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History 195H

Constantine and the Bishops: Imperial Administration with a Christian Bureaucracy

Introduction

In 325 A.D. there was a gathering of about two hundred Christian bishops in the city of Nicaea, located in northwest Asia Minor. What makes this event a remarkable one is that they were summoned by the Roman Emperor Constantine, who also participated in the council's proceedings. Never before had a Roman Emperor identified himself with such concern for Christian affairs. Constantine's presence at the Council of Nicaea, and his willingness to adopt Christianity into the administration of the Empire marks an important transition in the change from the ancient world to the medieval. Constantine set himself apart from previous emperors by consulting with bishops and delegating an increasing amount of authority to them. The policy of the Emperor toward Christianity under Constantine changed from repression to toleration and eventually to elevation in importance above the other religious cults. Constantine's willingness to utilize Christian administrations and his willingness to work directly with Christians as a favored group was an important innovation. It is easy to see this simply as Constantine's desire to Christianize the empire. But a close examination of Constantine's administrative and public policy, as well as the religious and political circumstances of the early fourth

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century will also reveal that Constantine saw Christianity as a potential new means of administration and authority free from the corruption of imperial bureaucracy. It is important, therefore, not to get too caught up in the idea of Constantine the Christian emperor "converting the empire," because it distracts us from the problems and failures of Constantine's policies.

Being a Christian in the Roman Empire prior to Constantine was almost always sufficient cause to make one a little anxious. From the beginning of Christianity to the time of Constantine in the fourth century, imperial policy toward Christians had been inconsistent, alternating between grudging toleration and outright persecution. From Nero's persecution of the early Christian sect in A.D. 64, in the aftermath of the great fire at Rome, to Diocletian's more severe persecution in 303, Christians were often treated unfavorably by the imperial authorities.

The reason for imperial antipathy towards Christianity is rooted in the concept of religion and the state in the ancient world. Ancient religion was a civic religion, tied irrevocably both to faith in the gods and loyalty to the state. Independent city-states, such as in Greece, for example, would have their own patron deities, and even though the Empire unified many diverse regions with different gods, there remained a certain continuity of belief in the Olympian gods (Jupiter, Apollo, et cetera.) In fact the Empire was surprisingly tolerant of worshippers of foreign or new religions, as long as they were willing to grant the traditional gods their due, and make the proper sacrifices to the spirit of the Emperor. The exclusive nature of the Christian religion prevented Christians from fulfilling these

duties to the gods and the state. Christian monotheism and refusal to worship false gods (the Emperor, that is) thus made the sect subject to distrust and the frequent target of scapegoating. Nero blamed the Christians for the fire in Rome, for example, and Diocletian blamed them for tainting auguries and upsetting the *pax deorum* (peace of the gods).

In such a hostile atmosphere, Christians tended to band together under the leadership of a local leader, known as the bishop. Organization in Christianity began with the original followers of Jesus, the Apostles, and the religion spread throughout the Empire by means of missionaries. But the wandering missionaries and prophets of early Christianity were not reliable sources of order in a rapidly expanding religion. The variety of Jewish and Greek influences on Christianity, as well as its ability to synthesize many beliefs and philosophies gave the religion a wide appeal, but these tendencies also created an undesirable situation in which disagreement and differing interpretations threatened the religion's very existence. In order to counter such divergent beliefs, as well as to provide a stable form of order and organization, Christian communities turned to local administrations led by bishops and deacons.

An ancient document known as the *Didache* ("The Teaching of the Apostles") from the third century provides some valuable insight into the transition from Christianity as a religion of wandering missionaries and prophets to one of increasing organization and

administrative authority under the local leadership of the bishop.[1] The *Didache* gives warnings about how to avoid charlatan prophets (a distinct problem for a religion dependent on wandering missionaries and lacking local authority) and also mentions the beginnings of the authority of the bishop. Early church organization, according to the *Didache,* consisted of "presbyters" and "deacons." Deacons were assistants, helping to provide relief to the poor and other administrative duties, while presbyters performed church services and administered the Eucharist. Eventually one presbyter emerged as the leader, and came to be known as the bishop.

Bishops came to be associated with jurisdiction over individual cities, while surrounding rural areas were administered by one of the bishop's fellow presbyters.[2] Ideally, the bishop was to be chosen by the will of the people, but as one might imagine, internal rivalries and factionalism among the clergy interfered with the opportunity of the community to choose a bishop. After Constantine, it became increasingly common for the emperor to seek the nomination of his own candidates for bishop — undoubtedly because he could not afford to ignore such an important source of administrative and organizational authority. Later, in the fourth century, the bishop of Milan, Ambrose, was confident enough in the authority of his position that he could chastise the emperor publicly. By the fifth century, the bishop of Rome, Leo, was forced to take over many of the former functions of imperial authorities simply

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1 Henry Chadwick, *The Early Church* (New York: Viking Penguin, Inc., 1967) 46-53.
2 Chadwick, *The Early Church* 48.

because the authority and administration of the Empire had evaporated. Leo provided for the city's homeless and poor, and it was Leo himself, not an Emperor with legions at his back, who rushed to the north of Italy in order to dissuade the Huns from attacking. Ambrose and Leo demonstrate the transition from the unified Mediterranean Empire of the ancient world to the more diffuse, localized authority of the middle ages. The man responsible for making legitimate the authority of bishops and making Christianity acceptable in the Empire was the Roman Emperor Constantine.

Constantine came to be Emperor through an unusual set of circumstances and after a series of important changes in the Empire. In 285 Diocletian became Emperor. Autocratic and willing to try new solutions for the problems of governing the large and burdensome Empire, Diocletian appointed as his co-emperor (or "co-Augustus") Maximian in 286, and subsequently two "assistant emperors", or Caesars, Galerius and Constantius, in 293.[1] This rule by four, two senior Augusti and two Caesars, was known as the Tetrarchy. Diocletian intended the Tetrarchy to solve the problem of governing and defending the Empire as well as to provide much needed stability in the imperial succession. Caesars were to be the hand-picked successors of the Augusti.

Diocletian brought about significant reforms. He strengthened imperial defenses, enlarged the bureaucracy and military, and tried

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1 William Sinnigen and Arthur Boak, *A History of Rome To A.D. 65*(New York: Macmillan, 1977) 512-513.

to control economic decline through price-controls and devaluation of the coinage. Also during Diocletian's rule occurred the last great persecution of the Christians. In 303 and 304 he issued four edicts that called for the destruction of Christian literature and houses of worship, and that demanded all Christians make the traditional sacrifices or face the death penalty.[1] These new repressive measures were not carried out to equal degrees in all areas. Christian writers, for example, single out Galerius for excessive zeal in his persecution, while noting Constantius (the father of Constantine) to be relatively sympathetic to the concerns of Christians.[2]

The Tetrarchy did not last long. After a protracted illness, Diocletian abdicated in 305. Maximian also abdicated at the same time (it seems the two emperors had reached an agreement to let their Caesars succeed at the same time.) But without Diocletian's forceful personality and administrative skill, the Tetrarchy soon descended into dispute and civil war. The new Caesars appointed were Severus and Maximin Daia. Severus became Augustus in 306 when Constantius died. But the ambitious sons of the new Augusti were left out of the succession. The son of Maximian, named Maxentius, as well as the son of Constantius, Constantine, rose up and demanded recognition as Augusti. Chaos followed, and by 310 five men claimed the authority of an Augustus.[3] Persecution of the Christians continued throughout this period, depending on the ruling Augustus' disposition.

