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ART. I.—*The Union of Church and State in the Nicene Age, and its Effects upon Public Morals and Religion.* An Historical Essay.

THE name of Constantine the Great marks an important epoch in the history of Christianity. With him the church ceased to be a persecuted sect, and became the established religion of the Roman Empire. Since that time the church and the state, though frequently jarring, have remained united in Europe, either on the hierarchical basis, with the temporal power under the tutelage of the spiritual, or on the cæsaro-papal, with the spiritual power merged in the temporal; while in the United States of America, since the end of the eighteenth century, the two powers have stood peacefully but independently side by side. The church could now act upon the state, but so could the state act upon the church; and this mutual influence became a source of both profit and loss, blessing and curse, on either side.

The martyrs and confessors of the first three centuries, in their expectation of the impending end of the world, and their desire for the speedy return of the Lord, had never once thought of such a thing as the great and sudden change, which meets us at the beginning of this period, in the relation of the Roman state to the Christian church. Tertullian had even held the Christian profession to be irreconcilable with the office of a

Roman emperor.* Nevertheless the clergy and people very soon and very easily accommodated themselves to the new order of things, and recognised in it a reproduction of the theocratic constitution of the people of God under the ancient covenant. Save that the dissenting sects, who derived no benefit from this union, but were rather subject to persecution from the state and from the established catholicism, the Donatists for an especial instance, protested against the intermeddling of the temporal power with religious concerns.† The heathen, who now came over in a mass, had all along been accustomed to a union of politics with religion, of the imperial with the sacerdotal dignity. They could not imagine a state without some cultus, whatever might be its name. And as heathenism had outlived itself in the empire, and Judaism, by its national exclusiveness and its stationary character, was totally disqualified, Christianity must take the throne.

The change was as natural and inevitable as it was great. When Constantine planted the standard of the cross upon the forsaken temples of the gods, he but followed the irresistible current of history itself. Christianity had already, without a stroke of sword or of intrigue, achieved over the false religion the internal victory of spirit over matter, of truth over falsehood, of faith over superstition, of the worship of God over idolatry, of morality over corruption. Under a three hundred years' oppression it had preserved its irrepressible moral vigour, and abundantly earned its new social position. It could not possibly continue a despised sect, a homeless child of the wilderness, but, like its divine founder on the third day after his crucifixion, it must rise again; take the reins of the world into its hands, and, as an all-transforming principle, take state, science, and art to itself, to breathe into them a higher life, and consecrate them to the service of God. The church, of course,

* Apologeticus, c. 21: "Sed et Cæsares credidissent, si aut Cæsares non essent sæculo necessari, aut si et Christiani potuissent esse Cæsares."

† Thus the bishop Donatus, of Carthage, in 347, rejected the imperial commissioners, Paulus and Macarius, with the exclamation: "Quid est imperatori cum ecclesia?" See Optatus Milev.: *De schismate Donat.* l. iii. c. 3. The Donatists, however, were the first to provoke the imperial intervention in their controversies, and would doubtless have spoken very differently had the decision turned in their favour.

continues to the end a servant, as Christ himself came not to be ministered unto, but to minister; and she must at all times suffer persecution, outwardly or inwardly, from the ungodly world. Yet is she also the bride of the Son of God, therefore of royal blood; and she is to make her purifying and sanctifying influence felt upon all orders of natural life, and all forms of human society. And from this influence the state of course is not excepted. Union with the state is no more necessarily a profanation of holy things, than union with science and art, which in fact themselves proceed from God and must subserve his glory.

On the other hand, the state, as a necessary and divine institution, for the protection of person and property, for the administration of law and justice, and for the promotion of earthly weal, could not possibly persist for ever in her hostility to Christianity, but must at least allow it a legal existence, and free play; and if she would attain a higher development, and better answer her moral ends than she could in union with idolatry, she must surrender herself to its influence. The kingdom of the Father, to which the state belongs, is not essentially incompatible with the church, the kingdom of the Son; rather does "the Father draw to the Son," and the Son leads back to the Father, till God become "all in all." Henceforth should kings again be nursing fathers and queens nursing mothers to the church,* and the prophecy begin to be fulfilled: "The kingdoms of this world are become the kingdoms of our Lord and of his Christ, and he shall reign for ever and ever." †

The American separation of church and state, even if regarded as the best settlement of the true relation of the two, is not in the least inconsistent with this view. It is not a return to the pre-Constantinian basis, with its spirit of persecution, but rests upon the mutual reverential recognition and support of the two powers, and must be regarded as the continued result of that mighty revolution of the fourth century.

But the elevation of Christianity, as the religion of the state, presents also an opposite aspect to our contemplation. It

* Isa. xlix. 23.

† Rev. xi. 15.

involves great risk of degeneracy to the church. The Roman state, with its laws, institutions, and usages, was still deeply rooted in heathenism, and could not be transformed by a magical stroke. The christianizing of the state amounted, therefore, in great measure, to a paganizing and secularizing of the church. The world overcame the church as much as the church overcame the world, and the temporal gain of Christianity was in many respects cancelled by spiritual loss. The mass of the Roman Empire was baptized only with water, not with the Spirit and fire of the gospel, and it smuggled heathen manners and practices into the sanctuary under a new name. The very combination of the cross with the military ensign, by Constantine, was a most doubtful omen, portending an unhappy mixture of the temporal and the spiritual powers; the kingdom, which is of the earth, and that which is from heaven. The settlement of the boundary between the two powers, which, with all their unity, remain as essentially distinct as body and soul, law and gospel, was itself a prolific source of errors and vehement strifes about jurisdiction, which stretch through all the middle ages, and still repeat themselves in these latest times, save where the amicable American separation has thus far forestalled collision.

Amidst all the bad consequences of the union of church and state, however, we must not forget, that the deeper spirit of the gospel has ever reacted against the evils and abuses of it, whether under an imperial pope or a papal emperor, and has preserved its divine power for the salvation of men under every form of constitution. Though standing and working in the world, and in many ways linked with it, yet is Christianity not of the world, but stands above it.

Nor must we think the degeneracy of the church began with her union with the state.* Corruption and apostacy cannot

* This view is now very prevalent in America. It was not formerly so. Jonathan Edwards, in his "History of Redemption," a practical and edifying survey of church history, as an unfolding of the plan of redemption, even saw in the accession of Constantine, a type of the future appearing of Christ in the clouds for the redemption of his people, and attributed to it the most beneficent results; to wit: (1.) "The Christian church was thereby wholly delivered from persecution. . . . (2.) God now appeared to execute terrible judgments on their enemies. . . . (3.) Heathenism now was in a great measure abo-

attach to any one fact or personage, be he Constantine, or Gregory I., or Gregory VII. They are rooted in the natural heart of man. They revealed themselves, at least in the germ, even in the apostolic age, and are by no means avoided, as the condition of America proves, by the separation of the two powers. We have among ourselves almost all the errors and abuses of the old world, not collected indeed in any one communion, but distributed among our various denominations and sects. The history of the church presents, from the beginning, a twofold development of good and of evil; an incessant antagonism of light and darkness, truth and falsehood, the mystery of godliness and the mystery of iniquity, Christianity and Antichrist. According to the Lord's parables of the net, and of the tares among the wheat, we cannot expect a complete separation before the final judgment, though in a relative sense the history of the church is a progressive judgment of the church, as the history of the world is a judgment of the world.

I. RIGHTS AND PRIVILEGES OF THE CHURCH RESULTING FROM THIS ALLIANCE.

The conversion of Constantine, and the gradual establishment of Christianity as the religion of the state, had, first of all, the important effect of giving the church not only the usual rights of a legal corporation, which she possesses also in America, and

lished throughout the Roman Empire. . . . (4.) The Christian church was brought into a state of great peace and prosperity. . . . This revolution," he further says, p. 312, "was the greatest that had occurred since the flood. Satan, the prince of darkness, that king and god of the heathen world, was cast out. The roaring lion was conquered by the Lamb of God in the strongest dominion he ever had. This was a remarkable accomplishment of Jer. x. 11: 'The gods that have not made the heaven and the earth, even they shall perish from the earth and from under the heavens.'" This work, still much read in America and England, was written, to be sure, long before the separation of church and state in New England, viz., in 1739; (first printed in Edinburgh in 1774, twenty-six years after the author's death.) But the great difference of the judgment of this renowned Puritan divine from the prevailing American opinion of the present day, is an interesting proof that our view of history is very much determined by the ecclesiastical circumstances in which we live, and at the same time that the whole question of church and state is not at all essential in Christian theology and ethics. In America, all confessions, even the Roman Catholics, are satisfied with the separation, while in Europe it is the reverse.

here without distinction of confessions, but at the same time the peculiar privileges, which the heathen worship and priesthood had heretofore enjoyed. These rights and privileges she gradually secured, either by tacit concession or through special laws of the Christian emperors, as laid down in the collections of the Theodosian and Justinian codes. These were limited, however, as we must here at the outset observe, exclusively to the catholic or orthodox church.* The heretical and schismatic sects, without distinction, excepting the Arians, during their brief ascendancy under Arian emperors, were now worse off than they had been before, and were forbidden the free exercise of their worship, even under Constantine, upon pain of fines and confiscation, and from the time of Theodosius and Justinian, upon pain of death. Equal patronage of all Christian parties was totally foreign to the despotic uniformity system of the Byzantine emperors, and the ecclesiastical exclusiveness and absolutism of the popes. Nor can it be at all consistently carried out upon the state-church basis, for every concession to dissenters loosens the bond between the church and the state.

The immunities and privileges which were conferred upon the Catholic church in the Roman empire, from the time of Constantine, by imperial legislation, may be specified as follows:

1. *The exemption of the clergy from most public burdens.*

Among these were obligatory public services,† such as military duty, low manual labour, the bearing of costly honours, and, in a measure, taxes for the real estate of the church. This exemption,‡ which had been enjoyed, indeed, not by the

* So early as 326, Constantine promulgated the law, (Cod. Theodos. lib. xvi. lit. 5, l. 1:) "Privilegia, quae contemplatione religionis indulta sunt, catholicae tantum legis observatoribus prodesse oportet. Haereticos autem atque schismaticos non tantum ab his privilegiis alienos esse volumus, sed etiam diversis muneribus constringi et subijci." Yet he was lenient towards the Novatians, adding in the same year respecting them, (C. Theodos. xvi. 5, 2:) "Novatianos non adeo comperimus praedammatos, ut iis quae petiverunt, crederemus minime largienda. Itaque ecclesiae suae domos, et loca sepulcris, apta sine inquietudine eos firmiter possidere praecipimus." Comp. the eighth canon of the Council of Nice, which likewise deals with them indulgently.

† The munera publica, or *λατουμεγρία*, attaching in part to the person as a subject of the empire, in part to the possession of property, (munera patrimoniorum.)

‡ Immunitas, *ἀλωτουμεγρία*.

heathen priests alone, but at least partially by physicians also and rhetoricians, and the Jewish rulers of synagogues, was first granted by Constantine in the year 313 to the catholic clergy in Africa, and afterwards, in 319, extended throughout the empire. But this led many to press into the clerical office without inward call, to the prejudice of the state; and in 320 the emperor made a law prohibiting the wealthy* from entering the ministry, and limiting the increase of the clergy, on the singular ground, that "the rich should bear the burdens of the world, the poor be supported by the property of the church." Valentinian I. issued a similar law in 364. Under Valentinian II. and Theodosius I. the rich were admitted to the spiritual office on condition of assigning their property to others, who should fulfil the demands of the state in their stead. But these arbitrary laws were certainly not strictly observed.

Constantine also exempted the church from the land tax, but afterwards revoked this immunity; and his successors likewise were not uniform in this matter. Ambrose, though one of the strongest advocates of the rights of the church, accedes to the fact and the justice of the assessment of church lands;† but the hierarchy afterwards claimed for the church a divine right of exemption from all taxation.

2. *The enrichment and endowment of the church.*

Here again Constantine led the way. He not only restored (in 313) the buildings and estates which had been confiscated in the Diocletian persecution, but granted the church also the right to receive legacies, (321,) and himself made liberal contributions in money and grain to the support of the clergy, and the building of churches in Africa,‡ in the Holy Land, in Nico-

* The *decuriones* and *curiales*.

† "Si tributum petit Imperator,"—says he in the *Orat. de basilicis non tradendis haereticis*—"non negamus; agri ecclesiae solvunt tributum; solvimus quae sunt Caesaris Caesari, et quae sunt Dei Deo; tributum Caesaris est; non negatur." Baronius, (ad ann. 387,) endeavours to prove that this tribute was meant by Ambrose merely as an act of love, not of duty!

