequi Christianos non possumus.*' ('We profess to be Christians, we cannot persecute Christians.')[832] According to legend, emperor Maximian slaughtered the entire legion for this reason; the Christian soldiers from Thebes, Egypt, led by St. Maurice, threw down their weapons and allowed themselves to be killed.

Of course, not all Christians behaved so heroically, but rather many failed during the Christian persecutions, and in obedience to the emperor's decrees – and denying their faith – performed pagan sacrifices. The Council of Elvira held around 300 passed a strict decision against such Christians:

> Any one, who after faith in the baptism of salvation, and being of adult years, shall have entered the temple of an idol [to commit idolatry] and shall have sacrificed – this being a capital offence, because it involves supreme guilt – shall not receive communion even at death.[833]

There are also examples in the sources of Christian resistance to state orders to worship idols from the times following the Constantinian turn. We have already mentioned the Christian soldiers who refused to sacrifice to idols at Julian's command, but we can also read in the sources that the apostate emperor devised a cunning trick against the Christians: he decorated his statues and images – before which people were obliged to express their respect – with pagan religious motifs

831 *The Martyrdom of St. Pionius* 3,1–4 (tr. Musurillo).
832 St. Eucherius, *The Passion of the Martyrs of Agaunum* 4.
833 Council of Elvira, canon 1 (tr. Dale). See Dale, 1882, p. 120.

and images of gods. He expected that the Christians would refuse to pay homage for religious reasons and would be accused of lese-majesty. The provocation was successful in many cases: there were indeed Christians who refused to obey and were not willing to pay homage to the emperor's statues and effigies, which also depicted pagan deities.[834]

Catholic bishops came into conflict with Arian emperors on numerous occasions. When Constantius II ordered Hosius (c. 256–359), the Catholic bishop of Corduba, to condemn Athanasius, the old Hispanic prelate refused the command and wrote a letter warning the emperor not to exceed his authority:

> Intrude not yourself into Ecclesiastical matters, neither give commands unto us concerning them; but learn them from us. God has put into your hands the kingdom; to us He has entrusted the affairs of His Church; and as he who would steal the empire from you would resist the ordinance of God, so likewise fear on your part lest by taking upon yourself the government of the Church, you become guilty of a great offense. It is written, 'Render unto Caesar the things that are Caesar's, and unto God the things that are God's.' Neither therefore is it permitted unto us to exercise an earthly rule, nor have you, Sire, any authority to burn incense.[835]

When, after the death of his father, Valentinian I, the minor emperor Valentinian II – under the influence of his mother, the Arian Justina – ordered bishop Ambrose in 385 to hand over one of the basilicas in Mediolanum to the Arians, Ambrose refused to obey. Ambrose summarised what happened in one of his letters, in which he quoted what he said to the emperor, explaining to him that his power was not unlimited: 'It is written: The things which are God's to God, those which are Caesar's to Caesar. The palaces belong to the Emperor, the churches to the Bishop. Authority is committed to you over public, not over sacred buildings.'[836]

The empress dowager nevertheless continued to support the demands of the Arians. As a result, in January 386, Valentinian II issued an edict in which he recognised the Arians' right to assemble. Any agitation against the provisions of the

834 See St. Gregory of Nazianzus, *Orations* 4,80–81. Cf. Setton, 1967, p. 203.

835 St. Athanasius, *History of the Arians* 44 (tr. Atkinson and Robertson).

836 St. Ambrose, *Letters* 20,19 (tr. Romestin, Romestin, and Duckworth). Cf. Setton, 1967, p. 110; Markus, 1988, p. 95; Liebeschuetz, 2011, pp. 85–89.

edict was classified as rebellion and lese-majesty, which was punishable by death.[837] After that, the emperor ordered Ambrose to appear before the imperial council to discuss the transfer of the basilica together with the Arian bishop Auxentius. The emperor wanted to act as an arbitrator in the dispute. Ambrose refused to obey and did not go to the meeting. Instead, he wrote a letter to Valentinian, in which he pointed out that the emperor cannot judge bishops in matters of faith, and he also emphasised that the emperor's edict is not above God's law.[838] Since the Catholic population of the city and a significant part of the military sided with Ambrose, the emperor and his mother finally abandoned the demand.[839]

In one of his sermons, St. Augustine analyses the words of St. Paul (i.e. 'Let every person be subject to the governing authorities. For there is no authority except from God') and asks the question: what should be done when the holder of state power orders something that we ought not to do? In response, the Church Father points out that there is also a hierarchy of power in human (secular) affairs; for example, if the curator of a city orders something that is against the ruling of the governor, the greater authority (*maior potestas*) must be obeyed; if the governor commands something other than the emperor, the emperor must be obeyed; in the same way, the higher authority must be obeyed if the emperor (who threatens with prison) commands something different than God (who threatens with hell).[840] Therefore, the Christian person is obliged to refuse the execution of state orders contrary to divine laws.

