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THE RELATIONS BETWEEN CHURCH AND STATE DURING THE 4TH CENTURY

Abstract: *The Edict of Milan inaugurated a new era in the history of State and Church relations. In less than a century, the Christian Church changed its status from an outlaw institution to a State protected one, Christianity becoming the official religion of the Empire. However, this change of status did not lack difficulties and it implied a series of challenges both for State and Church.*

The paper proposes an analysis of the most significant aspects regarding the evolution of Church and State relations in the 4th century, the several forces influencing these relations, their components, human mentalities and interests, conflicts of conscience, theological fundaments and juridical aspects.

We may distinguish some different steps in the evolution of relation between Church and State:

- 1. State vs. Church (until 311/313). The Christianity is under persecution.*
- 2. State and Church (313-380). The Christianity is tolerated and favored.*
- 3. The Church of the Empire. The liberty of the Church and sovereignty of the State (Starting with the year 380). The Christianity became the official religion in the Empire being imposed to everyone.*

The 4th century is lay dawn both of the imperial theology and of the separation between Church and State. In the panegyric writings of Constantine, which belong to the last period of his life, Eusebius outlined a political theology to which appeal was later made, again and again, especially at Byzantium, when people sought to justify the uniqueness of the Emperor's position in the Church. According to it, the earthly Empire is a reflection (eikon) of the heavenly kingdom, and as the latter has only one Lord, the Father, so also the reflection has only one Emperor, who receives his sovereign power and his virtues as ruler from the Father through the Logos Christ.

For an Emperor who professed to be a Christian there was no greater honor than that he be called "son of the Church." On the other hand, Bishop Ambrose is very clear when he affirms: "The Emperor is in the Church, not over the Church."

Fundamental to this relationship was the fact that the State's power and the Church agreed in principle on a close collaboration in the public sphere. This became possible because the Emperor personally as a representative of State's authority professed the faith which the Church preached and the majority of the Empire's inhabitants accepted. Since this faith had been proclaimed as the official religion of the Empire, the State accorded the Church manifold privileges and encouragement. It supported the Church's social and charitable activity; it exempted the clergy from certain offices, from military service, and from some taxes; the bishops were included in the State's administration of justice. Other religious communities, such as the still surviving remnant of paganism,

Judaism, and especially such Christian sects as the official Church regarded as heretical, could not be encouraged by this Christian State, nor was it tolerant or even only neutral in their regard.

For its part, the Church basically approved this Empire that was then Christian and recognized the independence of the State's sphere. In its preaching it is stressed that the power of this State came from God and depended on Him. In its liturgy it prayed for the holder of this State- power and thereby conceded him a religious importance and guarantee.

Such relation or alliance was not without dangers: both for Church and State.

Key words: church, state, persecution, Constantine, privileges, religious politics, Christians, pagans, Jews.

The so-called Edict of Milan signed in 313 B.C. inaugurated a new epoch in the history of the relations between Church and State. In less than a century the Christian Church will change its status from an institution functioning independently into an institution that benefits of special protection of the State, hence Christianity becoming the official religion of the Empire. This transition wasn't without problems and it involved a series of challenges both for State and Church.

In our study we intend to analyze the most significant aspects, and here we refer to the evolution of the relations between Church and State during the 4th century, the theological fundaments, and especially, the juridical aspects that this foundation was built upon.

From a general point of view we can identify three stages in the evolution of the relations between Church and State during this period:

1. State vs. Church or the persecuted Christianity (until 311/313).
2. State and Church or the accepted and privileged Christianity (313-380).
3. The Church of the Empire; the Liberty of the Church and the sovereignty of the State (starting with the year 380). Christianity becomes the official religion of the Empire, being imposed to everyone.

The above mentioned stages are not equal, neither in terms of duration nor regarding the evolution of Church-State relationships. What we can notice is that it registers an obvious dynamic: the coercive measurements during the confrontation between State and Church are progressive; as well, the measurements that support and substantiate a tolerant politics. The pro-Christian option of the emperors is gradually diversified and opened towards new directions in which the State and the Church shake hands in order to act together and strive for the triumph of unity and common good.

From a methodological standpoint I opted for a general presentation of the legislative measures and religious matters adopted during this century, in order to offer a more thorough analysis both of the reasons behind the adoption of these norms, and of their consequences in the relations established between Church and State during the 4th century. I decided to go with Glen Thompson's¹ analytical model, a specialist in Church history during the 4th century², a model that relies on the selection and the analysis of the imperial laws and letters which make reference to the religious life and which were issued between 311 and 431³.

1 Cf. THOMPSON 1999.

2 Recently, under the auspices of Wisconsin Lutheran College and Asia Lutheran Seminary, Dr. Glen THOMPSON and his team created and offered to researchers a web page that offers excellent historical, patristic and bibliographical resources, a centre for studying the life of the church during the 4th century: www.fourthcentury.com.

3 The sources that are the basis of Glen THOMPSON's enterprise are: the monumental work of COLEMAN-

State vs. Church or the persecuted Christianity (until 311/313).