‡ So early as 314 he caused to be paid to the bishop Caecilian of Carthage 3000 *folles* (τρισχιλίους φύλλαις=£1800) from the public treasury of the province, for the catholic churches in Africa, Numidia, and Mauritania, promising further gifts for similar purposes. Euseb. H. E. X. 6, and Vit. Const. iv. 28.

media, Antioch, and Constantinople. Though this, be it remembered, can be no great merit in an absolute monarch, who is lord of the public treasury as he is of his private purse, and can afford to be generous at the expense of his subjects. He and his successors likewise gave to the church the heathen temples and their estates, and the public property of heretics; but these more frequently were confiscated to the civil treasury, or squandered on favourites. Wealthy subjects, some from pure piety, others from motives of interest, conveyed their property to the church, often to the prejudice of the just claims of their kindred. Bishops and monks not rarely used unworthy influences with widows and dying persons; though Augustine positively rejected every legacy which deprived a son of his rights. Valentinian I. found it necessary to oppose the legacy-hunting of the clergy, particularly in Rome, with a law of the year 370,* and Jerome acknowledges there was good reason for it.† The wealth of the church was converted mostly into real estate, or at least secured by it. And the church soon came to own the tenth part of all the landed property. This land, to be sure, had long been worthless or neglected, but under favourable conditions rose in value with uncommon rapidity. At the time of Chrysostom, towards the close of the fourth century, the church of Antioch was strong enough to maintain entirely, or in part, three thousand widows and consecrated virgins, besides many poor, sick, and strangers.‡ The metropolitan churches of Rome and Alexandria were the most wealthy. The various churches of Rome in the sixth century, besides enormous treasures in money, and gold and silver vases, owned many houses and lands not only in Italy and Sicily, but even in Syria, Asia Minor, and Egypt.§ And when John, who bears the honourable distinction of the Alms-giver, for his unlimited liberality to the poor, became patriarch of Alexandria, (606)

* In an edict to Damasus, bishop of Rome. Cod. Theod. xvi. 2, 20:—
“Ecclesiastici . . . viduarum ac pupillarum domos non adeant,” etc.

† Epist. 34, (al. 2,) ad Nepotianum, where he says of this law: “Nec de lege conqueror, sed doleo, cur meruerimus hanc legem;” and of the clergy of his time: “Ignominia omnium sacerdotum est, propriis studere divitiis,” etc.

‡ Chrys. Hom. 66 in Matt. (vii., p. 658.)

§ Comp. the Epistles of Gregory the Great.

he found in the church treasury eight thousand pounds of gold, and himself received ten thousand, though he retained hardly an ordinary blanket for himself, and is said, on one occasion, to have fed seven thousand five hundred poor at once.*

The control of the ecclesiastical revenues vested in the bishops. The bishops distributed the funds according to the prevailing custom, into three or four parts: for themselves, for their clergy, for the current expenses of worship, and for the poor. They frequently exposed themselves to the suspicion of avarice and nepotism. The best of them, like Chrysostom and Augustine, were averse to this concernment with earthly property, since it often conflicted with their higher duties; and they preferred the poverty of earlier times, because the present abundant revenues diminished private beneficence.

And most certainly this opulence had two sides. It was a source both of profit and of loss to the church. According to the spirit of its proprietors and its controllers, it might be used for the furtherance of the kingdom of God, the building of churches, the support of the needy, and the founding of charitable institutions for the poor, the sick, for widows and orphans, for destitute strangers and aged persons,† or perverted to the fostering of indolence and luxury, and thus promote moral corruption and decay. This was felt by serious minds even in the palmy days of the external power of the hierarchy. Dante, believing Constantine to be the author of the pope's temporal sovereignty, on the ground of the fictitious donation to Sylvester, bitterly exclaimed:

“Your gods ye make of silver and of gold;
 And wherein differ from idolaters,
 Save that their god is one—your's hundred-fold?
 Ah, Constantine! what evils caused to flow,
 Not thy conversion, but that plenteous dower,
 Thou on the first rich Father didst bestow!”‡

* See the *Vita S. Joannis Eleemosynarii* (the next to the last catholic patriarch of Alexandria) in the *Acta Sanct.* Bolland. ad 23 Jan.

† The *πρωχοτρφεῖα*, *νοσκομῆα*, *ὄφρανοτρφεῖα*, *γυρακομῆα*, and *ξενῶνες* or *ξενοδοχεῖα*, as they were called; which all sprang from the church.

‡ *Inferno*, canto xix. v. 112—118, as translated by Wright, (with two slight alterations.) Milton, in his prose works, has translated this passage, as well

3. *The better support of the clergy*, was another advantage connected with the new position of Christianity in the Empire.

Hitherto the clergy had been entirely dependent on the voluntary contributions of the Christians, and the Christians were for the most part poor. Now they received a fixed income from the church funds, and from the imperial and municipal treasuries. To this was added the contribution of first-fruits and tithes, which, though not as yet legally enforced, arose as a voluntary custom at a very early period, and probably in churches of Jewish origin existed from the first, after the example of the Jewish law.* Where these means of support were not sufficient, the clergy turned to agriculture or some other occupation; and so late as the fifth century many synods recommended this means of subsistence, although the Apostolical Canons prohibited the engagement of the clergy in secular callings, under penalty of deposition.†

This improvement, also, in the external condition of the clergy, was attended with a proportional degeneracy in their moral character. It raised them above oppressive and distracting cares for livelihood; made them independent, and permitted them to devote their whole strength to the duties of their office; but it also favoured ease and luxury; allured a host of unworthy persons into the service of the church, and checked the exercise of free giving among the people. The better bishops, like Athanasius, the two Gregories, Basil, Chrysostom, Theodoret, Ambrose, Augustine, lived in ascetic simplicity, and used their revenues for the public good; while others indulged their vanity, their love of magnificence, and their voluptuousness.

as that of Ariosto, where he humourously places the donation of Constantine in the moon, among the things lost or abused on earth.

“Ah, Constantine! of how much ill was cause,
Not thy conversion, but those rich domains
That the first wealthy pope received of thee.”

Especially favoured was the *Basilias*, for sick and strangers in Caesarea, named after its founder, the bishop Basil the Great. Basil. Ep. 94., Gregor. Naz. Orat. 27 and 30.

* Lev. xxvii. 30—33; Num. xviii. 20—24; Deut. xiv. 22 sqq.; 2 Chron. xxxi. 4 sqq.

† Constit. Apost. lib. viii. cap. 47, can. 6, (p. 239, ed Ueltzen:) Ἐπίσκοπος ἢ πρεσβύτερος ἢ διάκονος κωσμητικὰς φροντίδας μὴ ἀναλαμβάνετω· εἰ δὲ μὴ, καθαρῶς ὄντω.

The heathen historian Ammianus gives the country clergy in general the credit of simplicity, temperance, and virtue, while he represents the Roman hierarchy, greatly enriched by the gifts of matrons, as extreme in the luxury of their dress and their more than royal banquets;* and St. Jerome agrees with him.† The distinguished heathen prefect, Praetextatus, said to Pope Damasus, that for the price of the bishopric of Rome he himself might become a Christian at once. The bishops of Constantinople, according to the account of Gregory Nazianzen,‡ who himself held that see for a short time, were not behind their Roman colleagues in this extravagance, and vied with the most honourable functionaries of the state in pomp and sumptuous diet. The cathedrals of Constantinople and Carthage had hundreds of priests, deacons, deaconesses, subdeacons, prelectors, singers, and janitors.§

It is worthy of notice, that, as we have already intimated, the two greatest church fathers gave the preference in principle to the voluntary system in the support of the church and the ministry, which prevailed before the Nicene era, and which has been restored in modern times in the United States of America, and among the dissenters in England and the free churches of Scotland. Chrysostom no doubt perceived, that under existing circumstances the wants of the churches could not well be otherwise supplied, but he was decidedly averse to the accumulation of treasure by the church, and said to his hearers in Antioch: “The treasure of the church should be with you all, and it is only your hardness of heart that requires her to hold earthly property, and to deal in houses and lands. Ye are unfruitful in good works, and so the ministers of God must meddle in a thousand matters foreign to their office. In the days of the apostles people might likewise have given them houses and lands; why did they prefer to sell the houses and lands and give the proceeds? Because this was without doubt the better way. Your fathers would have preferred that you

* Lib. xxvii. c. 3. † Hieron. Ep. 34, (al. 2,) et passim. ‡ Orat. 32.

§ The cathedral of Constantinople fell under censure for the excessive number of its clergy and subordinate officers, so that Justinian reduced it to five hundred and twenty-five, of which probably more than half were useless. Comp. Inst. Novell. iii. c. 1—3.

should give alms of your incomes, but they feared that your avarice might leave the poor to hunger; hence the present order of things."* Augustine desired that his people in Hippo should take back the church property, and support the clergy and the poor by free gifts.†

4. We proceed to *the legal validity of the episcopal jurisdiction*, which likewise dates from the time of Constantine.

After the manner of the Jewish synagogues, and according to the exhortation of the apostle,‡ the Christians were accustomed from the beginning to settle their controversies before the church, rather than carry them before heathen tribunals; but down to the time of Constantine, the validity of the bishop's decision depended on the voluntary submission of both parties. Now this decision was invested with the force of law, and in spiritual matters no appeal could be taken from it to the civil court. Constantine himself, so early as 314, rejected such an appeal in the Donatist controversy, with the significant declaration: "The judgment of the priests must be regarded as the judgment of Christ himself."|| Even a sentence of excommunication was final; and Justinian allowed appeal only to the metropolitan, not to the civil tribunal. Several councils, that of Chalcedon, for example, in 451, went so far as to threaten clergy, who should avoid the episcopal tribunal, or appeal from it to the civil, with deposition. Sometimes the bishops called in the help of the state, where the offender contemned the censure of the church. Justinian I. extended the episcopal jurisdiction also to the monasteries. Heraclius subsequently (628) referred even criminal causes among the clergy to the bishops, thus dismissing the clergy thenceforth entirely from the secular courts; though, of course, holding them liable

* Homil. 85 in Matt. (vii. 808 sq.) Hom. 21 in 1 Cor. vii. (x. 190.) Comp. also De sacerdot. l. iii. c. 16.

† Possidius, in Vita Aug. c. 23: "Alloquebatur plebem Dei, malle se ex collationibus plebis Dei vivere quam illarum possessionum curam vel gubernationem pati, et paratum se esse illis cedere, ut eo modo omnes Dei servi et ministri viverent."

‡ 1 Cor. vi. 1—6.

|| "Sacerdotum iudicium ita debet haberi, ut si ipse Dominus residens iudicet." Optatus Milev.: De schism. Donat. f. 184.

for the physical penalty, when convicted of capital crime,* as the ecclesiastical jurisdiction ended with deposition and excommunication. Another privilege granted by Theodosius to the clergy, was, that they should not be compelled by torture to bear testimony before the civil tribunal.

This elevation of the power and influence of the bishops was a salutary check upon the jurisdiction of the state, and on the whole conduced to the interests of justice and humanity, though it also nourished hierarchical arrogance and entangled the bishops, to the prejudice of their higher functions, in all manner of secular suits in which they were frequently called into consultation. Chrysostom complains that "the arbitrator undergoes incalculable vexations, much labour, and more difficulties than the public judge. It is hard to discover the right, but harder not to violate it when discovered. Not labour and difficulty alone are connected with the office, but also no little danger."† Augustine, too, who could make better use of his time, felt this part of his official duty a burden, which nevertheless he bore for love to the church.‡ Others handed over these matters to a subordinate ecclesiastic, or even, like Silvanus, bishop of Troas, to a layman.||

5. Another advantage resulting from the alliance of the church with the empire, was *the episcopal right of intercession*.

The privilege of interceding with the secular power for criminals, prisoners, and unfortunates of every kind, had belonged to the heathen priests, and especially to the vestals, and now passed to the Christian ministry, above all to the bishops, and thenceforth became an essential function of their office. A church in Gaul, about the year 460, opposed the ordination

* Even Constantine, however, before the Council of Nice, had declared, that should he himself detect a bishop in the act of adultery, he would rather throw over him his imperial mantle, than bring scandal on the church by punishing a clergyman.

† De sacerdotibus. l. iii. c. 18, at the beginning.

‡ In Psalm xxv. (vol. iv. 115,) and Epist. 213, where he complains, that before and after noon he was beset and distracted by the members of his church with temporal concerns, though they had promised to leave him undisturbed five days in the week, to finish some theological labours. Comp. Neander, iii. 291 sq. (ed. Torrey, ii. 139 sq.)

|| Socrat. l. vii. c. 37.

of a monk to the bishopric, because, being unaccustomed to intercourse with secular magistrates, though he might intercede with the heavenly Judge for their souls, he could not with the earthly for their bodies. The bishops were regarded particularly as the guardians of widows and orphans, and the control of their property was entrusted to them. Justinian, in 529, assigned to them also a supervision of the prisons, which they were to visit on Wednesdays and Fridays, the days of Christ's passion.

The exercise of this right of intercession, one may well suppose, often obstructed the course of justice; but it also, in innumerable cases, especially in times of cruel, arbitrary despotism, protected the interests of innocence, humanity, and mercy. Sometimes by the powerful pleadings of bishops with governors and emperors whole provinces were rescued from oppressive taxation, and from the revenge of conquerors. Thus Flavian of Antioch, in 387, averted the wrath of Theodosius on occasion of a rebellion, journeying under the double burden of age and sickness even to Constantinople, to the emperor himself, and, with complete success, as an ambassador of their common Lord, reminding him of the words, "If ye forgive men their trespasses, your heavenly Father will also forgive you."*

6. With the right of intercession was closely connected *the right of asylum in churches.*

In former times many of the heathen temples and altars, with some exceptions, were held inviolable as places of refuge; and the Christian churches now inherited also this prerogative. The usage, with some precautions against abuse, was made law by Theodosius II., in 431, and the ill-treatment of an unarmed fugitive in any part of the church edifice, or even upon the consecrated ground, was threatened with the penalty of death.*

Thus slaves found sure refuge from the rage of their masters, debtors from the persecution of inexorable creditors, women and virgins from the approaches of profligates, the conquered from the sword of their enemies in the holy places, until the bishop by his powerful mediation could procure justice or

* Matt. vi. 14. † Cod. Theodos. ix. 43, 1—4. Comp. Socrat. vii. 33.

mercy. The beneficence of this law, which had its root not in superstition alone, but in the nobler sympathies of the people, comes most impressively to view amidst the ragings of the great migration and of the frequent intestine wars.*

7. The *legal sanction of the observance of Sunday*, and other festivals of the church, or the origin of the Christian *civil Sabbath*, as distinct from the Christian *religious Sabbath*, which was observed from the resurrection of Christ and the outpouring of the Holy Spirit.