837 *The Theodosian Code* 16,1,4. Cf. Sáry, 2009b, pp. 63–64.

838 St. Ambrose, *Letters* 21,4.10. Cf. Setton, 1967, p. 112.

839 On the chronological and topographical issues of the events, see Lenox-Conyngham, 1982. Augustine's mother, Monica, was also present in the crowd protesting against the transfer of their church and keeping vigil in the church every night (see St. Augustine, *The Confessions* 9,7,15). When the counter-emperor Magnus Maximus (383–388) launched an attack on Italy, Valentinian II asked for help from Theodosius I, who fulfilled the request and defeated the usurper's army. In return, Valentinian abandoned his pro-Arian policy and revoked his edict supporting the heretics in June 388 (*The Theodosian Code* 16,5,15).

840 St. Augustine, *Sermons on the New Testament* 62,8,13. Cf. Parsons, 1941, p. 331.

CHAPTER VIII

Conclusion

1. Certain statements in the New Testament, taken out of context, can be easily misinterpreted. We have already quoted the words of Jesus to Pilate: 'My kingship is not of this world...'[841] The statement of St. Paul – referring to the heavenly kingdom of Jesus – was also quoted: 'our commonwealth is in heaven...'[842] From these words, there is space for concluding that Jesus and his followers did not attach importance to the earthly state, but instead despised it and did not consider it important or necessary. However, this is not true. Christians – with the exception of some anarchistic schismatic and heretical trends – have always considered the existence of the state to be necessary and important. The state was seen as an instrument of divine providence, whose officials basically encourage people to do good and restrain them from sin. St. Irenaeus and other early Christian authors pointed out that in the absence of state power, people would sooner or later attack each other because of their sinful nature, resulting in complete anarchy and the destruction of civilisation.

Like previous thinkers, Christian authors also considered monarchy to be the ideal form of government, with the universe being seen as the general model for this, as it is controlled by one God. They also outlined that some groups of animals always have one leader, which shows the naturalness of monarchy, and that historical experience depicts how that dual or multiple rule can easily become a source of strife.

Christians also connected the idea of monarchy with the idea of world empire, since everyone agreed that the ideal ruler is the master of the whole world. The unity of the Roman Empire also greatly facilitated the spread of Christianity. Many Christian authors believed that the Roman Empire would last until the end of the

841 Jn 18:36.
842 Phil 3:20.

world, and the longer it lasted, the later the Antichrist would come. The legal order of the empire was thought to prevent the Antichrist from coming to power.

As a result of the Constantinian turn, Eusebius came to the naive, utopian idea that the Roman Empire would become an earthly reflection of heaven through the conversion of the emperor and the further spread of Christianity. A century later, the realist St. Augustine already knew that this would not happen until the end of the world, since alongside those who love God there will always be those who despise God. Augustine could already foresee that the western Roman Empire would collapse, which, nonetheless, did not mean the end of the world. The fate of Christianity and the empire are therefore independent of each other. Augustine also pointed out that it is much easier to maintain peace within a small state than in a world empire, in which many tensions and contradictions arise owing to its size.

2. The ancient belief of a special relationship between God and the ruler continued to exist among Christians. Christian authors mainly adopted the following – partly pagan, partly Jewish – doctrines from the literature of earlier times. Since all power belongs to God, all power comes from Him. The ruler also gets his power from God, which is primarily given for him to represent God in his country. As God's representative, he must imitate God hence being as wise, just, loving, and benevolent as God is; the king is therefore more ideal the more he resembles God.[843] Since God is above the ruler, divine laws naturally bind the ruler; if he observes these laws, he can count on God's reward and help, but if he breaks them, he will be punished by God.

3. The Christians also saw the most important task of the ruler as serving the common good, as he had to be the benefactor of his people and work for the common good with a self-sacrificing spirit. He had to strive to be as morally perfect as possible, setting an example for his subordinates. Even when creating laws, he had to follow the goal of leading his subjects – as a good shepherd – on the right path, and had to enact just laws that protect the weak against the strong.

The apologists emphasised that the ruler had to be fair when judging, constantly complained that innocent Christians were punished unjustly, and pointed out that this injustice was completely contrary to the idea of a good state. St.