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1 Sinnigen and Boak, *A History of Rome To A.D. 65* 413.
2 Lactantius, *De Mortibus Persecutorum* 8.3.
3 Sinnigen and Boak, *A History of Rome To A.D. 65* 414.

In 311, the dying Galerius issued an edict of toleration, allowing Christians to maintain their churches and practice their religion. Constantine allied himself with yet another Augustus, Licinius, and proceeded to head for Rome, which was under the control of Maxentius. What followed was the Battle of Milvian Bridge, and the occasion for Constantine's famous vision. The Milvian Bridge crosses the Tiber just outside of Rome. According to an early Christian account, Constantine had some sort of dream preceding the battle, in which he saw the sign of the Chi-Rho (the Greek letter "X" bisected by a "P") and was instructed in the dream to put this sign on the shields of his soldiers in order to win the battle.[1] Christians with his army told Constantine that this was the sign of their god. Constantine obeyed the bidding of this vision, and his forces subsequently defeated those of Maxentius.

In what has been called the "Edict of Milan," Licinius and Constantine granted Christians not only toleration but also the right to restitution for property taken away or damaged during the recent persecution. Subsequently, Licinius defeated the third Augustus, Maximian Daia, also in 313. But Licinius soon proceeded to renew persecution against the Christians, and Constantine's apparent ambition to be sole emperor probably heightened tensions. In 324 Licinius was defeated by Constantine in battle and the Empire was reunified.

The motives for Constantine's policy for toleration and the circumstances surrounding his personal conversion are unclear.

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[1] Lactantius, *De Mortibus Persecutorum* 44.2, and Eusebius, *Vita Constantini* 1.28.

Complicating the matter is that many of our chief sources for the period are Christians, such as the panegyrist and biographer of Constantine, Eusebius. They are visibly more interested in glorifying Christianity than providing an accurate, unbiased historical account. It is Eusebius who tells of Constantine's vision in the sky. But Eusebius conveniently does not mention that Constantine subsequently did not remove pagan gods from his coins. Eusebius claims Constantine was baptized on his deathbed, and the emperor indeed attended and presided over several church councils, but the nature of Constantine's personal religion is by no means so unequivocal as the epithet "First Christian Emperor" suggests.

Constantine saw bishops as more than just holy men. He saw them as potential alternative administrators. Constantine's place in history as the "First Christian Emperor" should not remove from consideration non-religious factors in his policies. Faced with an imperial administrative system that seemed to be consistently ailing and unstable, Constantine possibly found it appealing to try taking advantage of the organization of the Christians. The Donatist controversy and Council of Arles (314), the Arian controversy and the Council of Nicaea (324), and Constantine's bestowal of judicial authority upon the bishops offer revealing insights about the results. At the Councils of Arles and Nicaea Constantine went out of his way to use the new imperial association with Christianity in order to try to put an end to violent heresies. Neither council, however, was effective in reconciling the heretics or stopping the quarrel. Constantine's experiment with bishops as a replacement for an ineffective and bribe-ridden imperial judiciary was also less than

successful. Constantine's use of Christianity was grandly successful in bringing the religion to the forefront of imperial affairs, but a closer look needs to be taken to see if it accomplished the goals he was seeking.

Chapter I

Two points can help clarify Constantine's policy toward Christianity. First, the extant primary sources tend to give a less than accurate portrayal of Constantine's motives. But analysis of these sources, and a recognition of their strengths and weaknesses can make them more valuable. Also important is the environment in which Constantine lived. The early fourth century was characterized by a new morality that was less tolerant of corruption. Careful examination of these sources and the new morality of the period reveals that Constantine may have other reasons for working with bishops than just religious ones.

It can be difficult to view Constantine in any context other than a Christian one, because our primary sources are predominantly Christian. The main source of information is Eusebius. Born in Caesarea, Eusebius and Constantine became acquainted after Constantine's victory over Licinius and his subsequent takeover of the East. Eusebius became a close advisor to the emperor, and wrote a biography, the *Life of Constantine*. Eusebius was a bishop, and his writings naturally have a pro-Christian bias. One of the difficulties with using the *Life of Constantine* is that Eusebius wrote the work with the pre-conception that Constantine was, from the beginning, the first Christian Emperor with a mission from God. Eusebius compared

Constantine to Moses[1], and clearly was convinced that Constantine's commitment to Christianity was unwavering and sincerely personal:

> *And what miracle was ever more virtuous than the virtues of this our emperor, whom the wisdom of God has vouchsafed as a gift to the human race? For truly he maintained a continual testimony to the Christ of God with a boldness, and before all men; and so far was he from shrinking from an open profession of the Christian name, that he rather desired to make it manifest to all that he regarded this as the highest honor, now impressing on his face the salutary sign, and now glorying in it as the trophy which led him on to victory.* [2]

Eusebius provides the picture of a Constantine whose main concern was helping the Christians and promoting their religion in the Empire. But Eusebius' version invites suspicion, since he was a rhetorical Christian apologist, quite possibly saved from being labeled a heretic by Constantine's intervention at the Council of Nicaea. It is helpful to counter the bias of Eusebius by examining a hostile pagan source for information on Constantine. The best extant pagan source for the period is Zosimus, who wrote his *New History* probably sometime in the late fifth century. Zosimus is rightfully called the "last of the pagan historians", and his perspective on Constantine is rather different than Eusebius':

> *The universal sovereignty having devolved upon Constantine alone, no longer did he conceal his innate badness of disposition but he indulged himself in every licentious act . . . for he put to death his son Crispus,*

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[1] Eusebius, *Vita Constantini* 1.12.
[2] Eusebius, *Vita Constantini* 3.2.

whom he had honored with the rank of Caesar . . . for having come under suspicion of being intimate with his stepmother Fausta . . . When Constantine's mother, Helena, bore with irrepressible bad grace the pathetic destruction of one so young, as if consoling her Constantine cured the evil with a greater evil: he ordered an extraordinarily hot bath to be prepared, put Fausta in it, and removed her only after she had died. [1]

Zosimus continues, to explain that Constantine felt guilty about these deeds, and the breaking of oaths. Zosimus alleges that Constantine had Licinius killed after defeating him, despite promises of protection. Oath-breaking, Zosimus explains, was "a customary action on Constantine's part.[2] Thus the emperor went to his priests to ask for a means of begging forgiveness from the gods. The priests replied that such acts were beyond purification. But Constantine encountered a Spaniard by the name of Aegyptius, who told him that the Christian religion included rituals that could wash away any crimes and that "the unrighteous who accepted it would immediately stand free and clear of all sin."[3] According to Zosimus, Constantine promptly went to the Christians because they offered him easy redemption from his heinous sins. Zosimus thus dispenses with the "vision of Constantine" and dates Constantine's conversion to some time after the deaths of Crispus and Faustus, as late as 326.