Christianity enjoyed a period of relative peace a short time before the 4th century. Ever since the persecutions⁴ that occurred under the reign of Decius (250-251) and Valerian (257-260), the civil power did not interfere with the Church. Although its legal status was not clarified (Christianity was still a religion more or less forbidden), we assist to what Henri-Irénée Marrou calls the actual recognition of Christianity, as a religion that could manifest openly and could enjoy its properties⁵.

At the beginning of the 4th century Christianity was still exposed to a general persecution led by Diocletian and later by Galerius. During the reign of Diocletian the Empire underwent a great administrative reform meant to ensure its vitality, to end the military anarchy the Empire confronted with throughout the 3rd century, and to offer political and economical stability. As a result the tetrarchy government system was imposed: there were two “augusti” (Diocletian and Maximian) and two “Caesars” (Galerius and Constantius Chlorus) who shared the power and the authority in the vast territory of the Empire.

The first signals of the cruel Christians persecution started in the Eastern part of the Empire, where Diocletian and Galerius governed during the year 298. Under the pretext of purging the army of any dangerous elements, a significant number of Christian soldiers were martyred⁶. Around the year 300 the loyalty of the soldiers became a capital matter for the imperial politics. In this context the Caesar Galerius in the East and Maximian in the West started promoting their anti-Christian politics. As a result of their refusal to participate to the acts of sacrifice, the Christian soldiers were to be accused of lack of loyalty towards the Empire and its leaders. Moreover, the failure of the worshiping acts was attributed to the presence of the Christian soldiers at these sacrifices, where they would mark their own foreheads with the „eternal sign”⁷ of the cross. Diocletian was drawn into the anti-Christian actions by Maximian and Galerius, and by specific actions such as the consultation of the oracle of Miletus and instigations based on the writings of Hierocles, the governor of Bithynia and the philosopher Porphyrius, both being neo-Platonic and hostile to Christians.

On the 23rd of February 303 the Christian cathedral of Nicomedia was devastated⁸, and the following day an edict was made public stipulating that the followers of the Christian religion could no longer occupy the designated official functions and dignities. The Christian churches had to be demolished, the Scriptures and the religious books were to be burnt, the liturgical vessels were to be confiscated, and the meetings were forbidden. In order to stop any complaints regarding these regular abuses, the complaints brought in front of the judges had to be preceded by acts of sacrifice on altars placed at the entrance of the judging courts. The ones that refused to apostasy were punished, and the punishment was always an exemplary one⁹.

NORTON *Roman State and Christian Church*, 3 volumes, Society for Promoting Christian Knowledge, London, 1966 which contains the English translations of the Roman documents regarding the Church for the period 113-534 B.C.; the English translation of Theodosius' Code and of his Stories published by de PHARR 1952. For supplementary information regarding these aspects one may consult the work of CURRAN 2000, 159-217.

4 For the most recent approaches and for the issues of the persecutions see CROIX 2006, CASTELLI 2007, FREUND 2008, MOSS 2012, MITCHELL 2013.

5 Cf. MARROU 1999, 11-12.

6 Cf. CHIFĂR 2007, 64.

7 Cf. LACTANTIUS, *De mortibus persecutorum*, 10.2.

8 Cf. LACTANTIUS, *De mortibus persecutorum*, 12.68-69.

9 For the sufferings endured during the persecutions see: LACTANTIUS, *De mortibus persecutorum*, 13-16;

In April 303, the second edict was issued and it was addressed to the clergy; it stipulated the arrest of the bishops, priests, deacons, lectors and exorcists. With the third edict issued, the ones that were imprisoned could be set free on condition they accepted the apostasy, meaning they would bring sacrifice and would pour libation. It was a „test” used to identify Christians and to exculpate the apostates. The resistance these edicts encountered is explained by the fourth edict issued in the spring of the year 304: as it happened during the reign of Decius, the whole population of the Empire were forced to bring sacrifice to the Gods, under the threat of the most atrocious tortures and cruel death, or under the threat of the deportation to the mines¹⁰.

In May 1st 305 Diocletian and Maximian left the imperial office, and the second diarchy comes to the Empire, with its representative augusti Galerius and Constantius Chlorus. Their religious politics will be different: Galerius, in the East, will continue and intensify the persecution against the Christians as persons, and against the Church as an institution, while Constantius Chlorus will be more tolerant towards Christians.

Galerius, together with his Caesar Maximian Daia, will issue a new edict in the year 305, by which the persecution will be extended to the territory that was under their reign. The general obligation to sacrifice was reaffirmed. The constraint to sacrifice was made by check lists. In the markets, the food was splashed with lustral water, with wine and with blood from pagan sacrifices. At the entrance of the bath areas and near fountains, sentinels used to force the Christians to commit sacrifices. The punishments were dreadful¹¹.