The state, indeed, should not and cannot enforce the positive observance, but may undoubtedly, and should, prohibit the public disturbance and profanation of the Christian Sabbath, and protect the Christians in their right and duty of its proper observance. Constantine in 321 forbade the sitting of courts and all secular labour in towns, on "the venerable day of the sun," as he expresses himself, perhaps with reference at once to the sun-god Apollo, and to Christ, the true Sun of Righteousness; to his pagan and his Christian subjects. But he distinctly permitted the culture of farms and vineyards in the country, because frequently this could be attended to on no other day so well; † though one would suppose, that the hard-working peasantry were the very ones who most needed the day of rest. Soon afterwards, in June 321, he allowed the manumission of slaves on Sunday; ‡ as this, being an act of benevolence, was different from ordinary business, and might be altogether appropriate to the day of resurrection and redemption. According to Eusebius, Constantine also prohibited

* "The rash violence of despotism," says even Gibbon, "was suspended by the mild interposition of the church; and the lives or fortunes of the most eminent subjects might be protected by the mediation of the bishop."

† This exception is entirely unnoticed by many church histories, but stands in the same law of 321 in the Cod. Justin. lib. iii. tit. 12; de feriis, l. 3: "Omnes judices, urbanaeque plebes, et cunctarum artium officia venerabili die Solis quiescant. Ruri tamen positi agrorum culturae libere licentesque inserviant: quoniam frequenter evenit, ut non aptius alio die frumenta sulcis, aut vineae scrobibus mandentur, ne occasione momenti pereat commoditas cœlesti provisione concessa." Such work was formerly permitted, too, on the pagan feast days; comp. Virgil. Georg. i. v. 268 sqq. Cato, De re rust. c. 2.

‡ Cod. Theodos. lib. ii. tit. 8. l. 1: "Emancipandi et manumittendi die festo cuncti licentiam habeant, et super his rebus actus non prohibeantur."

all military exercises on Sunday, and at the same time enjoined the observance of Friday, in memory of the death of Christ.*

Nay, he went so far, in well-meaning but mistaken zeal, as to require of his soldiers, even the pagan ones, the positive observance of Sunday, pronouncing at a given signal the following prayer, which they mechanically learned: "Thee alone we acknowledge as God; thee we confess as king; to thee we call as our helper; from thee we have received victories; through thee we have conquered enemies. Thee we thank for good received; from thee we hope for good to come. Thee we all most humbly beseech to keep our Constantine and his God-fearing sons through long life healthy and victorious."† Though this formula was held in a deistical generalness, yet the legal injunction of it lay clearly beyond the province of the civil power, trespassed on the rights of conscience, and unavoidably encouraged hypocrisy and empty formalism.

Later emperors declared the profanation of Sunday to be sacrilege, and prohibited also the collecting of taxes and private debts, (368 and 386) and even theatrical and circus performances on Sunday and the high festivals, (386 and 425).‡ But this interdiction of public amusements, on which a council of Carthage (399 or 401) with reason insisted, was probably never rigidly enforced, and was repeatedly supplanted by the opposite practice.||

* Eus. Vit. Const. iv. 18—20. Comp. Sozom. i. 8. In our times, military parades and theatrical exhibitions in Paris, Vienna, Berlin, and other European cities are so frequent on no other day as on the Lord's day! In France political elections are usually held on the Sabbath!

† Eus. Vit. Const. l. iv. c. 20. The formulary was prescribed in the Latin language, as Eusebius says in c. 19. He is speaking of the whole army, (comp. c. 18,) and it may be presumed that many of the soldiers were heathen.

‡ The second law against opening theatres on Sundays and festivals (A. D. 425) in the Cod. Theodos. l. xv. tit. 7, l. 5, says expressly: "Omni theatrorum atque circensium voluptate per universas urbes . . . denegata, totae Christianorum ac fidelium mentes Dei cultibus occupentur."

|| As Chrysostom, at the end of the fourth century and the beginning of the fifth, often complains that the theatre is better attended than the church; so, down to this day, the same is true in almost all the large cities on the continent of Europe. Only in England and the United States, under the influence of Calvinism and Puritanism, are the theatres closed on Sunday.

II. INFLUENCE OF CHRISTIANITY ON CIVIL LEGISLATION AND THE REFORM OF SOCIAL EVILS.

While in this way the state secured to the church the well-deserved rights of a legal corporation, the church exerted in turn a most beneficent influence on the state, liberating it by degrees from the power of heathen laws and customs, from the spirit of egotism, revenge, and retaliation, and extending its care beyond mere material prosperity to the higher moral interests of society. In the previous period we observed the contrast between Christian morality and heathen corruption in the Roman empire. We are now to see how the Christian morality gained public recognition, and began at least in some degree to rule the civil and political life.

As early as the second century, under the better heathen emperors, and evidently under the indirect, struggling, yet irresistible influence of the Christian spirit, legislation took a reformatory, humane turn, which was carried by the Christian emperors as far as it could be carried on the basis of the ancient Græco-Roman civilization. Now, above all, the principle of *justice and equity, humanity and love*, began to assert itself in the life of the state. For Christianity, with its doctrines of man's likeness to God, of the infinite value of personality, of the original unity of the human race, and of the common redemption through Christ, first brought the universal rights of man to bear* in opposition to the exclusive national spirit, the heartless selfishness, and the political absolutism of the old world, which harshly separated nations and classes, and respected man only as a citizen, while, at the same time, it denied the right of citizenship to the great mass of slaves, foreigners, and barbarians.

Christ himself began his reformation with the lowest orders of the people, with fishermen and tax-gatherers, with the poor, the lame, the blind, with demoniacs and sufferers of every kind, and raised them first to the sense of their dignity and their high destiny. So now the church wrought in the state, and through the state, for the elevation of the oppressed and the

* Comp. Lactantius: Inst. divin. l. v. c. 15.

needy, and of those classes which, under the reign of heathenism, were not reckoned at all in the body politic, but were heartlessly trodden under foot. The reformatory motion was thwarted, it is true, to a considerable extent, by popular custom, which is stronger than law, and by the structure of society in the Roman empire, which was still essentially heathen and doomed to dissolution. But reform was at least set in motion, and could not be turned back even by the overthrow of the empire; it propagated itself among the German tribes. And although even in Christian states the old social maladies are ever breaking forth from corrupt human nature, sometimes with the violence of revolution, Christianity is ever coming in to restrain, to purify, to heal, and to console, curbing the wild passions of tyrants and of populace, vindicating the persecuted, mitigating the horrors of war, and repressing incalculable vice in public and in private life among Christian people. The most cursory comparison of Christendom with the most civilized heathen and Mohammedan countries affords ample testimony of this.

Here again the reign of Constantine is a turning-point. Though an oriental despot, and but imperfectly possessed with the earnestness of Christian morality, he nevertheless enacted many laws, which distinctly breathe the spirit of Christian justice and humanity, as the abolition of the punishment of crucifixion, the prohibition of gladiatorial games and cruel rites, the discouragement of infanticide, and the encouragement of the emancipation of slaves. Eusebius says, he improved most of the old laws, or replaced them by new ones.* Henceforward we feel, beneath the toga of the Roman lawgiver, the warmth of a Christian heart. We perceive the influence of the evangelical preaching and exhortations of the father of monasticism out of the Egyptian desert to the rulers of the world, Constantine and his sons; that they should show justice and mercy to the poor, and remember the judgment to come.

* Vit. Const. l. iv. c. 26, where the most important laws of Constantine are recapitulated. Even the heathen Libanius (Basil. ii. p. 146,) concedes, that under Constantine and his sons legislation was much more favourable to the lower classes; though he accounts for this only by the personal clemency of the emperors.

Even Julian, with all his hatred of the Christians, could not entirely renounce the influence of his education, and of the reigning spirit of the age, but had to borrow from the church many of his measures for the reformation of heathenism. He recognised especially the duty of benevolence towards all men, charity to the poor, and clemency to prisoners; though this was contrary to the general sentiment, and though he proved himself anything but benevolent towards the Christians. But then the total failure of his philanthropic plans and measures shows, that the true love for man can thrive only in Christian soil. And it is remarkable that, with all this involuntary concession to Christianity, Julian himself passed not a single law "in line with the progress of natural rights and equity."*

His successors trod in the footsteps of Constantine, and to the end of the West Roman empire kept the civil legislation under the influence of the Christian spirit, though thus often occasioning conflicts with the still lingering heathen element, and sometimes temporary apostasy and reäction. We observe, also, in remarkable contradiction, that while the laws were milder in some respects, they were in others even more severe and bloody than ever before; a paradox to be explained, no doubt, in part by the despotic character of the Byzantine government, and in part by the disorders of the time.†

It now became necessary to collect the imperial ordinances‡ in a *codex* or *corpus juris*. Of the first two attempts of this kind, made in the middle of the fourth century, only some fragments remain.§ But we have the *Codex Theodosianus*,

* Troplong; *De l'influence du Christianisme sur le droit civil des Romains*, p. 127. Paris, 1843.

† Comp. de Rhoer, *Dissertationes de effectu relig. Christiane in jurisprudentiam Romanam*, p. 59 sqq. Groning. 1776. The origin of this increased severity of penal laws is, at all events, not to be sought in the church; for in the fourth and fifth centuries she was still rather averse to the death penalty. Comp. Ambros. Ep. 25 and 26 (al. 51 and 52), and Augustine, Ep. 153 ad Macedonium.

‡ *Constitutiones* or *Leges*. If answers to questions, they were called *Rescripta*; if spontaneous decrees, *Edicta*.

§ The *Codex Gregorianus* and *Codex Hermogenianus*; so called from the compilers, two private lawyers. They contained the rescripts and edicts of the heathen emperors from Hadrian to Constantine, and would facilitate a comparison of the heathen legislation with the Christian.

which Theodosius II. caused to be made by several jurists between the years 429 and 438. It contains the laws of the Christian emperors from Constantine down, adulterated with many heathen elements; and it was sanctioned by Valentinian III. for the western empire. A hundred years later, in the flourishing period of the Byzantine state-church despotism, Justinian I., who, by the way, cannot be acquitted of the reproach of capricious and fickle law-making, committed to a number of lawyers, under the direction of the renowned Tribonianus,* the great task of making a complete revised and digested collection of the Roman law from the time of Hadrian to his own reign; and thus arose, in the short period of seven years, (527—534,) through the combination of the best talent and the best facilities, the celebrated *CODIX JUSTINIANEUS*, which thenceforth became the universal law of the Roman empire, the sole text-book in the academies at Rome, Constantinople, and Berytus, and the basis of nearly all the legal relations of Christian Europe to this day.†

* Tribonianus, a native of Side in Paphlagonia, died 546, was an advocate and a poet, and rose, by his talents and the favor of Justinian, to be Quaestor, Consul, and at last Magister officiorum. Gibbon compares him, both for his comprehensive learning and administrative ability, and for his enormous avarice and venality, with Lord Bacon. But in one point these statesmen were very different: while Bacon was a decided Christian in his convictions, Tribonianus was accused of pagan proclivities and of atheism. In a popular tumult in Constantinople, the emperor was obliged to dismiss him, but found him indispensable, and soon restored him.

† The complete *Codex Justinianus*, which has long outlasted the conquests of that Emperor, (as Napoleon's Code has outlasted his,) comprises properly three separate works: (1) The *Institutiones*, an elementary text-book of jurisprudence, of the year 533. (2.) The *Digesta* or *Pandectae* (πάρδεκται, complete repository,) an abstract of the spirit of the whole Roman jurisprudence, according to the decisions of the most distinguished jurists of the earlier times, composed in 530—533. (3) The *Codex* proper, first prepared in 528 and 529, but in 534 reconstructed, enlarged, and improved, and hence called *Codex repetitae praelectionis*; containing four thousand six hundred and forty-eight imperial ordinances, in seven hundred and sixty-five titles, in chronological order. To these is added, (4.) A later Appendix: *Novellae constitutiones* (νεπαι διατάξεις), or simply *Novellae* (a barbarism); that is, the New Code, or one hundred and sixty-eight decrees of Justinian subsequently collected, from the 1st of January 535, to his death in 565, mostly in Greek, or in both Greek and Latin. Excepting some of the novels of Justinian, the codex was composed in the Latin language, which Justinian and Tribonianus understood;

This body of Roman law* is an important source of our knowledge of the Christian life in its relations to the state, and its influence upon it. It is, to be sure, in great part, the legacy of pagan Rome, which was constitutionally endowed with legislative and administrative genius, and thereby, as it were, predestined to universal empire. But it received essential modification through the orientalizing change in the character of the empire, from the time of Constantine, through the infusion of various Germanic elements, through the influence of the law of Moses, and, in its best points, through the spirit of Christianity. The church it fully recognises as a legitimate institution, and of divine authority, and several of its laws were enacted at the direct instance of bishops. So the "Common Law," the unwritten traditional law of England and America, though descending from the Anglo-Saxon times, therefore, from heathen Germandom, has ripened under the influence of Christianity and the church, and betrays this influence even far more plainly than the Roman code.