Obviously, there are some problems with taking Zosimus too seriously. Zosimus' description of Constantine is reminiscent of the wicked character assassinations of Tacitus, or the gossipy ribald

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[1] Zosimus, *Historia Nova* 2.29.
[2] Zosimus, *Historia Nova* 2.28.
[3] Zosimus, *Historia Nova* 2.29.

stories of the *Historia Augusta.* Zosimus uses terms of description for Constantine that are almost stereotypically common for slander in antiquity. When an historian from the ancient world starts to describe someone with the words "no longer did he conceal his innate badness of disposition but he indulged himself in every licentious act," the subsequent account is frequently a tirade of malicious misrepresentation.

Another difficulty involves the works of Eusebius. The language of many of Eusebius' speeches is strangely vague and sometimes appears to have been carefully written to avoid making specific references to the God of the Christians:

> *And I mean by "Supreme Sovereign" the One who is truly supreme; this one, I say — nor will the sovereign who is present resent it, but rather will he join in praise of the divine teaching — is the One who is Above the Universe, the Highest of All, the Greatest, the Supreme Being, whose kingdom's throne is the vault of the heavens above, while the earth is footstool for His feet . . .*[1]

Eusebius' vagueness has been the subject of much speculation. Many have thought that it reveals Constantine to have been simply a monotheist, who tried to unify the Empire under a common monotheism, or even that he was indeed Christian, but unwilling to earn the vilification of pagans, and so Eusebius spoke in this indefinite hazy religious terminology. But this perceived "vagueness" on the part of Eusebius may not actually be vague at all. Christians were frequently trying to give their religion a

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[1] Eusebius, *Oratio de Laudibus Constantini* 1.1, p. 84.

legitimacy in the eyes of pagans by couching it in the language of Hellenistic philosophy, and the result could be rather strained and contrived, which is an apt description of Eusebius' prose. The use of Hellenistic terminology may have been part of a "shared vocabulary" between Christians and pagans for religious symbolism[1] — not a "calculated vagueness."

The idea that Constantine was a monotheist but not a Christian has other problems Supporters of this theory often note that the coins of Constantine's reign contain pagan references, like pictures of the monotheistic sun-god Sol Invictus. But Eusebius tells us of Constantine's baptism by bishops just before his death[2], Constantine's children were tutored by a Christian, and given a Christian education[3], and the emperor was more than liberal with public money for bishops and the construction of churches.[4] By the end of his life, Constantine was certainly a Christian. Even Zosimus admitted this much. But was he a committed Christian from the the start of his reign? The answer to this is the important one for understanding Constantine's affiliation with Christian bureaucracy.

The problem with Zosimus and Eusebius is that while their descriptions provide much valuable insight about the emperor, they have a tendency to stereotype Constantine according to their own preconceptions. Zosimus' account suggests that Constantine was an

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1 H.A. Drake, *In Praise of Constantine*, (Berkeley: University of California Press, 1976) 54-55.

2 Eusebius, *Vita Constantini* 4.62.

3 Christopher Coleman, "Constantine the Great and Christianity," *Studies in History, Economics, and Public Law* 60.1 (1914): 62.

4 Coleman, "Constantine the Great and Christianity" 63.

insincere Christian, while Eusebius' version makes Constantine seem like a committed Christian from the beginning of his reign. It seems absurd to be convinced that Constantine believed he had a mission from God to convert the Empire when one considers that the emperor seemed quite content to "hedge his bet" with toleration for pagans, pagan symbols on his coins, and no attempt at a Christian "revolution." Nowhere can it be detected that Constantine had any grand plans for making the Empire uniformly Christian. There is no evidence that Constantine had any sort of Christian plans in mind when he marched into Rome after the victory at Milvian Bridge. If the emperor was so utterly Christian from the time of his vision in the sky, if Constantine sincerely thought he had a mission from God, why would he pussyfoot about it?

A lesson can be learned from examining the study of another famous historical figure. It has generally been established that the early Church father, Augustine of Hippo, underwent considerable changes in personality and convictions throughout his life. There is the "early Augustine", the enlightened introspective, and the "late Augustine", who is somewhat bitter and much more authoritarian. People's attitudes change through time. It seems imminently reasonable that the same insight should be applied to Constantine. Constantine's commitment to Christianity can be placed on a continuum, from his vision in early life to his attempt to utilize bishops as judicial authorities and his baptism in later life. Christopher Coleman has pointed out that pagan panegyrics to Constantine can be explained

> *by the fact that that only later did he assume Christianity, and then only gradually. That there was little or no specifically pagan opposition to him during his life is explained by the fact that pagan leaders do not seem to have been aware that the issue between the two religions was being permanently decided in that generation.* [1]

Indeed, anti-Constantine pagan accounts like those of Julian or Zosimus only surface after the time of Constantine. And to support his idea that Constantine adopted Christianity gradually, and not immediately after becoming emperor, Coleman points out some references in the *Life of Constantine* that date the specifically Christian-inspired laws or edicts after the death of Licinius in 325, a considerable time after Constantine became emperor of the West.[2] It is also worth noting that Zosimus, albeit a hostile source, was under the impression that Constantine's conversion came later in his reign, somewhere around 325 or 326. This does not necessarily mean that Zosimus as a source is more accurate than Eusebius, but it suggests that Constantine's conversion may have been a gradual one, and not immediately apparent from his initial victory at Milvian Bridge. If Constantine was so certainly and publicly Christian from 313 forward, as Eusebius indicates, why would Zosimus date Constantine's conversion to a time so late in the emperor's reign?

The "First Christian Emperor", therefore, was perhaps not so unequivocally Christian until the later years of his reign. Constantine became involved with the affairs of the bishops almost immediately after becoming emperor. So Constantine's faith in

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[1] Coleman, "Constantine the Great and Christianity" 66.
[2] Eusebius, *Vita Constantini* 2.23, 2.47.

Christianity may not be the only reason for working with bishops as sources of imperial authority. One influence on Constantine may have been the difficulties Constantine faced with the imperial bureaucracy. As mentioned in the introduction, Constantine's predecessor, Diocletian enlarged the bureaucracy and military in order to make imperial administration meet the exigencies of running a vast empire.[1] But the salary for these new administrators did not keep up with late third century inflation. It was difficult for the empire to raise salaries while increasing the number of officials.[2] As a result, bribery among imperial bureaucrats became a necessary supplement to meager imperial earnings. This corruption was further complicated by the fact that these imperial bureaucrats were usually not from the area that they were assigned, and like most ancient bureaucracies, such an administrator had considerable freedom to abuse his province, as noted by T.F. Carney:

> *Manifestly, the bureaucrats could take the law into their own hands with impunity. There was no representative or "participatory" bureaucracy in these Empires. The administration was uniformly staffed by men of an elite which constituted only a fraction of the total population. Hence outcry against social injustice from within the bureaucracy was not forthcoming.* [3]

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[1] The number of officials added by Diocletian may have been the equivalent of as many as three Roman legions. See A.H.M Jones, *The Later Roman Empire*, (Basil Blackwell: Oxford, 1964) 2:51-52.

[2] Jones, *The Later Roman Empire* 2:51.

[3] T.F. Carney, *Bureaucracy in Traditional Society* (Coronado Press: Lawrence, Kansas, 1971) 19.