The end of persecutions occurred in a way that surprised everyone. The terrible sufferings that lasted for about a year determined Galerius, the emperor who instrumented the persecution out of which resulted the largest number of martyrs in the history of the Primary Church, to issue, in the name of the leaders of the Empire at that time (Galerius, Maximian Daia, Constantine and Lichinius), at a time when no one hoped for such a measure to be implemented, an edict of tolerance towards the Christians. In exchange for forgiveness and the right to build churches and have their regular meetings, Galerius asked the Christians to pray for the state and for his well being. This edict ended the persecutions for a while. He recognized their right to existence and confessed the public usefulness of Christianity, even if he didn't annul all the effects of the previous edicts. This edict was only partially implemented, because after the death of Galerius, which happened shortly after the publication of the edict, Maximian Daia continued the persecutions for a while.

During this first period of the 4th century we notice how the imperial authority tried to destroy the Church as an institution in order to disperse the Christians. However their perseverance and strength helped them defeat their persecutors.

During the persecutions there were no discussions regarding the implementation of a theological principle meant to govern the Church-State relations. In fact, during this period the State was perceived as being a secular instrument necessary for the social life. The principles that established the relation between Christians and the powers of the day existed ever since the apostolic period. “Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's” (Matthew 22, 21); “Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are

EUSEBIUS, *Historia ecclesiastica*, 8.2-16.

10 A presentation of these anti-Christian Edicts and measures propagated by them can also be found at MARROU 1999, 21-24; CHADWICK 1993, 121-124; CHADWICK 2008, 176-185; FERGUSON 2005, 178-181; FRANZEN 2009, 79-80; JEDIN et alia 1980, 389-404.

11 Cf. CHIFĂR 2007, 68. LACTANTIUS, *De mortibus persecutorum*, 21-23.

ordained of God.”(Romans 13, 1); “Show proper respect to everyone, love the family of believers, fear God, honor the emperor” (1 Peter 2, 17). These are the reference points of the Church, when establishing its relation with the state. Christianity during the first centuries stayed devoted to these reference points, even when the state became the persecutor. The Christians never discussed neither the political order as it existed, nor the imperial regime representative of at that time¹², but would constantly plead for a just attitude of the State towards the Christians¹³.

State and Church or the accepted and privileged Christianity (313-380)

A major change occurred once with the conversion of Constantine the Great to Christianity. In Frazer's opinion, this event was of great significance to the universal history and introduced a brand new epoch not only for the Roman state, but for the Church as well¹⁴. This represented only a stage in the complex evolution of the relations between Church and State during this century.

Constantine - The Saint (308-337)

Constantine's conversion¹⁵ and the Edict of Milan¹⁶ were turning points in the life of the Church and in the development of the relations between Church and State. We will not insist upon the two moments separately, but we will try to remark that starting with the year 306, once he was bestowed upon the imperial purple robe, and then in the year 312, after being converted to Christianity, Constantine constantly acted in favor of the Christian religion. The reason behind such an attitude, if correctly perceived by Eusebius, was the belief and trust in God's power, which “to those that with faith will praise the law and will follow all of its commandments, will give in return gifts and will strengthen them”¹⁷. Furthermore, his letters portray Constantine as a Christian aware of his responsibilities. Therefore, in his second letter to Anulinus, proconsul of Africa, Constantine expressed his belief that “the greater the honor towards divinity, the greater the goodness manifested regarding the public matters”¹⁸, and from the letters of the convocation of the synods against the Donatists, there resulted the belief promoted by Constantine regarding his duty, which was to make sure that the problems of the Church were solved by free consent during the assembly of the bishops¹⁹.

The measures adopted in favor of the Church aimed at two main levels: the life of Church itself and the relations of the Church with the world, with pagans and with the Jews.

12. GABOR, 9-16.

13 The apologetics illustrate this attitude very well when they ask in the name of the Christians the right to be judged in conformity with the legal stipulations, their acts and not their name; when they state that Christians are loyal and useful to the state, good payers of taxes and financial obligations of any kind; and when they mention the fact that they praise the emperor and pray for him. See TERTULIAN, *Apologeticum*.

14 FRANZEN 2009, 81.

15 For a complex analysis of the conversion of Constantine and of the significance of this event see: ELLIOTT, 22005; GIRARDET 2010; MARAVAL 2011; ; JEDIN et alia 1980, 407-416; BAYNES 1929, 341-441; McRoy 2007, 15-28.

16 For a synthesis referring to the problems of existence or not of the Edict of Milan and of the main directions regarding it see CHRISTENSEN 1984, 129-175; ANASTASIOS 1967, 13-41; Timothy D. BARNES 1981; Leithart 2010, 98-102; DRAKE 22010, 446-457; ; JEDIN et alia 1980, 416-425.