The benign effect of Christianity on legislation in the Græco-Roman empire is especially noticeable in the following points:

1. In the treatment and elevation of *woman*. From the beginning Christianity laboured, primarily in the silent way of fact, for the elevation of the female sex from the degraded, slavish position, which it occupied in the heathen world; † and even in this period it produced such illustrious models of female virtue as Nonna, Anthusa, and Monica, who commanded the

but afterwards, as this tongue died out in the East, it was translated into Greek, and sanctioned in this form by the Emperor Phocas in 600. The emperor Basil, the Macedonian, in 876 caused a Greek abstract (*τρίχρον των νόμων*) to be prepared, which, under the name of the *Basilicæ*, gradually supplanted the book of Justinian in the Byzantine empire. The Pandects have narrowly escaped destruction. Most of the editions and manuscripts of the west, (not all, as Gibbon says,) are taken from the Codex Florentinus, which was transcribed in the beginning of the seventh century, at Constantinople, and afterwards carried by the vicissitudes of war and trade to Amalfi, to Pisa, and in 1411 to Florence.

* Called *Corpus juris Romani* or *Corpus juris civilis*, in distinction from *Corpus juris canonici*, the Roman Catholic Church law, which is based chiefly on the canons of the ancient councils, as the civil law is upon the rescripts and edicts of the emperors.

† See Schaff's History of the Christian Church, during the first three centuries, § 91.

highest respect of the heathens themselves. The Christian emperors pursued this work, though the Roman legislation stops considerably short of the later Germanic in regard to the rights of woman. Constantine, in 321, granted to women the same right as men to control their property, except in the sale of their landed estates. At the same time, from regard to their modesty, he prohibited the summoning them in person before the public tribunal. Theodosius I., in 390, was the first to allow the mother a certain right of guardianship, which had formerly been entrusted exclusively to men. Theodosius II., in 439, interdicted, but unfortunately with little success, the scandalous trade of the *lenones*, who lived by the prostitution of women, and paid a considerable license tax to the state.* Woman received protection in various ways against the beastly passion of man. The rape of consecrated virgins and widows was made punishable, from the time of Constantine, with death.†

2. In the *matrimonial* legislation Constantine gave marriage its due freedom by abolishing the old Roman penalties against celibacy and childlessness.‡ On the other hand, marriage now came to be restricted under heavy penalties, by the introduction of the Old Testament prohibitions of marriage within certain degrees of consanguinity, which subsequently were arbitrarily extended even to the relation of cousin down to the third remove.§ Justinian forbade also the marriage between a god-parent and god-child, on the ground of spiritual kinship. And better than all, the dignity and sanctity of marriage were now protected by restrictions upon the boundless liberty of divorce, which had obtained from the time of Augustus, and had vastly hastened the decay of public morals. Still, the strict view of the fathers, who, following the word of Christ, recognised adultery alone as a sufficient ground of divorce, could not be carried out in the state.|| The legislation of the

* Cod. Theod. lib. xv. tit. 8; de lenonibus.

† C. Theod. ix. 24; de raptu virginum et viduarum (probably nuns and deaconesses.)

‡ C. Theod. viii. 16, 1. Comp. Euseb. Vit. Const. iv. 26.

§ C. Theod. iii. 12; de incestis nuptiis.

|| C. Theod. iii. 16; de repudiis. Hence Jerome, says in view of this, Ep.

emperors in this matter wavered between the licentiousness of Rome and the doctrine of the church. So late as the fifth century we hear a Christian author complain that men exchange wives as they would garments, and that the bridal chamber is exposed to sale like a shoe on the market. Justinian attempted to bring the public laws up to the wish of the church, but found himself compelled to relax them; and his successor allowed divorce even on the ground of mutual consent.*

Concubinage was forbidden from the time of Constantine, and adultery punished as one of the grossest crimes.† Yet here, also, pagan habit ever and anon reacted in practice, and even the law seems to have long tolerated the wild marriage, which rested only on mutual agreement, and was entered into without covenant, dowry, or ecclesiastical sanction.‡ Solemn-

30 (al. 84) ad Oceanum: "Aliae sunt leges Caesarum, aliae Christi; aliud Papinianus [the most celebrated Roman jurist, died A. D. 212,] aliud Paulus noster præcipit."

* Gibbon: "The dignity of marriage was restored by the Christians. . . . The Christian princes were the first who specified the just causes of a private divorce; their institutions, from Constantine to Justinian, appear to fluctuate between the custom of the empire and the wishes of the church, and the author of the Novels too frequently reforms the jurisprudence of the Code and the Pandects. . . . The successor of Justinian yielded to the prayers of his unhappy subjects, and restored the liberty of divorce by mutual consent."

† In a law of 326, it is called, "facinus atrocissimum, scelus immane." Cod. Theod. l. ix. tit. 7, l. 1 sq. And the definition of adultery, too, was now made broader. According to the old Roman law, the idea of adultery on the part of the man was limited properly to illicit intercourse with the *married* lady of a *free citizen*, and was thought punishable, not so much for its own sake, as for its encroachment on the rights of another husband. Hence Jerome says, l. c., of the heathen: "Apud illos viris impudicitiae frena laxantur, et solo stupro et adulterio condemnato passim per lupanaria et ancillulas libido permittitur; quasi culpam dignitas faciat, non voluntas. Apud nos quod non licet feminis, aequè non licet viris, et eadem servitus pari conditione censetur." Yet the law, even under the Christian emperors, still excepted carnal intercourse with a female slave from adultery. Thus the state here also stopped short of the church, and does to this day in countries where the institution of slavery exists.

‡ Even a council at Toledo, in 398, conceded so far on this point, as to decree, can. 17: "Si quis habens uxorem fidelis concubinam habeat, non comunicet. Ceterum is, qui non habet uxorem et pro uxore concubinam habeat, a communione non repellatur, tantum ut unius mulieris aut uxoris aut concubinæ, ut ei placuerit, sit conjunctione contentus. Alias vero vivens abjiciatur donec desinat et per poenitentiam revertatur."

ization by the church was not required by the state as the condition of a legitimate marriage till the eighth century. Second marriage, also, and mixed marriages with heretics and heathens, continued to be allowed, notwithstanding the disapproval of the stricter church teachers; only marriage with Jews was prohibited, on account of their fanatical hatred of the Christians.*

3. *The power of fathers over their children*, which according to the old Roman law extended even to their freedom and life, had been restricted by Alexander Severus, under the influence of the monarchical spirit, which is unfavourable to private jurisdiction, and was still further limited under Constantine. This emperor declared the killing of a child by its father, which the Pompeian law left unpunished, to be one of the greatest crimes.† But the cruel and unnatural practice of exposing children and selling them into slavery continued for a long time, especially among the labouring and agricultural classes. Even the indirect measures of Valentinian and Theodosius I. could not eradicate the evil. Theodosius, in 391, commanded that children, which had been sold as slaves by their father from poverty, should be free, and that without indemnity to the purchasers; and Justinian, in 529, gave all exposed children, without exception, their freedom.‡

4. *The Institution of Slavery.*

The institution of slavery remained throughout the empire, and is recognised in the laws of Justinian as altogether legitimate.|| The purchase and sale of slaves for from ten to seventy pieces of gold, according to their age, strength, and

* Cod. Theod. iii. 7, 2; C. Justin. i. 9, 6. A proposal of marriage to a nun was even punished with death, (ix. 25, 2.)

† A. D. 318; Valentinian did the same in 374. Cod. Theod. ix. tit. 14 and 15., Comp. the Pandects, lib. xlviii. tit. 8, l. ix.

‡ Cod. Theod. iii. 3, 1. Cod. Just. iv. 43, 1; viii. 52, 3. Gibbon says: "The Roman empire was stained with the blood of infants, till such murders were included, by Valentinian and his colleagues, in the letter and spirit of the Cornelian law. The lessons of jurisprudence and Christianity had been inefficient to eradicate this inhuman practice, till their gentle influence was fortified by the terrors of capital punishment."

|| Instit. lib. i. tit. 5—8. Digest. l. i. tit. 5 and 6.

training, was a daily occurrence.* The number was not limited; many a master owning even two or three thousand slaves. The legal wall of partition, which separated them from free citizens and excluded them from the universal rights of man, was by no means broken down, and even the church taught only the moral and religious equality. Constantine issued rigid laws against intermarriage with slaves, all the offspring of which must be slaves; and against fugitive slaves, (A. D. 319 and 326,) who at that time in great multitudes plundered deserted provinces, or joined with hostile barbarians against the empire. But, on the other hand, he facilitated manumission, permitted it even on Sunday, and gave the clergy the right to emancipate their slaves simply by their own word, without the witnesses and ceremonies required in other cases.† By Theodosius and Justinian the liberation of slaves was still further encouraged. The latter emperor abolished the penalty of condemnation to servitude, and by giving to freed persons the rank and rights of citizens, he removed the stain which had formerly attached to that class.‡ The spirit of his laws favoured the gradual abolition of domestic slavery. In the Byzantine empire in general, the differences of rank in society were more equalized, though not so much on Christian principle as in the interest of despotic monarchy. Despotism and extreme democracy meet in predilection for universal equality and uniformity. Neither can suffer any overshadowing greatness, save the majesty of the prince or the will of the people. The one system knows none but slaves; the other, none but masters.

Nor was an entire abolition of slavery at that time at all demanded or desired even by the church. As in the previous

* The legal price, which, however, was generally under the market price, was thus established under Justinian, (Cod. l. vi. tit. xliii. l. 3): "Ten pieces of gold for an ordinary male or female slave under ten years; twenty, for slaves over ten; thirty, for such as understood a trade; fifty, for notaries and scribes; sixty, for physicians and midwives. Eunuchs ranged to seventy pieces.

† In two laws of 316 and 321. Corp. Jur. l. i. tit. 13, l. 1 and 2.

‡ Cod. Just. vii. 5, 6. Nov. 22, c. 8, (A. D. 536,) and Nov. 78 præf. 1, 2, (A. D. 539.)

period, she still thought it sufficient to insist on the kind Christian treatment of slaves, enjoining upon them obedience for the sake of the Lord, comforting them in their low condition with the thought of their higher moral freedom and equality, and by the religious education of the slaves making an inward preparation for the abolition of the institution. All hasty and violent measures met with decided disapproval. The council of Gangra threatens with the ban every one who, under pretext of religion, seduces slaves into contempt of their masters; and the council of Chalcedon, in its fourth canon, on pain of excommunication, forbids monasteries to harbour slaves without permission of the masters, lest Christianity be guilty of encouraging insubordination. The church fathers, so far as they enter this subject at all, seem to look upon slavery as at once a necessary evil and a divine instrument of discipline; tracing it to the curse on Ham and Canaan.* It is true, they favour emancipation in individual cases, as an act of Christian love on the part of the master, but not as a right on the part of the slave; and the well-known passage: "If thou mayest be made free, use it rather," they understand not as a challenge to slaves to take the first opportunity to gain their freedom, but on the contrary as a challenge to remain in their servitude, since they are at all events inwardly free in Christ, and their outward condition is of no account.†

Even St. Chrysostom, though of all the church fathers the nearest to the emancipation theory, and the most attentive to the question of slavery in general, does not rise materially above this view.‡ According to him mankind were originally created perfectly free and equal, without

* Gen. ix. 25: "Cursed be Canaan; a servant of servants shall he be unto his brethren."

† 1 Cor. vii. 21. The fathers supply, with *μᾶλλον χρισταί*, the word *δουλεία* (Chrysostom: *μᾶλλον δούλει*); whereas nearly all modern interpreters (except De Wette and Meyer) follow Calvin and Grotius in supplying *ἐλευθερία*. Chrysostom, however, mentions this construction, and in another place (Serm. iv. in Genes., tom. v., p. 666) seems himself to favour it.

‡ The views of Chrysostom on slavery are presented in his Homilies on Genesis and on the Epistles of Paul, and are collected by Möhler in his beautiful article on the Abolition of Slavery (*Vermischte Schriften*, ii., p. 89 sqq.) Möhler says, that since the times of the apostle Paul no one has done a more valuable service to slaves, than St. Chrysostom. But he overrates his merit.

the addition of a slave. But by the fall man lost the power of self-government, and fell into a threefold bondage: the bondage of woman under man, of slave under master, of subject under ruler. These three relations he considers divine punishments and divine means of discipline. Thus slavery, as a divine arrangement occasioned by the fall, is at once relatively justified and in principle condemned. Now, since Christ has delivered us from evil and its consequences, slavery, according to Chrysostom, is in principle abolished in the church, yet only in the sense in which sin and death are abolished. Regenerate Christians are not slaves, but perfectly free men in Christ and brethren among themselves. The exclusive authority of the one and subjection of the other give place to mutual service in love. Consistently carried out, this view leads of course to emancipation. Chrysostom, it is true, does not carry it to that point, but he decidedly condemns all luxurious slaveholding, and thinks one or two servants enough for necessary help, while many patricians had hundreds and thousands. He advises the liberation of superfluous slaves, and the education of all, that in case they should be liberated, they may know how to take care of themselves. He is of opinion, that the first Christian community at Jerusalem, in connection with community of goods, emancipated all their slaves;* and thus he gives his hearers a hint to follow that example. But of an appeal to slaves to break their bonds, this father shows of course no trace; he rather, after apostolic precedent, exhorts them to conscientious and cheerful obedience for Christ's sake, as earnestly as he inculcates upon masters humanity and love. The same is true of Ambrose, Augustine, and Peter Chrysologus of Ravenna (458).