This corruption in the imperial bureaucracy met head-on with the new morality of the fourth century. This new morality seems to have been a mix of Christian morals and increasing disgust at imperial corruption. Whatever the source, this new morality implemented itself in Constantine's laws in sometimes draconian ways. In 326 Constantine released a rescript ordering adulterers to be burned alive.[1] Equally important are the laws Constantine enacted to try to make the civil courts more fair. Poor people were at a distinct disadvantage because it was difficult for them to pay the bribes necessary to expedite their suits through the legal administration. The seriousness of the problem in Constantine's eyes is obvious: a law of 331 threatens to slice off the hands of judges receiving bribes.[2] In such an environment it is not difficult to imagine Constantine trying to use the Christian holy men as a replacement for corrupt officials. In a rescript that reveals judicial privileges granted to bishops, Constantine remarked:

> *For the authority of sacrosanct religion searches out and reveals many things which the captious restrictions of legal technicality do not allow to be produced in court.*[3]

Particularly in the context of this "new morality" of the fourth century, it is not difficult to conceive of Constantine looking to bishops as a new, unbiased bureaucracy, free of the corruption of the traditional Roman patron/client relationships. Also appealing

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[1] T.D. Barnes, *Constantine and Eusebius* (Harvard University Press: Cambridge, 1981) 220.
[2] *Codex Theodosianus* I.16.7.
[3] *Constitutiones Sirmonianae* 1.15.

would be the fact that the bishops were local authorities and could deal with local difficulties more efficiently and fairly than expensive, distant imperial administrations. Constantine seemed particularly concerned that the poor were not able to afford justice under the imperial judiciary system. Problems with Constantine's plan can be envisioned, however. Just how unbiased can a bishop be, and did their spiritual authority really free them of personal biases, internal strife, or rivalry? Bishops were as human as any imperial administrator, and they most certainly had their own agendas and plans that may or may not have coincided with Constantine's. Constantine seems to have overestimated the ability of these holy men to be unified representatives of their faith and impartial, ideal administrators.

Chapter II

When Diocletian initiated persecution of the Christians in 303, not all areas of the empire proceeded to harass and suppress Christianity to equal degrees. In Spain and Gaul, for example, persecution was intermittent and half-hearted, while the persecutions in Africa were more severe and had lasting effects.[1] Sacrifices there were required of all by the imperial authorities, and the confiscation of Christian texts was pursued vigorously, unlike the situations in other regions of the empire, where the persecutors were often satisfied if bishops simply went through the formality of handing over unimportant texts. As a result, the persecutions in Africa were characterized by strife and dissention even among fellow Christians.

The African church became beset with martyrs and apostates. Some went out of their way to become martyrs. The bishop of Carthage in 303, Mensurius, complained to the bishop of Tigisis, Secundus, that many of these martyrs were criminals hoping to gain absolution or support from Christians.[2] Mensurius ordered his congregation not to recognize as martyrs those individuals who seemed to be going about it too avidly by announcing to the authorities that they had copies of the Scripture but would die before surrendering them.[3] There can be no doubt that such people were acting peculiarly and perhaps insincerely, since the persecutors

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1 Barnes, *Constantine and Eusebius*, 54.
2 Barnes, *Constantine and Eusebius*, 55.
3 Barnes, *Constantine and Eusebius*, 55.

generally seemed willing to let the Christians worship and read as they liked in private, even in Africa, as long as they were quiet about it.

When the persecutions ended in 306, the Christian community in Africa continued to be torn by dissent, as bishops accused each other of *traditio,* the turning over of Scripture to imperial authorities. The schism in Africa was not due to dogmatic differences or theological disagreement, but was a result of the internal discord brought about by the persecutions. Caecilianus was chosen as bishop of Carthage in 311. But a rival party, later to be known as the Donatists, denounced his appointment with the accusation that one of the bishops who ordained Caecilianus, Felix of Apthungi, was a *traditor:* one of those who had turned over Scripture to the persecuting imperial authorities. The Donatists thought that *traditores* had been tainted by their betrayal. Any sacraments performed by *traditores* the Donatists considered illegitimate. The Donatists also believed that "re-baptism" (not a common practice outside of Africa) of the "lapsed" bishop was the only way to re-consecrate him in the eyes of God.

The group who rejected Caecilianus promptly elected its own bishop, Maiorinus, and this was the beginning of the schism. Caecilianus' party claimed that one of bishops who ordained Maiorinus was also a *traditor.* Accusations began to fly between the two parties. After Maiorinus' death, he was replaced by Donatus, from whom the schismatics derived their name. The specific account becomes rather hazy at this point, but it seems that an appeal was filed with the proconsul in Africa by the Donatists. It

is difficult to say whether or not the Donatists thought Constantine was a Christian, but they specifically asked for judges from Gaul, because Gaul, under the rule of Constantine's father Constantius, did not suffer from the persecutions.[1] T.D. Barnes claims that because Constantine was now a Christian (early 313) he felt it to be inappropriate for him to judge the disagreements between bishops.[2] It seems equally likely, if not more so, that Constantine would refuse to make the decision because, not having been baptized, he did not consider himself a Christian. Or perhaps he felt the bishops would be more receptive to a decision reached by their peers. Whichever the case, Constantine made a clear effort at this time to solve the ecclesiastical dispute, and it is the beginning of his policy of integrating imperial and Christian hierarchies. He did, in fact, intervene by passing the decision on to representatives that he selected. The empress Fausta lent or provided a house for the subsequent synod, and Constantine wrote a letter to the bishop of Rome, Miltiades, commanding him to attend this meeting to determine the status of Caecilianus.[3] The result was not a favorable one for the Donatists. Caecilianus was determined to have been properly consecrated, and the members went so far as to censure Donatus for requiring re-baptism. Rebaptism was ruled unnecessary and illegal.

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1 Fergus Millar, *The Emperor in the Roman World,* (Cornell: Ithaca, 1977) 585.

2 Barnes, *Constantine and Eusebius* 57.

3 Maude Huttman, "The Establishment of Christianity and the Proscription of Paganism" *Studies in History, Economics, and Public Law* 60.2 (1914): 65; Barnes, *Constantine and Eusebius* 57.

The Donatist schism provided Constantine with plenty of reasons to show a certain interest besides any partiality he may have had toward Christians. The schism in Africa had been the cause of riots and violence, and maintaining domestic peace within the empire was certainly one of the emperor's most important duties. Constantine undoubtedly saw this appeal from the Donatists as a way to quell such a disturbance by working with the Christian ecclesiastical bureaucracy. Imagining Constantine as the Christian Emperor who thought he had a mission from God actually robs him of some of the credit he is due: Constantine took it upon himself to try working with Christian leaders and their bureaucracy as a practical solution when problems arose, rather than ordering a persecution as many of his predecessors had done.

Unfortunately for Constantine, the Donatists were not willing to abide by the decisions of the synod. The Donatists appealed again, directly to the emperor, and Constantine summoned a larger synod of bishops to meet in Gaul during the summer of 314. This meeting, the Council of Arles, is representative of Constantine's policy of integrating the bishops into the imperial bureaucracy. The emperor provided imperial transportation for the bishops traveling to Arles:

> *Inasmuch, therefore, as we have commanded that very many bishops from various and numberless places should assemble at the city of Arles by the Kalends of August, we have thought it good to write to thee also, that thou shouldest procure from the right honourable Latronianus, the "corrector" of Sicily, a public vehicle, and joining to thy company two others of those of the*

> *second rank . . . do thou be present at the above-mentioned place by that same day.* [1]

It is possible, but not definite, that Constantine was present at the Council of Arles. Eusebius mentions in the *Life of Constantine* at a point in his narrative roughly concurrent with the Council of Arles that Constantine was present at the synods of bishops:

> *. . . he, like some general bishop constituted by God, convened synods of his ministers. Nor did he disdain to be present and sit with them in their assembly, but bore a share in their deliberations, ministering to all that pertained to the peace of God. He took his seat, too, in the midst of them, as an individual among many.* [2]

Even if Eusebius does not specifically mention Arles, the emperor, it seems, did turn some heads by appearing at church councils. What was Constantine doing there? It was certainly an unusual move for an Roman emperor. Constantine's appearance could simply just be accredited to his interest in Christianity, and his vision in the sky. But it seems more plausible that Constantine had other reasons for sitting in on these counsels.