17 EUSEBIUS, *Vita Constantini*, 2.24.

18 EUSEBIUS, *Historia ecclesiastica*, 10.7.2.

19 EUSEBIUS, *Historia ecclesiastica*, 10.5.18-23.

Constantine ordered the restitution of the properties of the Church²⁰ in the North of Africa²¹, before Licinius published the Milan decisions in the East on the 13th of June 313, decisions by which the freedom of manifestation was ensured both in the case of Christians and of all the other religions of the Empire. In the years to follow, Constantine legislated in favor of Christians: the clergy were exempt from any public obligations and the obligation to collect taxes (CT 16.2.11-2²²); were exempt from different commercial taxes and from the obligation to support public transportation (CT 16.22.10); the citizens that did not get married and the citizens that had no children were not punished anymore (a concession that was meant to support the ascetic tendency which gained territory among Christians) (CT 8.16.1); the Christians could make their options in private disputes to judge the bishop instead of the civil instances (CT 1.27.1); the Church got the right to have descendants (CT 16.2.4); Sunday, the venerable day of the sun, became the official rest day in the Empire (CJ 3.12.2²³); the civil documents written in the Church were considered official (CJ 1.13.1); Christians were excepted from the obligation to participate to sacrifices, libations and other traditional public rituals (CT 16.2.5). On the other hand, after the year 324, when Constantine was the only emperor in the Empire, clear instructions were given to governors regarding the retrocession of all the confiscated goods and properties, asking for the restoration, extension and building of churches²⁴. He himself donated to the Church the Lateran Palace in Rome, the former imperial residence and gave precise orders for the construction, using the best materials, of The Church of the Holy Sepulcher in Jerusalem²⁵.

The favors paid to the Church by Constantine started to hurt the freedom of manifestation of the other religions. Hence, in the year 315 the conversion of the Christians to Judaism was forbidden by law (CT 16.8.1). In the year 321, the army received the order according to which every Sunday they should pray to God, both for the emperor and for his faithful sons²⁶. Soon after the emperor interdicted the private meetings of different heretic and dissident Christian groups: such as the Novatians, the Valentinians, the Gnostics, the Marchionites, the Montanists and the Phrygians, all the enemies of truth and life, and decided to confiscate their churches and hand them over to the Universal Church²⁷.

Constantine did not limit himself to these measures. He started to interfere with the doctrinaire problems of the Church. The problem was brought forth by the dissident Donatist branch of the Church in North Africa which stated that the emperor should judge and intervene in the internal disagreements. There was in history a precedent in this sense. The eastern bishops were in a dispute with the heretic Paul of Samosata, and asked the emperor Aurelian to settle the dispute. Aurelian established a precedent himself, by bringing the problem to the attention and the judging of the bishop of Rome and soliciting a solution. Initially Constantine intended to adopt a similar solution, and in the year 313, he asked the bishop Miltiades of Rome to judge the matter. The protests of the Donatists determined him to establish another precedent, this time around in favor of the Church, and decided to summon a synod at Arelate, in the year 314, where bishops from the West were invited to participate and analyze the doctrinaire and disciplinary dissensions that divided the Church in the North of Africa.

20 LACTANTIUS, *De mortibus persecutorum*, 48.

21 EUSEBIUS, *Historia ecclesiastica*, 10.5.15-17.

22 Cf. Codex Teodosianus, edition published in English by PHARR 1952. See also Matter 2011, 199-224.

23 Cf. Codex Justinianum, edition published in English by COLEMAN-NORTON, 1966

24 EUSEBIUS, *Historia ecclesiastica*, 2.24-46.

25 EUSEBIUS, *Vita Constantini*, 3.30-32.

26 EUSEBIUS, *Vita Constantini*, 4.19.

27 EUSEBIUS, *Vita Constantini*, 3.44-45.

Following this line of precedents, we must mention alongside Constantine's decision to summon the synod, another precedent which targeted the assurance of the necessary means for the travel of the bishops in order to reach an optimal development of the activity of the synod. Due to the fact that the decisions of this synod were not accepted by the Donatists, Constantine went further and acted by force, via imperial decrees and via the armed hand of the state, in order to reestablish the order in the Church²⁸. Harold Drake believes that it is not exaggerated to consider that the formal relations between the Church and the Roman Empire follow directly the steps Constantine followed in order to solve the controversy²⁹. The Donatists episode revealed Constantine's option and his involvement in the life of the Church in general, and especially in the theological disputes. The historians find its reasoning in the belief presented in a previous paragraph, that it is his duty to take responsibility and maintain the unity of the Church and its well being. From this perspective, Constantine will perceive his position and involvement as that of a bishop assigned by God to watch over the ones that are outside the Church³⁰.

These options will be validated during the Arian crisis. The scenario of the imperial involvement would be the same. The failure of the intent to solve the controversy from Alexandria, with a personal and diplomatic intervention of the emperor, will determine him to summon the synod. As he was the leader of oekumene, all the bishops were invited and were offered support, and the synod became ecumenical. In the Eusebian exegesis, Constantine is chosen by God Himself to put an end to the unprecedented confrontations in the life of the Church. The synod offered him the ideal chance to place himself alongside the bishops "serving the same purpose" and fight against the hidden enmity inside the Church of God. Constantine considered the internal fights of the Church and the dissensions regarding faith as being more terrifying than a danger threatening from outside³¹. From the stages that anticipate more of an involvement of the emperor with the internal theological problems of the Church, we can mention the participation at the activity of the synod, the position of the imperial chair in the middle, the role as a moderator during the debates, the taking over of the doctrinaire decisions and the legislative value conferred to these decisions, the placement and implementation of these decisions within the imperial coercive authority and power situated behind the majority group.