St. Augustine, the noblest representative of the Latin church, in his profound work on the "City of God," excludes slavery from the original idea of man and the final condition of society, and views it as an evil consequent upon sin, yet under divine

* Homil. xi. in Acta Apost. (tom. ix., p. 93;) οὐδέ γὰρ τότε τοῦτο ἦν ἀλλ' ἐλευθέρους ἴσως ἐπέτριπεν γίνεσθαι. The monk Nilus, a pupil of Chrysostom, went so far as to declare slaveholding inconsistent with true love to Christ, Ep. lib. i. ep. 142 (quoted by Neander in his chapter on Monasticism:) Οὐ γὰρ ὄμει οὐκίτην ἔχον τὸν φιλόχριστον, εἶδὼτα τὴν χάριν τὴν πάντας ἐλευθέρωσαν.

direction and control. For God, he says, created man reasonable, and lord only over the unreasonable, not over man. The burden of servitude was justly laid upon the sinner. Therefore the term servant is not found in the Scriptures till Noah used it as a curse upon his offending son. Thus it was guilt, and not nature, that deserved that name. The Latin word *servus* is supposed to be derived from *servare* [*servire* rather], or the preservation of the prisoners of war from death, which itself implies the desert of sin. For even in a just war there is sin on one side, and every victory humbles the conquered by divine judgment, either reforming their sins or punishing them. Daniel saw in the sins of the people the real cause of their captivity. Sin, therefore, is the mother of servitude, and first cause 'of man's subjection to man; yet this does not come to pass except by the judgment of God, with whom there is no injustice, and who knows how to adjust the various punishments to the merits of the offenders. . . . The apostle exhorts the servants to obey their masters and to serve them *ex animo*, with good will; to the end that, if they cannot be made free from their masters, they may make their servitude a freedom to themselves, by serving them not in deceitful fear, but in faithful love, until iniquity be overpassed, and all man's principality and power be annulled, and God be all in all.*

As might be expected, after the conversion of the emperors, and of the rich and noble families who owned most slaves, cases of emancipation became more frequent.† The biographer of St. Samson Xenodochus, a contemporary of Justinian, says of him: "His troop of slaves he would not keep, still less exercise over his fellow-servants a lordly authority; he preferred magnanimously to let them go free, and gave them enough for the necessaries of life."‡ Salvianus, a Gallic presbyter of the fifth century, says, that slaves were emancipated *daily*.§ On

* De Civit. Dei, lib. xix. c. 15.

† For earlier cases, at the close of the previous period, see Schaff's Hist. of the Christian Church, vol. i. § 89, at the end.

‡ Acta Sanct. Boll. Jun. tom. v., p. 267.—According to Palladius, Hist. c. 119, St. Melania had in concert with her husband Pinius manumitted as many as eight thousand slaves. Yet it is only the ancient Latin translation that has this almost incredible number.

§ Ad ecol. cath. l. iii. § 7 (Galland. tom. x. p. 71): In usu quidem quo-

the other hand very much was done by the church to prevent the increase of slavery; especially in the way of redeeming prisoners, to which sometimes the gold and silver vessels of churches were applied. But we have no reliable statistics for comparing, even approximately, the proportion of the slaves to the free population at the close of the sixth century with the proportion in the former period.

We conclude then that the ancient catholic church of the Graeco-Roman empire, although naturally conservative, and decidedly opposed to all radical revolution and violent measures, nevertheless, in its inmost instincts and ultimate tendencies favoured universal freedom, and by raising the slave to a spiritual equality with the master and treating him uniformly as an immortal being, capable of the same virtues, blessings, and rewards, it placed the hateful institution of human bondage, then universally prevalent, in the way of gradual mitigation and ultimate extinction.

5. *The poor and unfortunate in general*, above all the *widows and orphans, prisoners and sick*, who were so terribly neglected in heathen times, now drew the attention of the imperial legislators. Constantine in 315 prohibited the branding of criminals on the forehead, that the "human countenance," as he said, "formed after the image of heavenly beauty, should not be defaced."* He provided against the inhuman maltreatment of prisoners before their trial.†

To deprive poor parents of all pretext for selling or exposing their children, he had them furnished with food and clothing, partly at his own expense and partly at that of the state.‡ He

tidiano est, ut servi, etsi non optima, certe non infimae servitudinis, Romesia a dominis libertate donentur, in qua scilicet et proprietatem peculii capiunt et jus testamentarium consequuntur; ita ut et viventes, cui volunt, res suas tradant, et mortuorum donatione transcribant. Nec solum hoc, sed et illa, quae in servitute positi adquisierant, ex dominorum domo tollere non vetantur. From this passage it appears that many masters, with a view to set their slaves free, allowed them to earn something; which was not allowed by the Roman law.

* Cod. Theod. ix., 40, 1 and 2.

† Cod. Theod. ix., tit. 3, de custodia reorum. Comp. later similar laws of the year 409 in l. 7, and of 529 in the Cod. Justin. i. 4, 22.

‡ Comp. the two laws De alimentis quae inopes parentes, de publico petere debent, in the Cod. Theod. xi. 27, 1 and 2.

likewise endeavoured, particularly by a law of the year 331, to protect the poor against the venality and extortion of judges, advocates, and tax collectors, who drained the people by their exactions.* In the year 334 he ordered, that widows, orphans, the sick, and the poor, should not be compelled to appear before a tribunal outside their own province. Valentinian, in 365, exempted widows and orphans from the ignoble poll-tax.† In 364 he entrusted the bishops with the supervision of the poor. Honorius did the same in 409. Justinian, in 529, as we have before remarked, gave the bishops the oversight of the state prisons, which they were to visit on Wednesdays and Fridays, to bring home to the unfortunates the earnestness and comfort of religion. The same emperor issued laws against usury and inhuman severity in creditors, and secured benevolent and religious foundations, by strict laws, against alienation of their revenues from the original design of the founders. Several emperors and empresses took the church institutions for the poor and sick, for strangers, widows, and orphans, under their special patronage, exempted them from the usual taxes, and enriched or enlarged them from their private funds.‡ Yet in those days, as still in ours, the private beneficence of Christian love took the lead, and the state followed at a distance, rather with ratification and patronage, than with independent and original activity.§

6. And finally, one of the greatest and most beautiful victories of Christian humanity over heathen barbarism and cruelty, was the abolition of the *gladiatorial contests*, against which even

* Ib. tit. 7, l. 1: Cessent jam nunc rapaces officialium manus, cessent inquam! nam si moniti non cessaverint, gladiis praecedentur.

† The capitatio plebeia. Cod. Theod. xiii. 10, 1 and 4. Other laws in behalf of widows, Cod. Just. iii. 14, ix. 24.

‡ Cod. Theod. xi. 16, xiii. 1. Cod. Just. i. 3, Nov. 131. Comp. here in general Chastel: *The charity of the Primitive Churches*, (transl. by Matile,) p. 281—293.

§ Comp. Chastel, l. c. p. 293: "It appears, then, as to charitable institutions, the part of the Christian emperors was much less to found themselves, than to recognise, to regulate, to guarantee, sometimes also to enrich with their private gifts, that which the church had founded. Everywhere the initiative had been taken by religious charity. Public charity only followed in the distance, and when it attempted to go ahead originally and alone, it soon found that it had strayed aside, and was constrained to withdraw."

the apologists in the second century had already raised the most earnest protest.*

These bloody shows, in which human beings, mostly criminals, prisoners of war, and barbarians, by hundreds and thousands killed one another, or were killed in fight with wild beasts, for the amusement of the spectators, were still in full favour at the beginning of the period before us. The pagan civilization here proves itself impotent. In its eyes the life of a barbarian is of no other use than to serve the cruel amusement of the Roman people, who wish quietly to behold with their own eyes, and enjoy at home the martial blood-shedding of their frontiers. Even the humane Symmachus gave an exhibition of this kind during his consulate (391), and was enraged that twenty-nine Saxon prisoners of war escaped this public shame by suicide.† While the Vestal virgins existed, it was their special prerogative to cheer on the combatants in the amphitheatre to the bloody work, and to give the signal for the deadly stroke.‡

The contagion of the thirst for blood, which these spectacles generated, is presented to us in a striking example by Augustine in his Confessions.§ His friend Alypius, afterwards bishop of Tragaste, was induced by some friends in 385, to visit the amphitheatre at Rome, and went, resolved to lock himself up against all impressions. "When they reached the spot," says Augustine, "and took their places on the hired seats, every thing already foamed with blood-thirsty delight. But Alypius, with closed eyes, forbade his soul to yield to this sin. O had he but stopped also his ears! For when, on the fall of a gladiator in the contest, the wild shout of the whole multitude fell upon him, overcome by curiosity, he opened his

* Comp. Schaff's *Hist. of the Christian Church*, vol. i. § 88.

† Symm. l. ii. Ep. 46, Comp. vii. 4.

‡ Prudentius Adv. Symmach. ii. 1095:

Virgo—consurgit ad ictus,
Et quotiens victor ferrum jugulo inserit, illa
Delicias ait esse suas, pectusque jacentis
Virgo modesta jubet, converso pollice, rumpi;
Ni lateat pars ulla animae vitalibus imis,
Altius impresso dum palpitat ense secutor.

§ Lib. vi. c. 8.

eyes, though prepared to despise and resist the sight. But he was smitten with a more grievous wound in the soul, than the combatant in the body, and fell more lamentably. . . . For when he saw the blood, he imbibed at once the love of it, turned not away, fastened his eyes upon it, caught the spirit of rage and vengeance before he knew it, and, fascinated with the murderous game, became drunk with blood-thirsty joy. . . . He looked, shouted applause, burned, and carried with him thence the frenzy, by which he was drawn to go back, not only with those who had taken him there, but before them, and taking others with him."

Christianity finally succeeded in closing the amphitheatre. Constantine, who in his earlier reign himself did homage to the popular custom in this matter, and exposed a great multitude of conquered barbarians to death in the amphitheatre at Trier, for which he was highly commended by a heathen orator,* issued, in 325, the year of the great council of the church at Nice, the first prohibition of the bloody spectacles, "because they cannot be pleasing in a time of public peace."† But this edict, which is directed to the prefects of Phœnicia, had no permanent effect even in the East, except at Constantinople, which was never stained with the blood of gladiators. In Syria, and especially in the West, above all in Rome, the deeply rooted institution continued into the fifth century. Honorius (395—423), who at first considered it indestructible, abolished the gladiatorial shows about 404, and did so at the instance of the heroic self-denial of an eastern monk by the name of Telemachus, who journeyed to Rome expressly to protest against this inhuman barbarity, threw himself into the arena, separated the combatants, and then was torn to pieces by the populace, a martyr to humanity.‡ Yet this put a stop only to the bloody combats of men. Unbloody spectacles of every kind, even on the high festivals of the church, and amidst the invasions of

* Eumenii Panegyri. c. 12.

† Cod. Theod. xv., tit. 12, l. 1, de gladiatoribus: Cruenta spectacula in otio civili et domestica quiete non placent; qua propter omnino gladiatores esse prohibemus. Comp. Euseb. v. Const. iv. 25.

‡ So relates Theodoret: Hist. eccl. l. v., c. 26. For there is no law of Honorius extant on the subject. Yet after this time there is no mention of a gladiatorial contest between man and man.

the barbarians, as we see by the grievous complaints of a Chrysostom, an Augustine, and a Salvian, were as largely and as passionately attended as ever; and even fights with wild animals, in which human life was generally more or less sacrificed, continued,* and, to the scandal of the Christian name, are tolerated in Spain and South America to this day.

III. EVILS OF THE UNION OF CHURCH AND STATE.

We turn now to the dark side of the union of the church with the state; to the consideration of the disadvantages which grew out of their altered relation after the time of Constantine, and which continue to show themselves in the condition of the church in Europe to our own time.

These evil results may be summed up under the general designation of the *secularization of the church*. By taking in the whole population of the Roman empire, the church became, indeed, a church of the masses, a church of the people, but at the same time more or less a church of the world. Christianity became a matter of fashion. The number of hypocrites and formal professors rapidly increased;† strict discipline, zeal, self-sacrifice, and brotherly love proportionally ebbed away; and many heathen customs and usages, under altered names, crept into the worship of God and the life of the Christian people. The Roman state had grown up under the influence of idolatry, and was not to be magically transformed at a stroke. With the secularizing process, therefore, a paganizing tendency went hand in hand.

* In a law of Leo, of the year 469, (in the Cod. Justin. iii., tit. 12, l. 11), besides the *scena theatralis* and the *circense theatrum*, also *ferarum lacrymosa spectacula* are mentioned as existing. Salvian likewise, in the fifth century, (*De gubern. Dei*, l. vi., p. 51,) censures the delight of his contemporaries in such bloody combats of men with wild beasts. So late as the end of the seventh century, a prohibition from the Tullan council was called for in the East. In the West, Theodorick appears to have exchanged the beast-fights for military displays, whence proceeded the later tournaments. Yet these shows have never become entirely extinct, but remain in the bull-fights of southern Europe, especially in Spain.

† Thus Augustine, for example, *Tract. in Joann.* xxv., c. 10, laments that the church filled itself daily with those, who sought Jesus not for Jesus, but for earthly profit. Comp. the similar complaint of Eusebius, *Vit. Const.* l. iv. c. 54.