As mentioned above, Donatism was more than just a religious schism. Donatism was the cause of considerable domestic violence in Africa: buildings were burned and riots wreaked havoc in some of the African cities. Constantine was willing to use imperial accoutrements, such as the official transport, above, to help the bishops assemble at Arles. His involvement makes sense because

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[1] Eusebius, *Historia Ecclesiastica* 10.5.22-23.
[2] Eusebius, *Vita Constantini* 1.42.

unifying the Christians in Africa and stopping the schism was the most expedient way to quell the violence.

By playing a such a role in ecclesiatical affairs, Constantine benefitted in two ways. First, he added a certain majesty and authority to such proceedings by his own presence. Probably Constantine thought that the verdict would have more credibility if the emperor himself was present at the council. Second, Constantine gained the special respect of Christians by appearing at synods. Christians began to conceive of Constantine as "the Christian emperor," which enhanced his influence in future matters of the Church. Donatus once complained, "What has the emperor to do with the Church."[1] Constantine was sending churches money and appearing at councils. Donatus' complaint indicates that the emperor's policy was successful at making it appear that he did have "something to do with the Church." It was a no-lose situation for Constantine, because his toleration edicts made it clear for pagans that they were free to worship as they wished, so they were not particularly alarmed by this new facet of the emperor.[2] Finally, Constantine would not have been bothered by his involvement with these councils because he was personally intrigued by the Christian religion, which seemed to him to have played a role in his victory at the Battle of Milvian Bridge.

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1 Response of Peter Brown to Henry Chadwick in "The Role of the Christian Bishop in Ancient Society," *The Center for Hermeneutical Studies* 35 (1979): 20.

2 "We resolved . . . to grant both to the Christians and to all the free choice of following whatever form of worship they pleased . . . so that each one may have authority to choose and observe whatever form he pleases." From the "Edict of Milan", quoted by Eusebius, *Historia Ecclesiastica*, X.v. 1-15.

The bishops at Arles confirmed the decision reached by the bishops of the earlier synod. The Donatist cause was rejected. Again and again the Donatists appealed. Constantine became irritated at the Donatists' continual appeals because they were defeating his policy of using the administration of the bishops to solve the schism and quell the disturbances in Africa. They consistently insisted on appealing directly to the emperor, which suggests that despite Donatus' objection to imperial intervention, Constantine's high-profile involvement with Christian bishops convinced many Christians that the emperor could be trusted with ecclesiastical matters. If so, in this respect the emperor's policy was successful. The difficulty was that the Donatists were not willing to abide by the results of the synods Constantine assembled.

Constantine lost his patience with the Donatists. By 315 he resolved to go to Africa himself — but war began with Licinius. Finally, the emperor gave up trying to deal with the problem through his new policy. No longer did he pass over the Donatist appeals with the humble complaint that he himself "was awaiting the judgment of Christ."[1] In late 316 Constantine ordered that the churches of the schismatics be confiscated and violent repression of the Donatists followed.[2] Rather than extinguishing the schism, repression and persecution fanned the flames and encouraged the worshippers. This was not a particularly surprising result since imperial persecution had had similar effects on Christians of the

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1 *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church,* ed. Henry Wace and Philip Schaff (Oxford: Parker and Company, 1890) 431.
2 Millar, *The Emperor in the Roman World* 589.

past. The Donatists started keeping a "calendar of martyrs" and stern measures did little good against Donatist exiles hiding out in the forests of Africa or Spain. The military repression ordered by Constantine failed to stop the schism in much the same way that the imperial persecutions of the past had failed to suppress Christianity.

Constantine's attempt to regulate problems within the Church and insure domestic peace through the administration of the bishops was not very successful. When he finally lost his patience and ordered the military repression in Africa, he found himself in the same undesirable situation as that of the persecuting emperors of the past. Licinius had recently started persecuting Christians. By 321 Constantine was preparing to go to war with Licinius. He was perceived as the "Christian Emperor" who sought to bring toleration to the East. But it was difficult for Constantine to maintain this image when he himself had ordered the military repression of Christians in Africa.[1] Thus in May 321 Constantine ordered the *vicarius* of Africa to release Donatist prisoners and allow the return of exiles. He recommended to the Catholic bishops of Africa that the Donatists be tolerated, and that their judgment be left to God.[2]

The Donatists thrived. They of course did not gain from the benefits that the Catholic churches received through association with the emperor (imperial money, or legal privileges) but they seemed to suffer little from this. They occupied the basilica of Cirta, dominated

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[1] Barnes, *Constantine and Eusebius* 60.
[2] Millar, *The Emperor in the Roman World* 589.

the senate there, and placed their clergy in important positions — the Catholics had to ask Constantine to build them a new basilica.[1] Constantine built the new basilica, and tolerated the increasingly dominant Donatist sect in Africa. The Donatists paid little attention to the affairs of the Catholic Church or the emperor. A later synod of Donatist bishops was cause for the meeting of over two hundred schismatics.[2]

Constantine's policy was obviously less than successful. His attempt to use the Christian bureaucracy to solve a domestic and religious disturbance in Africa did not produce the result he was seeking. The decisions of the synod at Rome and the subsequent Council of Arles did not satisfy the Donatists. Constantine probably overestimated the influence and authority of the assembled bishops. His policy failed in two respects. First, the bishops were not a truly united administration, and they were unable to provide the sort of stability and unanimity that Constantine's policy demanded. And there was no way the policy could succeed if the schismatics simply ignored the decisions of both synods and the emperor. Constantine saw the authority of the bishops as a fair and non-violent way to deal with the problem of religious and domestic disturbances in Africa. His intentions were excellent and intelligent, but the policy failed utterly because the Donatists simply refused to accept the authority of the councils or the emperor.

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[1] Barnes, *Constantine and Eusebius* 60.
[2] Barnes, *Constantine and Eusebius* 61.

Constantine was not entirely discouraged by the results. He still thought that the bishops could be reliable and efficient means of administrating the empire. His tactics were very similar when he had to deal with schism in the East. Unfortunately for the emperor, the results with the Arian heresy and the Council of Nicaea were almost exactly the same.

Chapter III

In September of 324 Constantine defeated Licinius and reunited the eastern and western empires. Licinius had adopted a policy of persecution in the East. Constantine fought the war in the East as the savior of persecuted Christians: "tempering the natural clemency of his character with a certain measure of severity, [he] hastened to succor those who were thus grievously oppressed."[1] Licinius was imprisoned, and later killed, and as Zosimus notes, Constantine may have broken a promise of safety to the former Eastern emperor.[2] Constantine wasted no time in providing redress for Christians who suffered under the persecutions, and punishment for those who profited. Constantine's Christianity had become increasingly obvious in the period of time between the Battle of Milvian Bridge and his takeover of the East, and his edicts and rescripts for the newly conquered East are indicative of this.