Constantine learned one more thing from the Donastic and Arian crises and reprisals with the help of which he tried to end them: the coercive measures were not efficient on a long term. In this situation, out of the wish to ensure stability, safety and unity of the empire, the emperor was willing to negotiate; first the return from exile, the retrocession of the confiscated churches and the restoring of the excommunicated bishops, and then the faith. Hence, the negotiations regarding the truth of faith for the Church are unacceptable³².

Constantius II – The Tyrant (337-361)

In the year 337, at Constantine's death, the governance of the Empire was taken over by his three sons: Constantine II (337-340), Constantius II (337-361) and Constant

28 For a detailed presentation of the problem see BOOJAMRA 1998, 129- 141; CHIFĂR 2012, 130-142.

29 DRAKE 22010, 449.

30 EUSEBIUS, *Vita Constantini*, 5. 24.

31 EUSEBIUS, *Vita Constantini*, 3. 4-17.

32 Significant in this context is the case of Athanasie who is having as a representative Constantius, the successor of Constantine. See BARNES 32001.

(337-350). Their reign is marked by political and ecclesiastic confusion. From the point of view of the church, the period overlaps with the second stage of the Arian crisis. Their religious politics was confusing: on the one hand they continued their father's tendency to favor and privilege Christianity; on the other hand they interfered more and more with the Arian theological disputes, manifesting equivocal attitudes towards the heretics, intentionally ignoring sometimes the decisions of the synods. The most faithful image of this period is represented by the case of the intransigent Nicene bishop Athanasius, dismissed and put back in his chair, exiled, self-exiled, blamed and adulated. The framework of the analysis does not permit an adventure into a detailed analysis of this context. We will refer to the imperial duties that favored Christianity: the Jews were not allowed to buy Christians as slaves (CT 16.9.2); the sons of the clergy young and poor were exempt from some public obligations (CT 16.2.11); tax exemptions and other privileges of the clergy were confirmed and extended (CT 16.2.8-9). Special laws that bring new elements are the ones regarding the pagans. In the year 341 the pagan sacrifices were forbidden, and in the year 346 the temples of the cities were closed (CT 16.10.2-4). The situation did not register significant changes after 350 when Constantius II remained the only leader of the Empire. He continued to promote laws favoring Christianity and the Church: some properties of the clergy were exempt from taxes (CT 16.2.10); the capital punishment was established for the ones that raped widows and nuns (CT 9.25.1); all the properties of the Church were exempt from taxes (CT 11.1.1); the monks were exempt from the state obligations (CT 16.2.16). The legislation against pagans and Jews became more and more restrictive and the Christians that were converted to paganism were to lose their properties (CT 16.8.7); the nocturnal sacrifices were taken outside the law (CT 16.10.5); the pagan rituals and the worship of idols were considered capital offenses (CT 16.10.6); consulting fortune tellers, prophets and very important, mathematicians were considered capital offenses as well (CT 9.16.4); the ones that were converted to Judaism lost their properties (CT 9.16.6).

As for the attitude towards the dispute between Niceans and Arians, under the influence of the Arian bishop Valens of Mursa, Constantius' attitude became radical, and he tended to impose the Arian creed in the synod, exiling all the recalcitrant bishops and reminding bishops, at least according to Athanasius, that regardless of what he wants it must be considered canonical, and the bishops have two options in this case: either they obeyed these imperial wishes, or they were to be exiled³³.

Glen Thompson drew a parallel between Constantius and Constantine and concluded: "Constantine had the venerable and orthodox Hosius of Cordova as his spiritual adviser; Constantius had the wily Arian Valens as his. The fact is that most orthodox Christians view Constantine as hero and Constantius as devil, because the father was on our side and the son was not! Both oppressed Christian sects; both restricted the rights of pagans; both exiled our friend Athanasius. Both were baptized shortly before their deaths by Arian bishops! Their politics were similar, although Constantius' was more severe"³⁴.

If we refer strictly to the relations between Church and State we observe that during the reign of Constantius, the precedents created by Constantine turned against the Church, and Constantius only made a few steps, but great ones, in the direction already outlined by Constantine.

33 Cf. THOMPSON 1999, 5.

34 Cf. THOMPSON 1999, 5.

Julian – The Apostate (361-363)

His only 21 months of reign³⁵ brought about major content rather than paradigm changes. Even if, unlike his predecessors he had been baptized Christian since his childhood, a few weeks after Constantius' death, he issued a decree by which the pagan temples were reopened and the sacrifices were made again. He himself brought sacrifices to the Gods, together with his army. He also proclaimed religious tolerance, recalling from exile the ones that had to suffer during the reign of Constantius as a result of the "Galilean madness". The Christian writers will interpret this decision as a way of encouraging rivalry inside the Church in order to undermine it. He issued documents in which he ordered for churches to be given back to the Donatists in North Africa and to the Novatians in Kizikos. Julian tried to reestablish the right of property of the municipality over the pagan temples and promised freedom of service to the Jews. The same way steps are taken for the reconstruction of the temple of Jerusalem. In order to limit the influence of the Christian teachings upon the youth, he placed the private schools outside the law and instituted certified teachers (CT 13.3.5). A series of laws that were issued asked the former employees who had become clergy to leave service and re-enter administration, and punishments were established for the ones who would obstruct in this sense (CT 12.1.50, 13.1.4). There were also persecutions against Christians, who did not get any places in the administration of the Empire, but Thompson remarks the fact that without a doubt it is true that Julian favored the pagans who occupied public positions, more than Constantine favored the Christians³⁶.