Yet the pure spirit of Christianity could by no means be polluted by this. On the contrary, it retained, even in the darkest days, its faithful and steadfast confessors, conquered new provinces from time to time, constantly reacted, both within the established church and outside of it, in the form of monasticism, against the secular and the pagan influences, and, in its very struggle with the prevailing corruption, produced such church fathers as Athanasius, Chrysostom, and Augustine, such exemplary Christian mothers as Nonna, Anthusa, and Monica, and such extraordinary saints of the desert as Anthony, Pachomius, and Benedict. New enemies and dangers called forth new duties and virtues, which could now unfold themselves on a larger stage, and therefore also on a grander scale. Besides, it must not be forgotten, that the tendency to secularization is by no means to be ascribed only to Constantine and the influence of the state, but to the deeper source of the corrupt heart of man, and did reveal itself, in fact, though within a much narrower compass, long before, under the heathen emperors, especially in the intervals of repose, when the earnestness and zeal of Christian life slumbered and gave scope to a worldly spirit.

The difference between the age after Constantine and the age before, consists, therefore, not at all in the cessation of true Christianity and the entrance of false, but in the preponderance of the one over the other. The field of the church was now much larger, but with much good soil, it included far more that was stony, barren, and overgrown with weeds. The line between church and world, between regenerate and unregenerate, between those who were Christians in name and those who were Christians in heart, was more or less obliterated, and in place of the former hostility between the two parties there came a fusion of them in the same outward communion of baptism and confession. This brought the conflict between light and darkness, truth and falsehood, Christ and antichrist, into the bosom of christendom itself.

1. The secularization of the church appeared most strikingly in the prevalence of *mammon-worship* and *luxury*, compared with the poverty and simplicity of the primitive Christians. The aristocracy of the later empire had a downright passion

for outward display and the sensual enjoyments of wealth, without the taste, the politeness, or the culture of true civilization. The gentlemen measured their fortune by the number of their marble palaces, baths, slaves, and gilded carriages; the ladies indulged in raiments of silk and gold, ornamented with secular or religious figures, and in heavy golden necklaces, bracelets and rings, and went to church in the same flaunting dress as to the theatre.* Chrysostom addresses a patrician of Antioch: "You count so and so many acres of land, ten or twenty palaces, as many baths, a thousand or two thousand slaves, carriages plated with silver and gold."† Gregory of Nazianzen, who presided for a time in the second œcumenical council of Constantinople in 381, gives us the following picture, evidently rhetorically coloured, yet drawn from life, of the luxury of the degenerate civilization of that period: "We repose in splendour on high and sumptuous cushions, upon the most exquisite covers, which one is almost afraid to touch, and are vexed if we but hear the voice of a moaning pauper; our chamber must breathe the odour of flowers, even rare flowers; our table must flow with the most fragrant and costly ointment, so that we become perfectly effeminate. Slaves must stand ready, richly adorned and in order, with waving, maiden-like hair, and faces shorn perfectly smooth, more adorned throughout than is good for lascivious eyes; some, to hold cups both delicately and firmly with the tips of their fingers, others, to fan fresh air upon the head. Our table must bend under the load of dishes, while all the kingdoms of nature, air, water, and earth, furnish copious contributions, and there must be almost no room for the artificial products of cook and baker. . . . The poor man is content with water; but we fill our goblets with wine to drunkenness, nay, immeasurably beyond it. We refuse one wine, another we pronounce excellent when well-flavoured, over a third we

* Ammianus Marcellinus gives the most graphic account of the extravagant and tasteless luxury of the Roman aristocracy in the fourth century, which Gibbon has admirably translated and explained in his 31st chapter.

† Homil. in Matt. 63, § 4, (tom. vii., p. 533,) comp. Hom. in 1 Cor. 21, § 6, and many other places in his sermons. Comp. Neander's Chrysostomus I., p. 10 sqq.

institute philosophical discussions; nay, we count it a pity if he does not, as a king, add to the domestic wine a foreign also."* Still more unfavourable are the pictures, which, a half-century later, the Gallic presbyter, Salvianus, draws of the general moral condition of the Christians in the Roman empire.†

It is true, these earnest protests against degeneracy themselves, as well the honour in which monasticism and ascetic contempt of the world were universally held, attest the existence of a better spirit. But the uncontrollable progress of avarice, prodigality, voluptuousness, theatre-going, intemperance, lewdness, in short, of all the heathen vices, which Christianity had come to eradicate, still carried the Roman empire and people with rapid strides towards dissolution, and gave it at last into the hands of the rude, but simple and morally nervous barbarians. When the Christians were awakened by the crashings of the falling empire, and anxiously asked why God permitted it, Salvian, the Jeremiah of his time, answered: "Think of your vileness and your crimes, and see whether you are worthy of the divine protection."‡ Nothing but the divine judgment of destruction upon this nominally Christian, but essentially heathen world, could open the way for the moral regeneration of society. There must be new, fresh nations, if the Christian civilization prepared in the old Roman empire was to take firm root and bear ripe fruit.

2. The unnatural confusion of Christianity with the world culminated in the *imperial court of Constantinople*, which, it is true, never violated moral decency so grossly as the court of a Nero or a Domitian, but in vain pomp and prodigality far outdid the courts of the better heathen emperors, and degenerated into complete oriental despotism. The household of Constantius, the son and successor of Constantine the Great, according to the description of Libanius,§ embraced no less than a thousand barbers, a thousand cup-bearers, a thousand cooks, and so many eunuchs, that they could be compared only to the insects

* Orat. xiv. Comp. Ullmann's monograph on Gregory, p. 6.

† Adv. avarit. and De gubern. Dei, passim. Comp. § 139, at the close.

‡ De gubern. Dei, l. iv. c. 12, p. 82.

§ Lib., Epitaph. Julian.

of a summer day. This boundless luxury was for a time suppressed by the pagan Julian, who delighted in stoical and cynical severity, and was fond of displaying it; but under his Christian successors the same prodigality returned; especially under Theodosius and his sons. These emperors, who prohibited idolatry upon pain of death, called their laws, edicts, and palaces "divine," bore themselves as gods upon earth, and, on the rare occasions when they showed themselves to the people, unfurled an incredible magnificence and empty splendour.

"When Arcadius"—to borrow a graphic description from a modern historian—"condescended to reveal to the public the majesty of the sovereign, he was preceded by a vast multitude of attendants, dukes, tribunes, civil and military officers, their horses glittering with golden ornaments, with shields of gold set with precious stones, and golden lances. They proclaimed the coming of the emperor, and commanded the ignoble crowd to clear the streets before him. The emperor stood or reclined on a gorgeous chariot, surrounded by his immediate attendants, distinguished by shields with golden bosses set round with golden eyes, and drawn by white mules with gilded trappings; the chariot was set with precious stones, and golden fans vibrated with the movement, and cooled the air. The multitude contemplated at a distance the snow-white cushions, the silken carpets, with dragons inwoven upon them in rich colours. Those who were fortunate enough to catch a glimpse of the emperor, beheld his ears loaded with golden rings, his arms with golden chains, his diadem set with gems of all hues, his purple robes, which, with the diadem, were reserved for the emperor, in all their sutures embroidered with precious stones. The wondering people, on their return to their homes, could talk of nothing but the splendour of the spectacle: the robes, the mules, the carpets, the size and splendour of the jewels. On his return to the palace, the emperor walked on gold; ships were employed with the express purpose of bringing gold dust from remote provinces, which was strewn by the officious care of a host of attendants, so that the emperor rarely set his foot on the bare pavement."*

* Milman: *Hist. of Christianity*, p. 440, (Amer. ed.) Comp. the sketch of

The Christianity of the Byzantine court lived in the atmosphere of intrigue, dissimulation, and flattery. Even the court divines and bishops could hardly escape the contamination, though their high office, with its sacred functions, was certainly a protecting wall around them. One of these bishops congratulated Constantine, at the celebration of the third decennium of his reign (the tricennalia), that he had been appointed by God ruler over all in this world, and would reign with the Son of God in the other! This blasphemous flattery was too much even for the vain emperor, and he exhorted the bishop rather to pray God, he might be worthy to be one of his servants in this world and the next.* Even the church historian and bishop Eusebius, who elsewhere knew well enough how to value the higher blessings, and lamented the indescribable hypocrisy of the sham Christianity around the emperor,† suffered himself to be so far blinded by the splendour of the imperial favour, as to see in a banquet, which Constantine gave in his palace to the bishops at the close of the council of Nice, in honour of his twenty years' reign (the vicennalia), an emblem of the glorious reign of Christ upon the earth!‡

And these were bishops, of whom many still bore in their body the marks of the Diocletian persecution! So rapidly had changed the spirit of the age. While, on the other hand, the well-known firmness of Ambrose with Theodosius, and the life of Chrysostom, afford delightful proof that there were not wanting, even in this age, bishops of Christian earnestness and courage to rebuke the sins of crowned heads.

3. *Intrusion of Politics into Religion.*

With the union of the church and the state begins the long and tedious history of their collisions and their mutual struggles for

the court of Arcadius, which Montfaucon, in a treatise in the last volume of his *Opera Chrys.*, and Müller: *De genio, moribus, et luxu ævi Theodosiani*, Copenh. 1798, have drawn, chiefly from the works of Chrysostom.

* Euseb. Vit. Const. iv. 48.

† V. Const. iv. 54.

‡ V. Const. iii. 15, where Eusebius, at the close of this imperio-episcopal banquet, "which transcended all description," says: Χριστοῦ βασιλείας ἵδεξεν ἂν τις φαντασιῶσθαι εἰκόνα, ὄντα τ' εἶναι ἀλλ' οὐχ ὑπαρ τὸ γινόμενον.

the mastery: the state seeking to subject the church to the empire, the church to subject the state to the hierarchy, and both full often transgressing the limits prescribed to their power in that word of the Lord, "Render unto Cæsar the things which are Cæsar's, and unto God the things that are God's." From the time of Constantine, therefore, the history of the church and that of the world in Europe are so closely interwoven, that neither can be understood without the other. On the one hand the political rulers, as the highest members and the patrons of the church, claimed a right to a share in her government, and interfered in various ways in her external and internal affairs either to her profit or to her prejudice. On the other hand, the bishops and patriarchs, as the highest dignitaries and officers of the state religion, became involved in all sorts of secular matters, and in the intrigues of the Byzantine court. This mutual intermixture, on the whole, was of more injury than benefit to the church and to religion, and fettered her free and natural development.

Of a separation of religion and politics, of the spiritual power from the temporal, heathen antiquity knew nothing, because it regarded religion itself only from a natural point of view, and subjected it to the purposes of the all-ruling state, the highest known form of human society. The Egyptian kings, as Plutarch tells us, were at the same time priests, or were received into the priesthood at their election. In Greece the civil magistrate had supervision of the priests and sanctuaries.* In Rome, after the time of Numa, this supervision was intrusted to a senator, and afterwards united with the imperial office. All the emperors, from Augustus,† to Julian the Apostate, were

* This overseer was called βασιλεύς of the ἱερεῖς and ἱερά.

† Augustus took the dignity of Pontifex Maximus after the death of Lepidus, A. U. 742, and thenceforth that office remained inherent in the imperial, though it was usually conferred by a decree of the senate. Formerly the pontifex maximus was elected by the people for life, could take no civil office, must never leave Italy, touch a corpse, or contract a second marriage; and he dwelt in the old king's house, the Regia. Augustus himself exercised the office despotically enough, though with great prudence. He nominated and increased at pleasure the members of the sacerdotal college, chose the vestal virgins, determined the authority of the vaticinia, purged the Sibylline books of apocryphal interpolations, continued the reform of the calendar begun by Cæsar, and changed the month Sextilis into Augustus, in his own honour, as Quintilis,

at the same time supreme pontiffs, (Pontifices Maximi,) the heads of the state religion, emperor-popes. As such they could not only perform all priestly functions, even to offering sacrifices, when superstition or policy prompted them to do so, but they also stood at the head of the highest sacerdotal college, (of fifteen or more Pontifices,) which in turn regulated and superintended the three lower classes of priests, (the *Epulones*, *Quindecemviri*, and *Augures*,) the temples and altars, the sacrifices, divinations, feasts, and ceremonies, the exposition of the Sybilline books, the calendar, in short, all public worship, and in part, even the affairs of marriage and inheritance.

Now it may easily be supposed, that the Christian emperors, who, down to Gratian, (about 380,) even retained the name and the insignia of the *Pontifex Maximus*, should claim the same oversight of the Christian religion established in the empire, which their predecessors had had of the heathen; only with this material difference, that they found here a stricter separation between the religious element and the political, the ecclesiastical, and the secular, and were obliged to bind themselves to the already existing doctrines, usages, and traditions of the church.

4. *The Emperor-Papacy and the Hierarchy.*

And this, in point of fact, took place first under Constantine, and developed under his successors, particularly under Justinian, into the system of the Byzantine imperial papacy,* or of the supremacy of the state over the church.

Constantine once said to the bishops at a banquet, that he also, as a Christian emperor, was a divinely appointed bishop,

the birth-month of Julius Cæsar, had before been re-baptized Julius. Comp. Charles Merivale: *Hist. of the Romans under the Empire*, vol. iii. p. 478 sqq. (Lond. 1851.)