843 It follows that the most perfect king in world history is Jesus Christ, who said of himself that he is one with the Father (Jn 10:30), and whoever saw him saw the Father (Jn 14:9). St. Paul wrote about him that 'He is the image of the invisible God' (Col 1:15), and at whose name 'every knee should bow, in heaven and on earth and under the earth' (Phil 2:10).

Augustine spoke out against the use of torture as he considered it unsuitable for discovering the truth.

It was considered the fundamental duty of the ruler to take care of the internal peace of the state and to avoid and eliminate conflicts. St. Augustine – following the thoughts of Cicero – described that peace and harmony can only be created on a just basis. Following St. Paul, Christian authors – primarily St. Clement of Rome, then St. Ambrose – applied the old, organic conception of the state to the church, emphasising the importance of unity. The Christian emperors saw it as their duty to eliminate schisms within Christianity and to protect the unity of the church. In this area, they sometimes went overboard and issued edicts concerning the doctrines of the faith. In each case, such excesses of authority provoked the protest of the church leaders, who pointed out that defining the dogmas of the faith was the task of the bishops and not of the emperors. The Catholic bishops rejected Caesaropapist ideas much more strongly than the Arians.

In continuing the path started by previous Christian emperors, Justinian tried the most to create harmony between the state and the church, adapting the laws of the state to divine laws and declaring the canons of the first four ecumenical councils to be state laws. However, and importantly, Christians have never identified the state and the church with each other. This led to their view that a Christian is a citizen of two cities at the same time.

The Church Fathers constantly proclaimed that the more affluent are obliged to take care of the poor, a social teaching that also influenced the Christian emperors, who supported the livelihood of the needy with state funds. The reduction of social tensions naturally also strengthened social peace.

The ideal ruler has always been expected to be a good general who can protect the borders of his country and the safety of his people, a requirement also formulated by Christian authors. The consequences of the admission of the Goths entailed the lesson that mercy must be combined with prudence when allowing mass immigration.

4. Everyone was aware that state order cannot be maintained without the use of violence, while Jesus made it clear that violence always needs justification. Despite the fact that, according to one of the basic principles of Roman public law, the emperor was above the law, the Christians, like the pagan authors, expected the good ruler to abide by the laws of the state and refrain from the arbitrary exercise of power on moral grounds.

In early Christian literature, sometimes we can exceptionally come across a position where the commandment 'Do not kill' means an absolute prohibition of killing.

Still, most Church Fathers recognised the right of the state to use the death penalty against seemingly incorrigible, depraved criminals in order to protect society. At the same time, they urged the judges to show mercy when imposing the punishment.

During the Christian persecutions, in the midst of the horrors of religious violence, the idea of religious freedom appeared in the works of apologists. The role of Tertullian is outstanding in this regard, as he was the first in the world to proclaim that the right to religious freedom is an institution of natural law, and hence the free choice of religion is a human right that belongs to everyone, regardless of state legislation. The work of the apologists was clearly behind the thoughts of the famous edict of toleration attributed to the emperor Constantine. However, the idea of religious freedom proved to be incompatible in the long run with the idea of the spiritual unity of society. Of these two opposing ideas, the Christian emperors increasingly sought to achieve the latter, and for this reason they used religious discrimination against non-Christians and heretical Christians. In the case of the Donatists and especially the Circumcellions who committed serious crimes, the state restriction of religious freedom was approved by St. Augustine, aiming to protect public order and public safety and ensure the salvation of the schismatics.

Although in the works of some early Christian authors (e.g. Origen) we can find an extreme pacifist position, the doctrine of just war was clearly adopted by St. Ambrose and St. Augustine from Cicero. They considered not only wars of national defence to be just but also offensive wars that were started because of crimes and injustices committed by the enemy. However, they condemned wars launched for the purpose of gaining booty. They emphasised that the basic rules of honesty must also be observed towards the enemy, the defeated enemy must be treated with mercy, and no atrocities must be committed against the civilian population.

5. In ancient Christian literature, we can find references to respect for private property in countless places, which is basically prescribed by the seventh and tenth commandments of the Ten Commandments. The community of property established within the old church of Jerusalem was of a voluntary nature and failed within a short time. No Christian author considered the idea of changing property relations through state coercion acceptable. Lactantius sharply criticised the community of property idealised by Plato, pointing out that the condition for the justice of society is not the sharing of goods, but the improvement of people's morals, which the abolition of private property does not promote, but rather hinders, since in the absence of private property, people become lazy and unscrupulous in the enjoyment of common goods.