Eusebius includes in the *Life of Constantine* a series of laws issued by Constantine that were designed to provide restitution for persecuted Christians in the East. These laws are notable for a couple of reasons. They are more frankly partial toward the Christian religion than the edicts of toleration and redress agreed upon by Licinius and Constantine after the latters' victory in the East:

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1 Eusebius, *Vita Constantini* 2.3.
2 Zosimus, *Historia Nova* 2.28

> *it has long been most clearly evident, and beyond the possibility of doubt, how vast a difference there has ever been between those who maintain a careful observance of the hallowed duties of the Christian religion, and those who treat this religion with hostility or contempt.* [1]

This sounds like a rather different Constantine than he who, in the "Edict of Milan," sought to grant "both to the Christians and to all the free choice of following whatever form of worship they pleased."[2] Constantine went so far as to attempt to ban sacrifice in the East. Eusebius tells of such a law, but its effectiveness is doubtful.[3]

If Constantine had any hopes that the East would be free of religious strife he was quickly disappointed. After the founding of "New Rome" (Constantinople) in late 324, the emperor headed south for a visit to Egypt and other parts of the East. But by early 325 Constantine abandoned his plan, having heard of the Arian controversy: "that I might not be compelled to see with my own eyes that which I felt myself scarcely able even to hear."[4]

The Arian controversy started a few years before Constantine became emperor of the East. The teachings of Arius of Alexandria initiated the quarrel. Arius conceived of Jesus as being inferior to the Father. God created Jesus, and he did this at some point in time, according to Arius. Thus Jesus was not of the same substance as the Father, nor was he eternal in the same sense as the Father,

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1 Eusebius, *Vita Constantini* 2.22.
2 Eusebius, *Historia Ecclesiastica* 10.5.4.
3 Eusebius, *Vita Constantini* 2.45.
4 Eusebius, *Vita Constantini* 2.70.

for, as the Arians pointed out, "there was a time when he was not." Arius' position was a logical one, and it attracted many theologians and teachers of the East, among them Eusebius of Nicomedia and Eusebius of Caesarea; the latter was later to become a close associate of the emperor and author of the *Life of Constantine* and the *Ecclesiastical History.*

Alexander, bishop of Alexandria, was Arius' chief opponent. Arius' ideas may have been logical and appealing, but they were also novel and, to many, heretical. Alexander summoned a council in Alexandria, and adopted a creed which denied the validity of Arius' teachings.[1] This prompted Arius to seek supporters outside of Alexandria. Arius was able to produce support from numerous Eastern bishops, including the two Eusebiuses. Alexander assembled another council to combat the impressive support Arius had gathered, and this Egyptian synod excommunicated Arius for heresy.

The Arians assembled a council subsequently, which brought Arius back into communion. Arius wrote a creed of his own, defending his teachings, and the bishops who supported him wrote to Alexander, pointing out that the differences were minute, and maintaining that Arius should be considered orthodox. Henceforth the story gets stranger, more political, and more violent. Arius wrote a book defending his views, *The Banquet,* which was intended for a wide audience. He wrote this treatise of his teachings, at least partially, in the form of verses — not poetry, but catchy, popular songs, set to music. The educated aristocracy, as well as Alexander,

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[1] Barnes, *Constantine and Eusebius* 204.

of course, were probably taken aback by Arius' vulgar methods;[1] but it certainly must have done Arius' cause some good that people were humming and singing to melodies with such words as "The Father is greater than the Son." Popular support in Alexandria did in fact swell in favor of Arius. There were riots and violence. Both Alexander and Arius scrambled to get bishops to sign circular letters supporting their particular positions. Licinius' persecutions interrupted this affair, but Constantine's victory allowed the controversy to flare up again. The renewed violence and dissent persuaded Constantine to cancel his trip to Egypt.

Constantine wrote both Alexander and Arius (in the same letter, Constantine told of his decision to abandon his trip to Egypt) and he complained that they should never have brought up the matter in the first place:

> *For those points of discussion which are enjoined by the authority of no law, but rather suggested by the contentious spirit of misused leisure, even though they may be intended merely as an intellectual exercise, ought certainly to be confined to the region of our own thoughts, and not hastily produced in the popular assembles, nor unadvisedly intrusted to the general ear.* [2]

This is typical of Constantine, in the respect that he seems more interested in unanimity and peace than the specifics of Christian theology. Nowhere in the letter does he exhibit any real sense of what intellectual or theological distinctions are at the center

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1 Barnes, *Constantine and Eusebius* 205.
2 Eusebius, *Vita Constantini* 2.69.

of the controversy. Constantine was not terribly concerned with these philosophical distinctions because there was "no law" (as he complained in the quotation above) by which to judge them. Constantine could conceive of a Christianity in which these distinctions were of little import, and merely matters of personal opinion. Had such theological matters been of greater concern to him, he surely would not have been content to be baptized by an Arian, Eusebius, just before his death in 337.

Again, this is a situation in which Constantine must be thought of as more than just the "First Christian Emperor." His interest in relatively important theological matters such as the Arian heresy seems to have been secondary to his desire for tranquility and agreement. The parallels with the Donatist controversy are noteworthy. Egypt, the source of much of the food for the empire, was besieged with riots and violence centered in the capital, Alexandria. A Christian schism was the source of the disturbance, and it was Constantine's duty as emperor to put an end to the domestic violence in Egypt. As a Christian emperor, he also undoubtedly saw it fit to quell any such serious splits within the Church.

Constantine sent Ossius of Cordova to deliver that letter, and also to see what could be done about settling the matter. Ossius was of little assistance in mediating the quarrel, since factional politics and violence had become rampant in the Christian communities of the East. Antioch was in chaos over the selection of a new bishop[1]

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[1] Barnes, *Constantine and Eusebius* 213.

and a synod there had just excommunicated three Arian bishops (including Eusebius of Caesarea) until a new council could be summoned at Ancyra.[1] Ancyra was a less than impartial location, since its bishop was an extreme anti-Arian.[2]

Constantine decided to intervene at this point. He moved the Ancyra council to Nicaea, which was more convenient for him and western bishops, and quite possibly because it was a less partisan location. Constantine was unswayed by the less than successful results of his intervention with the Donatist schism, and there was no good reason for him to be, since emperors had always mediated disputes within the empire. What was different, of course, was that the emperor was working with a Christian bureaucracy, and was a Christian himself. Again Constantine provided imperial transport for the bishops, and he took care of many of the expenses.

Constantine's lack of interest in partisan politics and philosophical-theological specifics is shown by the fact that he burned the petitions of the bishops at the beginning of the council. Constantine wanted agreement and concord more than he was concerned about the correctness of Arianism:

> *For, in my judgment, intestinal strife within the Church of God is far more evil and dangerous than any kind of war or conflict; and these our differences appear to me more grievous than any outward trouble.* [3]

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[1] Millar, *The Emperor in the Roman World* 595.
[2] Barnes, *Constantine and Eusebius* 213.
[3] Eusebius, *Vita Constantini* 3.12.