* In England and Scotland the term *Erastianism* is used for this; but is less general, and not properly applicable at all to the Greek church. For the man who furnished the word, Thomas Erastus, a learned and able physician and professor of medicine in Heidelberg, (died at Basle, in Switzerland, 1583,) was an opponent not only of the independence of the church towards the state, but also of the church ban and of the presbyterial constitution and discipline, as advocated by Frederick III. of the Palatinate, and the authors of the Heidelberg Catechism, especially Olevianus, a pupil of Calvin. He was at last excommunicated for his views by the church council in Heidelberg.

a bishop over the external affairs of the church, while the internal affairs belonged to the bishops proper.* In this pregnant word he expressed the new posture of the civil sovereign towards the church in a characteristic though indefinite and equivocal way. He made there a distinction between two divinely authorized episcopates; one secular or imperial, corresponding with the old office of Pontifex Maximus, and extending over the whole Roman empire, therefore œcumenical or universal; the other spiritual or sacerdotal, divided among the different diocesan bishops, and appearing properly in its unity and totality only in a general council.

Accordingly, though not yet even baptized, he acted as the patron and universal temporal bishop of the church;† summoned the first œcumenical council for the settlement of the

* His words, which are to be taken neither in jest and pun, (as Neander supposes,) nor as mere compliment to the bishops, but in earnest, run thus, in Eusebius; Vita Const. l. iv. c. 24: Ἑμεῖς (the ἐπίσκοποι addressed) μὲν τῶν εἶσω τῆς ἐκκλησίας, ἐγὼ δὲ τῶν ἐκτός ὑπὸ θεοῦ καθισταμένους ἐπίσκοπος ἂν εἶην. All depends here on the interpretation of the antithesis τῶν εἶσω and τῶν ἐκτός τῆς ἐκκλησίας. (a) The explanation of Stroth and others takes the genitive as masculine, οἱ εἶσω denoting Christians, and οἱ ἐκτός heathens; so that Constantine ascribed to himself only a sort of episcopate *in partibus infidelium*. But this contradicts the connection; for Eusebius says immediately after, that he took a certain religious oversight over *all* his subjects, (τοὺς ἀρχαίους πάντας ἐπισκοπῆν, etc.,) and calls him also elsewhere a “universal bishop,” (i. 44.) (b) Gieseler’s interpretation is not much better, (§ 92, not. 20. Engl. ed. vol. i. p. 423): that οἱ ἐκτός denotes all his subjects, Christian as well as non-Christian, but only in their civil relations, so far as they are outside the church. This entirely blunts the antithesis with οἱ εἶσω, and puts into the emperor’s mouth a mere common-place instead of a new idea; for no one doubted his *political* sovereignty. (c) The genitive is rather to be taken as neuter in both cases, and πραγμάτων to be supplied. This agrees with usage, (we find it in Polybius,) and gives a sense, which agrees with the view of Eusebius and with the whole practice of Constantine. There is, however, of course, another question: What is the proper distinction between τὰ εἶσω and τὰ ἐκτός, the *interna* and *externa* of the church, or, what is much the same, between the sacerdotal *jus in sacra* and the imperial *jus circa sacra*. This Constantine and his age certainly could not themselves exactly define, since the whole relation was at that time as yet new and undeveloped.

† Eusebius in fact calls him a divinely appointed universal bishop, οἷά τις κοινὸς ἐπίσκοπος ἐκ θεοῦ καθισταμένος, συνίδιος τῶν τοῦ θεοῦ λειτουργῶν συγκρότη. Vit. Const. i. 44. His son Constantius was fond of being called “bishop of bishops.”

controversy respecting the divinity of Christ; instituted and deposed bishops; and occasionally even delivered sermons to the people; but on the other hand, with genuine tact, (though this was in his earlier period, A. D. 314,) kept aloof from the Donatist controversy, and referred to the episcopal tribunal as the highest and last resort in purely spiritual matters. In the exercise of his imperial right of supervision, he did not follow any clear insight and definite theory, so much as an instinctive impulse of control, a sense of politico-religious duty, and the requirements of the time. His word only raised, did not solve the question of the relation between the imperial and the sacerdotal episcopacy, and the extent of their respective jurisdictions in a Christian state.

This question became thenceforth the problem and the strife of history, both sacred and secular, ran through the whole mediaeval conflict between emperor and pope, between imperial and hierarchical episcopacy, and recurs in modified form in every Protestant established church.

In general, from this time forth, the prevailing view was, that God has divided all power between the priesthood and the kingdom (*sacerdotium et imperium*), giving internal or spiritual affairs, especially doctrine and worship, to the former, and external or temporal affairs, such as government and discipline, to the latter.* But internal and external here vitally inter-

* Justinian states the Byzantine theory thus, in the preface to the 6th Novel: *Maxima quidem in hominibus sunt dona Dei a superna collata clementia Sacerdotium et Imperium, et illud quidem divinis ministrans, hoc autem humanis praesidens ac diligentiam exhibens, ex uno eodemque principio utraque procedentia humanam exornant vitam.* But he then ascribes to the Imperium the supervision of the Sacerdotium, and *maximam sollicitudinem circa vera Dei dogmata et circa Sacerdotum honestatem.* Later Greek emperors, on the ground of their anointing, even claim a priestly character. Leo the Isaurian, for example, wrote to pope Gregory II. in 730: *Βασιλεὺς καὶ ἱερεὺς εἰμὶ* (Mansi xii. 976). This, however, was contested even in the East, and the monk Maximus in 655 answered negatively the question put to him: *Ergo non est omnis Christianus imperator etiam sacerdos?* At first the emperor's throne stood side by side with the bishop's in the choir; but Ambrose gave the emperor a seat next to the choir. Yet, after the ancient custom, which the Concilium Quinisext, A. D. 692, in its 69th canon, expressly confirmed, the emperors might enter the choir of the church, and lay their oblations in person upon the altar;—a privilege, which was denied to all the laity, and which implied at least a half-priestly character in the emperor. Gibbon's statement needs correction accordingly,

penetrate and depend on each other, as soul and body, and frequent reciprocal encroachments and collisions are inevitable upon state-church ground. This becomes manifest in the period before us in many ways, especially in the East, where the Byzantine despotism had freer play than in the distant West.

The emperors after Constantine (as the popes after them) summoned the general councils, bore the necessary expenses, presided in the councils through commissions, gave to the decisions in doctrine and discipline the force of law for the whole Roman empire, and maintained them by their authority. The emperors nominated or confirmed the most influential metropolitans and patriarchs. They took part in all theological disputes, and thereby inflamed the passion of parties. They protected orthodoxy and punished heresy with the arm of power. Often, however, they took the heretical side, and banished orthodox bishops from their sees. Thus Arianism, Nestorianism, Eutychianism, and Monophysitism successively found favour and protection at court. Even empresses meddled in the internal and external concerns of the church. Justina endeavoured with all her might to introduce Arianism in Milan, but met a successful opponent in bishop Ambrose. Eudoxia procured the deposition and banishment of the noble Chrysostom. Theodora, raised from the stage to the throne, ruled the emperor Justinian, and sought by every kind of intrigue to promote the victory of the Monophysite heresy. It is true, the doctrinal decisions proceeded properly from the councils, and could not have maintained themselves long without such sanction. But Basiliscus, Zeno, Justinian I., Heraclius, Constans II., and other emperors issued many purely ecclesiastical edicts and rescripts, without consulting the councils, or through the councils by their own influence upon them. Justinian opens his celebrated codex with the imperial creed on the trinity, and the imperial anathema against Nestorius, Eutyches, Apollinaris, on the basis certainly of the apostolic church and of the four œcumenical councils, but in the consciousness of absolute legislative

(ch. xx.): "The monarch, whose spiritual rank is less honourable than that of the meanest deacon, was seated below the rails of the sanctuary, and confounded with the rest of the faithful multitude."

and executive authority even over the faith and conscience of all his subjects.

The voice of the catholic church in this period conceded to the Christian emperors in general, with the duty of protecting and supporting the church, the right of supervision over its external affairs, but claimed for the clergy, particularly for the bishops, the right to govern her within, to fix her doctrine, to direct her worship. The new state of things was regarded as a restoration of the Mosaic and Davidic theocracy on Christian soil, and judged accordingly. But in respect to the extent and application of the emperor's power in the church, opinion was generally determined, consciously or unconsciously, by some special religious interest. Hence we find, that catholics and heretics, Athanasians and Arians, justified or condemned the interference of the emperor in the development of doctrine, the appointment and deposition of bishops, and the patronage and persecution of parties, according as they themselves were affected by them. The same Donatists, who first appealed to the imperial protection, when the decision went against them, denounced all intermeddling of the state with the church. There were bishops who justified even the most arbitrary excesses of the Byzantine despotism, in religion, by reference to Melchizedek and the pious kings of Israel, and yielded themselves willing tools of the court. But there were never wanting also fearless defenders of the rights of the church against the civil power. Maximus the confessor declared before his judges in Constantinople, that Melchizedek was a type of Christ alone, not of the emperor.

In general the hierarchy formed a powerful and wholesome check on the imperial papacy, and preserved the freedom and independence of the church towards the temporal power. That age had only the alternative of imperial or episcopal despotism; and of these the latter was the less hurtful and the more profitable, because it represented the higher intellectual and moral interests. Without the hierarchy, the church in the Roman empire and among the barbarians had been the football of civil and military despots. It was, therefore, of the utmost importance, that the church, at the time of her marriage with the state, had already grown so large and strong as to withstand

all material alteration by imperial caprice, and all effort to degrade her into a tool. The Apostolic Constitutions place the bishops even above all kings and magistrates.* Chrysostom says, that the first ministers of the state enjoyed no such honour as the ministers of the church. And in general the ministers of the church deserved their honour. Though there were prelates enough who abused their power to sordid ends, still there were men, like Athanasius, Basil, Ambrose, Chrysostom, Augustine, Leo, the purest and most venerable characters, which meet us in the fourth and fifth centuries, far surpassing the contemporary emperors. It was the universal opinion, that the doctrines and institutions of the church, resting on divine revelation, are above all human power and will. The people looked, in blind faith and superstition, to the clergy as their guides in all matters of conscience, and even the emperors had to pay the bishops, as the fathers of the church, the greatest reverence; kiss their hands, beg their blessing, and submit to their admonition and discipline. In most cases the emperors were mere tools of parties in the church. Arbitrary laws, which were imposed upon the church from without, rarely survived their makers, and were condemned by history. For there is a divine authority above all thrones and kings and bishops, and a power of truth above all the machinations of falsehood and intrigue.

The western church, as a whole, preserved her independence far more than the eastern, partly through the great firmness of the Roman character, partly through the favour of political circumstances, and of remoteness from the influence and the intrigues of the Byzantine court. Here the hierarchical principle developed itself, from the time of Leo the Great even to the absolute papacy, which, however, after it fulfilled its mission for the world among the barbarian nations of the middle age, degenerated into an insufferable tyranny over conscience, and thus exposed itself to destruction. In the catholic system, the freedom and independence of the church involve the supremacy of an exclusive priesthood and papacy;

* Lib. ii., c. 11, where the bishop is reminded of his exalted position, *ὡς θεῶ τύπον ἔχων ἐν ἀνθρώποις τῷ πάντων ἀρχεῖν ἀνθρώπων, ἱερίων, βασιλείων, ἀρχόντων*, etc. Comp. c. 33 and 34.

in the Protestant, they can be realized only on the broader basis of the universal priesthood, in the self-government of the Christian people; though this is, as yet, in all Protestant established churches, more or less restricted by the power of the state.

5. *Restriction of Religious Freedom, and beginnings of Persecution of Heretics.*

An inevitable consequence of the union of church and state was restriction of religious freedom in faith and worship, and the civil punishment of departure from the doctrine and discipline of the established church.

The church, dominant and recognised by the state, gained, indeed, external freedom and authority, but in a measure at the expense of inward liberty and self-control. She came, as we have seen in the previous section, under the patronage and supervision of the head of the Christian state, especially in the Byzantine empire. In the first three centuries, the church, with all her external lowliness and oppression, enjoyed the greater liberty within, in the development of her doctrines and institutions, by reason of her entire separation from the state.

But the freedom of error and division was now still more restricted. In the ante-Nicene age heresy and schism were as much hated and abhorred, indeed, as afterwards, yet were met only in a moral way, by word and writing, and were punished with excommunication from the rights of the church. Justin Martyr, Tertullian, and even Lactantius were the first advocates of the principle of freedom of conscience, and maintained, against the heathen, that religion was essentially a matter of free will, and could be promoted only by instruction and persuasion, not by outward force.* All they say against the persecution of Christians by the heathen, applies in full to the persecution of heretics by the church. After the Nicene age all departures from the reigning state-church faith were not only abhorred and excommunicated as religious errors, but were treated also as crimes against the Christian state, and hence were punished with civil penalties; at first with deposi-

* Just. Mart. Apol. i., 2, 4, 12. Tertull. Apolog. 24, 28. Ad. Scapul. c. 2. Lactant. Institut. v., 19, 20. Epist. c. 54.

tion, banishment, confiscation, and after Theodosius, even with death.