The short reign of Julian and the pagan interlude didn't affect profoundly the existence of the Church. Moreover, it demonstrated that in order to keep the imperial purple robe and to obtain sufficient loyalty to keep enemies aloof, a leader must grant sufficient liberty of service, at least to Christianity, which from now on becomes the predominant religion of the Empire³⁷.

Jovian, Valentinian and Valens (363-380)

Valentinian's reign in the West and that of Valens' in the East, the two successors of Jovian³⁸, confronted with a gradual decrease of the political and military stability. The appearance and the pressure exerted by the barbarians determined the two to give more importance to religious peace and to the unity of the Empire. During his short reign Jovian (363-364) noticed this aspect and took measures to give Christianity back its status as the official religion of the Empire. The peace with the Persians and the rehabilitation of Athanasius were two complementary actions, that were about to become reference points of his politics.

Valentinian and Valens shared the two halves of the Empire. Their attitude towards Christians was complementary, while their support for the Christian groups was opposite: Valentinian favored the Nicene Creed and his supporters, while Valens adopted the Arian creed and was a persecutor of the Nicene. Their legislation continued Constantine's outline: paganism had to be repressed, the participants to nocturnal sacrifices, to prayers and magic acts were to be executed (CT 9.16.7), and so were the ones that taught

35 Cf. Theodoret of Cyrus, *Historia Ecclesiastica*, 3.

36 Cf. THOMPSON 1999, 6.

37 Cf. THOMPSON 1999, 6; CHADWICK 1999, 145.

38 Cf. Theodoret of Cyrus, *Historia Ecclesiastica*, 4.1-5.

and practiced astrology (CT 9.16.8). The divinatory rituals were permitted, but couldn't be materialized as long as animal sacrifices were forbidden (CT 9.16.9). The two emperors believed it was necessary to favor Christians, especially the clergy: no Christian could be condemned in the arena (CT 9.40.8); Christians could not be condemned by tax collectors on Sundays (CT 8.8.1); the women that dedicated their lives to the church were exempt from taxes (CT 13.10.6); the actors that were baptized while about to die, if got better, could not be forced to go back to their trade (CT 15.7.1); bishops had the authority to judge church cases, except for the ones involving criminal acts (CT 16.2.23); the middle clergy – priests, deacon, hypo deacons, exorcists, lectors and ushers – were exempt from public service (CT 16.2.24). Most probably, due to different doctrinarian options, only a few new laws were issued regarding the cults. Among these we encounter a law that forbade the meeting of a cult on a radius of 20 miles around Rome; another law would forbid the existence of Manicheists and would allow for their fortune to be confiscated (CT 16.5.3); and a third stipulated the dismissal of the bishops (especially Donatists) that would re-baptize the believers (CT 16.6.1). The legal stipulations against the Donatists became harsher in the West, especially during both reign of Gratian who had been associated in reigning with Valentinian since the year 367, and after the year 375, after the death of his father, he took control over the entire West. Hence: the Donatists churches were confiscated (CT 16.5.4), and the re-baptizing was forbidden again (CT 16.6.2). The fiscal and public facilities of the clergy and of the Church have changed as well, the clergy that were practicing commerce had to pay taxes (CT 13.1.5), the wealthy plebeians could not enter the clergy (CT 16.2.17); the Decurions who wanted to enter the clergy had to have relatives that would take over their civic attributions, otherwise they had to donate their fortune to municipality (CT 12.1.59); in order to ensure stability in the production of food for Rome the bakers were not allowed to become priests (CT 14.3.11)³⁹. To the above mentioned there were added a series of laws that pleaded for the Christian affiliation of the leaders of the empire: the Easter became an occasion for releasing the prisoners except the ones guilty of anti-social acts: betrayal, witchcraft, adultery, rape or murder (CT 9.38,3,4,6,7,8); the infanticide was also considered a capital crime (CT 9.14.1).

Initially Valentinian and Valens tried not to interfere with the church problems. In this sense Sozomen mentioned Valentinian's refusal to call together a synod, at the request of a group of bishops, explaining that he had no right to interfere with the doctrinarian problems, such a right belonging to the bishops only. The two could not avoid completely their involvement into church matters. Therefore, after the year 370, Valens got involved in Arian disputes where he supported the Arians openly, in Asia Minor and especially in Cappadocia, to the detriment of the Nicene. In his turn, Valentinian issued an edict in the name of the three emperors in which he asked the Churches of Asia and Phrygia to accept the teaching regarding the Trinity co-substantiality and not to persecute Nicene, Christians that lived among them⁴⁰.