The first discussion at Nicaea involved the Arian heresy and the status of those three previously excommunicated bishops. Eusebius brought to Nicaea a written creed of his beliefs, which he read to the assembly. The bishops could find no glaring examples of heresy, and Constantine claimed that he agreed with Eusebius' beliefs, with the addition of a clause concerning the Son being of one substance with the Father.[1] True Arians could not support such a creed. Most bishops, however, agreed to compromise and accept the new creed, and Constantine apparently frowned on any attempts by factions of Alexander to reword the creed any further to make it unacceptable to those willing to compromise, such as Eusebius. Arius and only a few bishops left the Council in exile. For all intents and purposes, it appeared that Constantine's policy was successful this time, unlike the failure with the Donatists.

The bishops also tried to reach some sort of agreement on the date of Easter, and Constantine provided them a dinner celebrating the twentieth anniversary of his reign. He gave them all gifts, Eusebius says, and:

> *Having thus taken leave of them, he gave them all permission to return to their respective countries; and this they did with joy, and thenceforward that unity of judgment at which they had arrived in the emperor's presence continued to prevail, and those who had long been divided were bound together as members of the same body.*[2]

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[1] Apparently Eusebius was not too happy about this, but he was willing to compromise (a characteristic appealing to Constantine.) Of course, Constantine's affirmation of belief made it difficult for other bishops to object... See Barnes, *Constantine and Eusebius* 216.

[2] Eusebius, *Vita Constantini* 3.21.

Unfortunately for the emperor, the results of the Council of Nicaea were not quite as Eusebius would have us believe. The Eastern Church did not settle into tranquility, acquiescent in the decisions of Nicaea. Constantine's policy failed in the same way that it failed during the Donatist schism. Constantine simply placed too much faith in the abilities of the bishops to be free of partisan politics. He was too willing to believe that these moral leaders of his own preferred religion would be above factional disputes and too willing to believe that they would make ideal administrators. To Constantine's credit, he did not intervene with imperial power into Christian affairs excessively, but the bishops were just not the united body he was looking for when he told them that "intestinal strife within the Church of God is far more evil and dangerous than any kind of war or conflict." They probably agreed with him wholeheartedly at Nicaea when he spoke those words, but they were unable to rise above the ecclesiastical party politics that went on after that council.

Bickering and pamphleteering started almost immediately after the members of the Council of Nicaea went their separate ways. Eusebius of Nicomedia and Theognis of Nicaea were exiled by Constantine for lukewarm support of the Nicene Creed and for being in contact with some enemies of Alexander known as Melitians. The Melitians were similar in beliefs to the Donatists in the respect that they were unforgiving of lapsed Christians.[1] Eusebius of Caesarea

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[1] Barnes, *Constantine and Eusebius* 227.

and Eustathius of Antioch traded accusations of heresy, and a subsequent council removed Eustathius from the bishopric.[1] The city of Antioch tried to elect Eusebius of Caesarea as their bishop, but Constantine objected on the grounds that bishops were not supposed to change sees; the subsequent bishops of Antioch, however, like Eusebius, had a distinctly Arian bias.

In 327, Arius decided to rejoin the Church. Constantine looked over Arius' statement, and turned the matter over to the Council of Nicomedia. That council re-admitted Arius, as well as Eusebius of Nicomedia and Theognis. But Alexander refused to allow Arius to communion. Alexander died in 328, and his hand-picked successor, Athanasius, was equally stubborn and unforgiving of Arius. Athanasius was politically powerful in Alexandria, and he was able to arrange riots or impede civil government in Africa if it was to his advantage.[2] The Arians and Melitians combined against Athanasius and repeatedly brought charges against him over the next five years. Violence became increasingly common: for example, in 335 supporters of Athanasius severely beat and nearly killed four Melitian monks.[3] The Arians and Melitians continued to appeal to the emperor, while Athanasius remained intractable: he would not admit Arius to communion. Finally in the summer of 335 the Council of Jerusalem removed Athanasius from his see, and declared Alexandria to be off-limits to him. Athanasius fled to Constantinople to appeal to the emperor. Constantine was not impressed. Not only

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[1] Barnes, *Constantine and Eusebius* 227.
[2] Barnes, *Constantine and Eusebius* 230.
[3] Barnes, *Constantine and Eusebius* 235.

was Athanasius haughty and demanding, but his enemies claimed that he had threatened the grain shipments leaving Egypt. Most important to Constantine's policy were bishops who were willing to compromise to insure unity, and bishops who would help him maintain domestic peace and insure the smooth running of the empire. Athanasius fit neither of these categories, and if the charge about the grain shipments was true, Constantine could have seen him as a genuine threat. Athanasius went into exile, Alexandria rioted, and the Church in the East was more bitterly divided than it was before the Council of Nicaea.

Constantine's attempt at unity in the Eastern Church was in vain. The theological differences were too keen and too strongly felt to let the sort of vague compromises of Nicaea prevent further dispute. Constantine sincerely believed that the bishops could be ideal servants because they were men of God. But the policy was doomed to fail because the bishops were in bitter disagreement over theological matters that required unity for the policy to succeed. In the Arian controversy as well as the Donatist, Constantine thought that combining imperial authority with the Christian bureaucracy would help him solve a domestic difficulty and settle tumultuous theological dissention. In neither case was the policy particularly successful.

Chapter IV

Specific evidence for Constantine's own perception of bishops as administrators can be pointed out in two ways. A comment Constantine made to a gathering of bishops as revealed in *The Life of Constantine* provides some insight. Even more convincing is information from the *First Sirmondian Constitution.* Evidence from this document shows that Constantine introduced the episcopal courts into the judicial system of the empire. Constantine's remarkable confidence in the bishops as faultless, unblemished arbitrators of justice is plainly apparent. The emperor's faith in the ability of the bishops and his policy of close cooperation with them is directly related to his belief in their role as protectors and overseers and his belief in their unassailable morality.

An extraordinary passage from Eusebius' *Life of Constantine* is worth reproducing here. Addressing a gathering of bishops, Constantine called himself a bishop, and compared the duties of a bishop to those of an emperor:

> *Hence it was not without reason that once, on the occasion of his entertaining a company of bishops, he let fall the expression, "that he himself too was a bishop," addressing them in my hearing in the following words: "You are bishops whose jurisdiction is within the Church: I also am a bishop, ordained by God to overlook whatever is external to the Church." And truly his measures corresponded with his words; for he watched over his subjects with an episcopal care, and exhorted them as far as in him lay to follow a godly life.* [1]

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[1] Eusebius, *Vita Constantini* 4.24.

Constantine's likening of himself to a bishop suggests that he saw the role of the emperor and the role of the bishop as roughly equivalent in terms of responsibility and function. Constantine's comparison was certainly not what one would expect from the Roman Emperor. No previous emperor would have willing to compare himself to a bishop. Constantine seems to have been willing to admit that there were two different groups of people within the empire: those "within the Church" and those "external to the Church." The split between these two segments of the empire, at least in Constantine's mind, and probably in the minds of others as well, helps to explain why Constantine strove to integrate the bureaucracies of Church and empire.