This persecution of heretics was a natural consequence of the union of religious and civil duties and rights, the confusion of the civil and the ecclesiastical, the juridical and the moral, which came to pass in Constantine. It proceeded from the state and from the emperors, who in this respect showed themselves the successors of the Pontifices Maximi, with their relation to the church reversed. The church, indeed, steadfastly adhered to the principle, that, as such, she should employ only spiritual penalties, excommunication in extreme cases; as in fact Christ and the apostles expressly spurned and prohibited all carnal weapons, and would rather suffer and die than use violence. But, involved in the idea of Jewish theocracy and of a state church, she practically confounded in various ways the position of the law and that of the gospel, and in theory approved the application of forcible measures to heretics, and not rarely encouraged and urged the state to it; thus making herself at least indirectly responsible for the persecution. This is especially true of the Roman church in the times of her greatest power, in the middle age and down to the end of the sixteenth century; and by this course that church has made herself almost more offensive in the eyes of the world and of modern civilization, than by her peculiar doctrines and usages. The Protestant reformation dispelled the dream that Christianity was identical with a fixed organization, with the papacy, and gave a mighty shock thereby to the principle of ecclesiastical exclusiveness. Yet, properly speaking, it was not till the eighteenth century that a radical revolution of views was accomplished in regard to religious toleration; and the progress of toleration and free worship has gone hand in hand with the gradual loosening of the state-church basis, and with the clearer separation of civil and religious rights and of the temporal and spiritual power.

In the beginning of his reign Constantine proclaimed full freedom of religion (312), and in the main continued tolerably true to it; at all events he used no violent measures, as his successors did. This toleration, however, was not a matter of fixed principle with him, but merely of temporary policy;

a necessary consequence of the incipient separation of the Roman throne from idolatry, and the natural transition from the sole supremacy of the heathen religion to the same supremacy of the Christian. Intolerance directed itself first against heathenism; but as the false religion gradually died out of itself, and at any rate had no moral energy for martyrdom, there resulted no such bloody persecutions of idolatry under the Christian emperors, as there had been of Christianity under their heathen predecessors. Instead of Christianity, the intolerance of the civil power now took up Christian heretics, whom it recognised as such. Constantine, even in his day, limited the freedom and the privileges which he conferred to the catholic, that is, the prevailing orthodox episcopal church, and soon after the Council of Nice, by an edict of the year 326, expressly excluded heretics and schismatics from these privileges.* Accordingly he banished the leaders of Arianism, and ordered their writings to be burned; but afterwards, wavering in his views of orthodoxy and heterodoxy, and persuaded over by some bishops and his sister, he recalled Arius and banished Athanasius. He himself was baptized shortly before his death by an Arian bishop. His son Constantius was a fanatical persecutor of idolatry and the Nicene orthodoxy, and endeavoured with all his might to establish Arianism alone in the empire. Hence the earnest protest of the orthodox bishops, Hosius, Athanasius, and Hilary, against this despotism and in favour of toleration;† which came, however, we have to remember, from parties who were themselves the sufferers under intolerance, and who did not regard the banishment of the Arians as unjust.

Under Julian the Apostate religious liberty was again proclaimed, but only as the beginning of return to the exclusive establishment of heathenism; the counterpart, therefore, of Constantine's toleration. After his early death, Arianism

* Cod. Theod. xvi. 5, 1: Privilegia, quæ contemplatione religionis indulta sunt, catholicae tantum legis observatoribus prodesse oportet. Haereticos autem atque schismaticos non tantum ab his privilegiis alienos esse volumus, sed etiam diversis muneribus constringi et subijci.

† Comp. § 3, above.

again prevailed, at least in the East, and showed itself more intolerant and violent than the catholic orthodoxy.

At last Theodosius the Great, the first emperor who was baptized in the Nicene faith, put an end to the Arian interregnum, proclaimed the exclusive authority of the Nicene creed, and at the same time enacted the first rigid penalties not only against the pagan idolatry, the practice of which was thenceforth a capital crime in the empire, but also against all Christian heresies and sects. The ruling principle of his public life was the unity of the empire and of the orthodox church. Soon after his baptism, in 380, he issued, in connection with his weak co-emperors, Gratian and Valentinian II., to the inhabitants of Constantinople, then the chief seat of Arianism, the following edict: "We, the three emperors, will, that all our subjects steadfastly adhere to the religion which was taught by St. Peter to the Romans, which has been faithfully preserved by tradition, and which is now professed by the pontiff Damasus of Rome, and Peter, bishop of Alexandria, a man of apostolic holiness. According to the institution of the apostles and the doctrine of the gospel, let us believe in the one Godhead of the Father, the Son, and the Holy Ghost, of equal majesty in the holy Trinity. We order, that the adherents of this faith be called *catholic Christians*; we brand all the senseless followers of other religions with the infamous name of *heretics*, and forbid their conventicles assuming the name of churches. Besides the condemnation of divine justice, they must expect the heavy penalties, which our authority, guided by heavenly wisdom, shall think proper to inflict."* In the course of fifteen years this emperor issued at least fifteen penal laws against heretics,† by which he gradually deprived them of all right to the exercise of their religion, excluded them from all civil offices, and threatened them with fines, confiscation, banishment, and in some cases, as the Manichæans, the Audians, and even the Quartodecimanians, with death.

* Cod. Theod. xvi. 1, 2: Baronius and even Godefroy call this edict, which in this case, to be sure, favored the true doctrine, but involves the absolute despotism of the emperor over faith, an "edictum aureum, pium et salutare."

† Comp. Cod. Theod. xvi., tit. v., leg. 6—33, and Godefroy's Commentary.

From Theodosius therefore, dates the state-church theory of persecution of heretics, and the embodiment of it in legislation. His primary design, it is true, was rather to terrify and convert, than to punish, the refractory subjects.*

From the theory, however, to the practice was a single step; and this step his rival and colleague, Maximus, took, when, at the instigation of the unworthy bishop Ithacius, he caused the Spanish bishop Priscillian, with six respectable adherents of his Manichæan-like sect (two presbyters, two deacons, the poet Latronian, and Euchrocia, a noble matron of Bordeaux,) to be tortured and beheaded with the sword at Trier in 385. This was the first shedding of the blood of heretics by a Christian prince for religious opinions. The bishops assembled at Trier (Treves), with the exception of Theognistus, approved this act.

But the better feeling of the Christian church shrunk from it with horror. The bishops Ambrose of Milan† and Martin of Tours‡ raised a memorable protest against it, and broke off all communion with Ithacius and the other bishops, who had approved the execution. Yet it should not be forgotten, that these bishops, at least Ambrose, were committed against the death penalty in general, and in other respects had no indulgence for heathens and heretics.§ The whole thing, too, was

* So Sozomen asserts, l. vii., c. 12.

† Epist. xxiv. ad Valentin. (tom. ii. p. 891.) He would have nothing to do with bishops, "qui aliquos, devios licet a fide, ad necem petebant."

‡ In Sulpic. Sever., Hist. Sacra, ii. 50: "Namque tum Martinus apud Treveros constitutus, non desinebat increpare Ithacium, ut ab accusatione desisteret, Maximum orare, ut sanguine infelicitum abstineret: satis superque sufficere, ut episcopali sententia hæretici judicati ecclesiis pellerentur: novum esse et inauditum nefas, ut causam ecclesiae judex sæculi judicaret." Comp. Sulp. Sev. Dial. iii. c. 11—13, and his Vit. Mart. c. 20.

§ Hence Gibbon, ch xxvii., charges them, not quite groundlessly, with inconsistency: "It is with pleasure that we can observe the humane inconsistency of the most illustrious saints and bishops, Ambrose of Milan, and Martin of Tours, who, on this occasion, asserted the cause of toleration. They pitied the unhappy men, who had been executed at Treves: they refused to hold communion with their episcopal murderers; and if Martin deviated from that generous resolution, his motives were laudable, and his repentance was exemplary. The bishops of Tour and Milan pronounced, without hesitation, the eternal damnation of heretics; but they were surprised and shocked by the bloody image of their temporal death, and the honest feelings of nature resisted the artificial prejudices of theology."

irregularly done; on the one hand the bishops appeared as accusers in a criminal cause, and on the other a temporal judge admitted an appeal from the episcopal jurisdiction, and pronounced an opinion in a matter of faith. Subsequently the functions of the temporal and spiritual courts in the trial of heretics were more accurately distinguished.

The execution of the Priscillianists is the only instance of the *bloody* punishment of heretics in our period, as it is the first in the history of Christianity. But the propriety of violent measures against heresy was thenceforth vindicated even by the best fathers of the church. Chrysostom recommends, indeed, Christian love towards heretics and heathens, and declares against their execution, but approves the prohibition of their assemblies and the confiscation of their churches; and he acted accordingly against the Novatians and the Quartodecimanians, so that many considered his own subsequent misfortunes as condign punishment.* Jerome, appealing to Deut. xiii. 6—10, seems to justify even the penalty of death against religious errorists.† Augustine, who himself belonged for nine years to the Manichæan sect, and was wonderfully converted by the grace of God to the catholic church without the slightest pressure from without, held at first the truly evangelical view, that heretics and schismatics should not be violently dealt with, but won by instruction and conviction; but after the year 400 he turned and retracted this view, in consequence of his experience with the Donatists, whom he endeavoured in vain to convert by disputation and writing, while many submitted to violent punishment.‡ Henceforth he was led to advocate the persecution of heretics, partly by his doctrine of the Christian state, partly

* Hom. xxix. and xlvi. in Matt. Comp. Socrat. H. E. vi. 19. Elsewhere his principle was (in Phocam mart. et c. haer. tom. ii. p. 705): 'Ἐμεῖς ἰδοὺ ἴσμεν δὲ δύνεσθαι καὶ μὴ δύνεεν; that is, he himself would rather suffer injury than inflict injury.

† Epist. xxxvii. (al. liii.) ad Riparium adv. Vigilantium.

‡ Epist. 93 ad Vincent., § 17: Mea primitus sententia non erat, nisi neminem ad unitatem Christi esse cogendum, verbo esse agendum, disputatione pugnandum, ratione vincendum, ne fictos catholicos haberemus, quos apertos haereticos noveramus. Sed—he continues—haec opinio mea non contradicentium verbis, sed demonstrantium superabatur exemplis. Then he adduces his experience with the Donatists. Comp. Retract. ii. 5.

by the seditious excesses of the fanatical Circumcelliones, partly by the evident wholesome effect of temporal punishments, and partly by a false interpretation of the *cogite intrare*, in the parable of the great supper, Luke xiv. 23.* “It is, indeed, better,” says he, “that men should be brought to serve God by instruction than by fear of punishment or by pain. But because the former means are better, the latter must not therefore be neglected. . . . Many must often be brought back to their Lord, like wicked servants, by the rod of temporal suffering, before they attain the highest grade of religious development. . . . The Lord himself orders, that the guests be first invited, then compelled, to his great supper.”† This father thinks that if the state be denied the right to punish religious error, neither should she punish any other crime, like murder or adultery, since Paul, in Gal. v. 19, attributes divisions and sects to the same source in the flesh.‡ He charges his Donatist opponents with inconsistency in seeming to approve the emperors’ prohibitions of idolatry, but condemning their persecution of Christian heretics. It is to the honour of Augustine’s heart, indeed, that in actual cases he earnestly urged upon the magistrates clemency and humanity, and thus in practice remained true to his noble maxim: “Nothing conquers but truth; the victory of truth is love.”§ But his theory, as Neander justly observes, “contains the germ of the whole system of spiritual despotism, intolerance, and persecution, even to the court of the Inquisition.”|| The great authority of his name was often afterwards made to justify cruelties, from which he himself would have shrunk with horror. Soon after him, Leo the Great, the first representative of consistent, exclusive, universal papacy, advocated even the penalty of death for heresy.¶

* The direction: “*Compel them to come in,*” which has often since been abused in defence of coercive measures against heretics, must, of course, be interpreted in harmony with the whole spirit of the gospel, and is only a strong descriptive term in the parable to signify the fervent zeal in the conversion of the heathen, such as St. Paul manifested without ever resorting to physical coercion.

† Epist. 185 ad Bonifacium, § 21, § 24.

‡ C. Gaudent. Donat. i., § 20. C. epist. Parmen. i., § 16.

§ “Non vincit nisi veritas, victoria veritatis est caritas.”

|| Kirchengesch. iii., p. 427.—Torry’s ed. ii., p. 217.

¶ Epist. xv. ad Turribium, where Leo mentions the execution of the Priscil-

Henceforth none but the persecuted parties from time to time protested against religious persecution; being made, by their sufferings, if not from principle, at least from policy and self-interest, the advocates of toleration. Thus the Donatist bishop, Petilian, in Africa, against whom Augustine wrote, rebukes his catholic opponents, (as formerly his countryman, Tertullian, had condemned the heathen persecutors of the Christians,) for using outward force in matters of conscience; appealing to Christ and the apostles, who never persecuted, but rather suffered and died. "Think you," says he, "to serve God by killing us with your own hand? Ye err, ye err, if ye, poor mortals, think this; God has not hangmen for priests. Christ teaches us to bear wrong, not to revenge it." The Donatist bishop, Gaudentius, says, "God appointed prophets and fishermen, not princes and soldiers, to spread the faith." Still we cannot forget, that Donatists were the first who appealed to the imperial tribunal in an ecclesiastical matter, and did not, till after that tribunal had decided against them, turn against the state-church system.

ART. II.—*An Introduction to the Old Testament, critical, historical, and theological, containing a discussion of the most important questions belonging to the several books.* By SAMUEL DAVIDSON, D. D., LL. D. 3 vols. 8vo., pp. 536, 492, and 492. 1862—3.

UPON the appearance of the tenth edition of Horne's Introduction, six years ago, we felt called upon to notice particularly the volume relating to the Old Testament, which was prepared by Dr. Davidson. At the conclusion of that notice we remarked: "The principles avowed or covertly insinuated in this volume will legitimately lead much further than the extent

lianists with evident approbation: "Etiam mundi principes ita hanc sacrilegam amentiam detestati sunt, ut auctorem ejus cum plerisque discipulis legum putlicarum ense prosternerent."