During this second period the State protected and favored the Church and the Christians through legislative measures. At the same time the rights and the freedom of manifestation among the pagans, Jews and heretics was restricted. The state authority assumed the right to interfere with internal matters of the Church, to arbitrate the internal disputes, even the ones on faith.

39 PHARR 1952.

40 Cf. THOMPSON 1999, 8.

The Church of the Empire; The Liberty of the Church and the sovereignty of the State (starting with the year 380)

At the end of the 4th century Christianity became the official religion of the Empire and it was imposed to everybody. The decision belonged to the emperor Theodosius I, but it had been preceded by a few measures of the emperors with whom he shared the imperial dignity: Gratian and Valentinian II. Gratian was the one who refused for the first time the title pontifex maximus under the influence of Ambrosius of Milan. Then, the heretics were not allowed to manifest on an area of 100 miles around Rome; all the heretics were placed outside the law and punished, both by the divine and imperial law.

Theodosius I issued in the year 380 an edict that is also known as *Cunctos populus*, which made possible the final change of Christianity from a religion accepted and supported by the Empire to the only religion recognized in the Roman Empire⁴¹. “According to this law – says the text of the edict – we ask for the names of the real Christians to be praised, and the unhappy and insane we consider affected by the infamy of the heretic wandering, for not even in their meeting places are they allowed to receive the name of churches”⁴². Who were these real Christians? According to the text of the edict these were the ones in communion with the bishop of Rome and the ones who rightly believed in the Holy Trinity.

In the year 381 all the heretics were declared outlaws and were exiled, and the Nicene faith was proclaimed as a general norm available in the Empire. The Arians and the Semi-Arians, regardless of their orientation, were not allowed to build their churches anymore, and all the churches they had, were to be given back to the orthodox group (CT 16.1.3). The heretics no longer had the right to meet, and their clergy were exiled (CT 16.5.10), and the authorities punished if they did not apply these decisions (CT 16.5.12).

From among the numerous laws issued until the end of the 4th century⁴³, we mention only a few: the superior clergy could not be tortured anymore during the inquiries (CT 11.39.10); the public shows and the games were not permitted on Sundays (CT 15.5.2); the monks were allowed to enter the cities again (CT 16.3.1, 16.3.2); the traffic with “relics” was forbidden (CT 9.17.7) and, finally no criticism or discussions on the imperial religious politics were allowed (CT 16.4.2).

Out of the stipulations against the heretics we mention some as well: the heretics were removed from imperial administrative positions (CT 16.5.29); when the heretics were not banished from cities they were marginalized in ghettos, and the nobles that apostate lost their rank and privileges (CT 16.7.5); the officials that had to implement these stipulations were to be punished if they didn’t act against the heretics (CT 16.5.12).

Harsh actions were taken against the pagans as well: auspices were not allowed (CT 8.5.46), as well as any means of service, even the ones in private homes (CT 16.10.12). Judaism was still considered a legal religion, but it could be practiced only by the ones that were born Jews. Marriages between Christians and Jews were punished as in the case of adultery (CT 3.7.2). At the beginning of the 5th century the religious and political situation of the Jews will worsen.

A series of laws will focus on reinforcing morality in the society. Therefore, torture, and later the rest of the corporal punishments were not permitted during fasting (CT 9.35.4-5); there had to pass 30 days between the time when the capital punishment was

41 For an analysis of the multiple implications of this act see: GABOR, 211-353.

42 The text of the Edict into Romanian can be found in CHIFAR 2007, 364.

43 Cf. GABOR, 211-353.

pronounced and the execution (CT 9.40.13); a woman who got married again had to leave her fortune from her first marriage to the children (CT 3.8.2); the children whose parents died without leaving behind a will were considered the inheritors (CT 5.1.3, 8.17.2); pornographic pictures were not to be exposed in public places (CT 15.7.12).

The theological premises of the relations between the Church and the State during the 4th century

During the fourth century there were formulated both the imperial theology and the theology of the separation between Church and State. We have seen how the emperors, starting with Constantine the Great, understood their role and position in the Church. As a means of justifying this adopted position, Eusebius of Caesarea developed an imperial theology – the theocracy⁴⁴ – in which the Empire is perceived as being the earthly image of the celestial Kingdom, and the emperor a reflection of God the Father. The emperor receives his sovereign power and leading virtues from the Father through the Word of Jesus Christ⁴⁵.

For an emperor that confesses to be Christian there is no greater honor than becoming “a son of the Church”. Even so, the Church knew, through authoritarian and authorized voices, as in the case of Ambrosius, to remind the emperor that “the emperor is in the Church and not above it”.⁴⁶ Ambrosius’ position stays firm “Make sure, emperor, not to reach the point where you believe that you have imperial rights over the godly ones. Don’t rise too much, and if you wish to reign for a long time, obey God [...] the emperor has the palaces, and the priest the church. You have the right over the public matters and not over the holy ones”⁴⁷.