6. From the idea of the divine origin of power, it directly followed that the subjects were obliged to obey state and city authorities. According to Ambosiaster's teachings, royal power – like priestly power – stems from the royal office and is not based on the individual merits of the king. Therefore, regardless of his moral character, his subjects are obliged to obey the king.

Based on the teachings of the Old Testament, the idea of rebellion against a lawful ruler was completely rejected by St. Ambrose and St. Augustine. According to the Bible, Satan was the original rebel who rebelled against God, and the sin of the first human pair was essentially nothing more than rebellion against God. When David could have killed Saul, he did not do so. Therefore, Ambrose rejecting the pagan theory of tyrannicide, taught that the punishment of a bad ruler should be left to God. Again based on the Old Testament, Augustine saw the coming to power of bad people as a form of divine punishment for the people's sins, which must be endured. Thus, tyrannical rule is actually nothing but a warning from God that the people must improve and pray more for their leaders and for the well-being of the state. For the righteous, according to Augustine, the rule of evil is a test of their virtues (e.g. patience, humility, and obedience).

After the victory of Christianity, huge changes took place in the field of public law obligations of Roman citizens that had a religious content. The Christian emperors wanted to establish the religious unity of the empire based on Christian grounds instead of the old pagan foundations, and based on the Catholic creed within Christianity. Indeed, Theodosius the Great and then his son Honorius made it obligatory for Christians to follow the Catholic faith. In 529, Justinian obliged pagans to receive baptism.

Christians were obliged to conscientiously obey the laws of the state. St. Augustine emphasised the importance of obeying the laws of the "earthly city" in order to preserve peace and order. The Church Father pointed out that if the command of the emperors is aimed at good, then Christ commands through them.

Taxes were usually paid by Christians based on the teachings of Jesus. When a revolt broke out in Antioch in 387 due to a tax increase, St. John Chrysostom calmed down the people by emphasising the obligation of subjects to pay taxes.

Divergent opinions emerged among Christians regarding military service. In the pagan age, many Christians accepted military service, but there were also those who refused it. The main reason for the refusal to serve was that the military oath (*sacramentum militare*) contained pagan religious elements and the soldiers had to participate in pagan religious ceremonies in the camp. Some also considered the bloodshed associated with military service to be contrary to Christ's teaching.

After the Constantinian change, the Catholic Church officially forbade its followers to refuse military service. St. Augustine advanced many arguments in favour of the position that armed military service does not conflict with the rules of Christian religion and morality.

Christian authors – primarily based on the words of St. Paul – have always emphasised that the faithful are obliged to pray for state leaders and for the well-being of the state. Among the emperors, Justinian stressed in his constitutions the important role of the prayers of priests and monks in defeating the enemy, in the prosperity of the state, and the successful conduct of public affairs.

7. Ancient Christians often criticised the holders of political power, with Jesus having given an example of this by calling Herod Antipas a fox. The apologists emphasised that those emperors who persecuted Christians the most were those who were also considered bad rulers by the pagan public. After the Constantinian turn, anti-Arian bishops (e.g. St. Athanasius, St. Hilary, and St. Lucifer) sharply criticised the Arian emperors, claiming that they were imitators of Satan instead of God.

The political obedience of the Christians was never unlimited, as their opposition to the emperor cult was always strong. In his answer to the question about paying taxes, Jesus clearly rejected the deification of the emperor. The book of *Revelation* expressed the strongest criticism of idolatrous Rome. The *Shepherd of Hermas* also took a stand against idolatry, rejecting state laws that conflicted with divine laws. The passive resistance of Christian martyrs who were forced to renounce their faith was also based on the conviction that state orders contrary to divine law should not be obeyed, with the heroic behaviour of several figures in the Old Testament serving as an example for them.

Christ's followers did not only reject idolatry. When the Jewish Sanhedrin forbade them to teach in the name of Jesus, the apostles refused to obey. Origen, following the natural law doctrines of Stoic philosophy, took the position that state laws that conflict with natural laws of divine origin should not be obeyed. When some Christian emperors – exceeding their authority – defined the doctrines of the faith, the bishops and their followers protested and rejected the confession of faith made mandatory by the ruler. St. Ambrose refused to comply with the emperor's mandate to hand over a Catholic basilica to the Arians, and his faithful – following his example – bravely stood up for him against the emperor. St. Augustine stated in general that one must always obey the command of a higher level, and at the same time described that God's commands are at the top of the hierarchy.

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