Ambrosius is not the only one that delimits the competence areas of the emperor and of the Church. Osius of Cordoba, the old adviser of the emperor Constantine, when pressured by Constantius to sign an Arian confession of faith, addressed to the emperor with the following words: “Stop using force; stop writing letters stop sending officials [...]. Remember you are an earth-born man [...]. Do not intrude into ecclesiastical matters, nor give us commands concerning them, but learn them from us. God has put into your hands the kingdom, and to us he has entrusted the affairs of his church; and just as anyone trying to steal the Empire from you, he or she would be going against God’s ordinance, so you should be afraid that in taking upon yourself the governance of the church, you become guilty of a greater offense. As it is written “Give to Caesar the things that are Caesar’s, and to God the things that are God’s.” Therefore it is neither permitted for us to exercise earthly authority, nor for you, your majesty, to burn incense. These things I write to you out of concern for your salvation”⁴⁸.

Fundamental for the Church-State relations during the 4th century was the collaboration in the public sphere. This became possible because the emperor, as a person and as a representative of the state authority confessed the faith preached by the Church and accepted by the majority of the Empire. As long as this faith was proclaimed the official religion of the Empire, the State supported the Church. It also supported the social and charitable activity of the Church, by exempting the members of the hierarchy from public services, military service and some taxes; the bishops had the right to judge. The rest of the

44 For an analysis of the concept see RUNCIMAN 22003.

45 See EUSEBIUS, *Vita Constantini* and EUSEBIUS, *Laus Constantini*.

46 AMBROSE, *Sermo contra Auxentium*.

47 AMBROSE. *Ep.* 20.

48 Cf. Thompson 1999, 11.

religious communities that survived no matter if they were pagans, Jews, and especially Christian cults, considered heretic by the official Church were not encouraged by the Christian State, which adopted neither a tolerant nor a neuter position towards them.

For its part, the Church basically approved this Empire that was now Christian and recognized the independence of the State's sphere. In its preaching it stressed that the power of this State came from God and depended on Him. In its liturgy it prayed for the holder of this State-power and thereby conceded him a religious importance and guarantee.

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Габриел Виорел Гардан

ОДНОСИ ИЗМЕЂУ ЦРКВЕ И ДРЖАВЕ ТОКОМ 4. ВЕКА

Милански едикт означио је почетак нове ере у историји односа државе и цркве. За мање од једног века, хришћанска Црква променила је свој статус – од одметничке институције постала је заштићена од стране државе, при чему је хришћанство постало званична религија у Царству. Ипак, ова промена у статусу није протекла без тешкоћа већ је поставила низ изазова како пред државу, тако и пред Цркву.

Рад нуди анализу најзначајнијих аспеката у еволуцији односа Цркве и државе у 4. веку, различитих сила које су утицале на те односе, њихових компоненти, људских менталитета и интереса, сукоба савести, теолошких основа и правних аспеката.

Можемо направити разлику између неколико различитих корака у еволуцији односа Цркве и државе:

1. Држава против Цркве (до 311/313.). Хришћанство је предмет прогона.
2. Држава и Црква (313-380). Хришћанство се толерише и подстиче.
3. Царска Црква. Слобода Цркве и сувереност државе (почев од 380. године).

Хришћанство је постало званична вера у Царству која се наметала свима.

У 4. веку постављене су основе како царске теологије тако и одвајања Цркве од државе. У панегирицима посвећеним Константину, који описују последњи период његовог живота, Јевсевије је изнео основе једне политичке теологије, на коју се се касније, нарочито у доба Византије, позивали многи, нарочито када су покушавали да оправдају јединствени положај цара у Цркви. На основу оваквих теза, земаљско царство је одраз (eikon) Царства небескога, при чему ово друго има само једног Господа, Бога Оца, па тако и његов одраз има само једнога Цара, који добија своју суверену власт и све владарске врлине од Оца кроз Христа Логоса.

За цара који је био хришћанин није било веће части него да га назову „сином Цркве“. Са друге стране, бискуп Амброзије сасвим је јасно тврдио: „Цар је у Цркви, не изнад Цркве.“

Од пресудног значаја за овај однос била је чињеница да су се државне власти и Црква у принципу слагали о томе да треба тесно да сарађују у јавној сфери. Ово је постало могуће пошто је цар лично, као представник државне власти, прихватио веру коју је и Црква проповедала, а и исповедала већина становништва у Царству. Након што је ова вера постала званична религија Царства, држава је Цркви дала многобројне привилегије и бенефиције. Подржала је социјалне и добротворне активности Цркве; изузела свештенство из појединих послова, од војне службе и неких пореза; укључила епископе у државно правосуђе. Оваква хришћанска држава није могла да буде толерантна или макар неутрална према другим верским заједницама, попут остатака паганства који су још постојали, јудаизма, а нарочито других хришћанских секти које је званична Црква сматрала јеретичким.

Са своје стране, Црква је у основи подржавала овакво хришћанско Царство и признавала независност државне сфере. У својим проповедима наглашавала је да моћ државе долази од Бога и зависи од Њега. На литургији молила се за носиоца овакве државне власти и тако му признавала религијски значај и место особе која гарантује поредак.

Такав однос није био без опасности: како за Цркву, тако и за државу.