In fact, by the early fourth century, Christians were indeed assembling a sophisticated administrative and judicial bureaucracy of their own, independent of normal imperial authority. Henry Chadwick has explained the phenomenon in this way:

> *The Christianization of the Roman Empire meant, in short, the emergence of a new type of leader within the community, chosen (at least in the early period) by the local church, but through his consecration by bishops from other churches, also linked him to a world-wide society, and, unless he fell into heresy or resigned to become a monk, enjoying permanent tenure for life.* [1]

The bishops constituted a sort of new administrative body, within, but independent, of the empire. The bishop had close

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[1] Henry Chadwick. "The Role of the Christian Bishop in Ancient Society." *The Center for Hermeneutical Studies* 35 (1979): 14.

personal ties to his Christian members of his community, and when bishops met in larger gathering such as synods or councils, he represented them. The bishop had under his control a rather wealthy treasury of wealth donated by Christian worshippers, and by the time of Constantine, the number of people receiving money from the bishop's resources was increasingly large. Around the year 250 or so,

> *the community in Rome had on its payroll one bishop, 46 presbyters, 7 deacons, 7 sub-deacons, 42 acolytes, 52 exorcists, readers, and door keepers, and more than 1500 widows and distressed persons.* [1]

Bishops also were obligated to settle disputes among their followers. The Apostle Paul had said that Christians should go to their bishop to resolve their arguments, instead of turning to secular authorities, and arbitration was an important part of the bishop's responsibility.[2] The bishops were often perceived as being fair and impartial. Perhaps one reason for this was the tendency of bishops to try to give the poor a fair say in these judicial matters. Imperial courts required expensive appeals and trips to distant cities, while the bishops were local authorities, who usually knew the litigants personally, and they were not as easily swayed by bribery as imperial officials.

The bishops' familiarity with the local community, along with their greater accessibility to poorer individuals, made them appealing

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[1] Chadwick, "The Role of the Christian Bishop in Ancient Society" 5.
[2] Chadwick, "The Role of the Christian Bishop in Ancient Society" 6.

to Constantine, since he was concerned about the shortcomings of the imperial judiciary in precisely these areas. The *First Sirmondian Constitution* is an extant rescript sent from Constantine to the prefect Ablabius. The *First Sirmondian Constitution* (for brevity, CSI) is an unusual document. It reveals, in an indirect way, the decision by Constantine to allow bishops to serve as judges and irrefutable witnesses. CSI seems to be a response from Constantine to Ablabius, who had queried the emperor to the effect, "Are you SURE you wish to grant bishops such authority?" CSI opens with Constantine sounding annoyed at the skepticism of Ablabius:

> *The Emperor Constantine, Augustus, to Ablabius, the praetorian prefect. We are considerably surprised that your gravity, which is replete with justice and blameless religion, has wished to inquire of our clemency, what our moderation decreed formerly concerning the decisions of bishops or what we may now desire to be observed, dearest and most affectionate Ablabius. And so because you have desired to be instructed by us, we set down again for our prosperous empire the order of the law which has been already promulgated.* [1]

CSI can be dated to May 333. But this date only tells when Constantine responded to Ablabius' query. A flurry of legislation in 331, involving the protection of the rights of minors, and the maiming of greedy judges, is a tempting possibility for the dating of the legislation referred to in CSI.[2] Taken in the context of the new

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[1] Following excerpts from the *First Sirmondian Constitution*, trans. Huttman, "The Establishment of Christianity and the Proscription of Paganism" 156.
[2] H.A. Drake, "Constantine and the Bishops: some unresolved problems." (unpublished) 14.

morality of the early fourth century, Constantine's policy toward imperial improprieties in the legal system seems quite reasonably compatible with an attempt to let bishops take over some judicial privileges. CSI continues:

> *For indeed, we have commanded, as the provisions of our edict set forth, that episcopal decisions rendered in any kind of case, shall always be maintained inviolate and unaltered without distinction as to their date; namely, that whatever may be settled by a sentence of bishops shall ever be held as sacred and venerable. And so if a judgment is given by bishops in a case between minors and adults, we wish it to be carried out by you, who hold the highest position in the courts, and by all the other judges.*

Legislation from 331 indicates that Constantine was disturbed about the mistreatment of minors by greedy guardians, and it is interesting that he tried to rectify such a situation by granting greater judicial authority to bishops. Constantine's legislation granted several other privileges to the bishops. According to CSI, lawsuits could be transferred from civil to episcopal courts at the request of one of the litigants, even if the other litigant was unwilling. The decisions of bishops were made permanent, a possible attempt at escaping the continual problem of unnecessary appeals in the imperial courts, and this stood true for both civil and Christian matters. The testimony of bishops was proclaimed unquestionable. Two sentences towards the end of the rescript seem to sum up Constantine's interests in using the bishops as an alternative judiciary. He had a personal trust and belief in the morality and

ability of the Christian bishop, and he was interested in using them as an alternative to the corrupt imperial bureaucracy:

> *For that is confirmed by the authority of truth, that is uncorrupted, which is spoken by a holy man, in the consciousness of an upright mind. This we have already decided by a wholesome decree, this we now confirm by perpetual law, destroying the pernicious seeds of litigation, that miserable men entangled in long and well-nigh continuous snares of lawsuits, may be set free at an early date from iniquitous claims or monstrous cupidity.*

Was the judicial legislation referred to in CSI a startling innovation on Constantine's part? Almost assuredly, since the beginning of the emperor's rescript sounds distinctly like he was replying to an incredulous Ablabius, more than a little surprised at the implications of the legislation. If Constantine was infuriated enough about judicial corruption to threaten to slice off the hands of unscrupulous judges, it seems reasonable to believe that he may have considered replacing some of them with Christian holy men.

CSI was not, apparently, a success. A law in the *Theodosian Code* (*Codex Theodosianus* 11.39.3) from August of 334 repudiated the wide range of powers granted to the bishops by again citing the necessity of more than one witness, regardless of position or rank.[1] And subsequent laws seem to take no further notice of the judicial benefits briefly granted to bishops under Constantine.

Why the legislation referred to in CSI failed can only be a matter of speculation, because further evidence surrounding the law

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[1] Drake, "Constantine and the Bishops: some unresolved problems" 18.

is simply not a part of the historical record. But it may be safe to draw upon the experiences of Arles and Nicaea in the hope of analyzing CSI. Constantine sought the assistance of the Christian bureaucracy in the hope of solving a problem with the imperial judiciary, in a fashion not unlike his attempt to utilize the Christian bureaucracy to put an end to the Donatist and Arian disturbances.

Constantine's motives for the legislation mentioned in CSI revolve around a dissatisfaction with the corruption and bribery in imperial administration. CSI cannot be labeled as a purely religious move on the part of the "First Christian Emperor" for two reasons. First, the provisions of CSI point to specific practical goals, such as the better treatment of minors and fewer unscrupulous legal attacks, rather than a blanket endorsement of Christian ethics and Christian holy men. And second, if Constantine was utterly convinced that justice was best dispensed by Christian bishops, why would he have retracted (or at least ignored) the legislation only a few years later? If the examples of Arles and Nicaea are of any worth in understanding CSI, it is a reasonable guess that Constantine was disappointed with the results of granting the bishops such a substantial judicial authority.

Chapter V

Constantine was undoubtedly a Christian. But the realization that his personal commitment to Christianity was a gradual process, and not necessarily the primary impetus behind all of his actions, is an important one. The emperor may have been just as likely to have had reasons other than religious ones for working with bishops. Instead of persecuting Christians when problems arose, Constantine tried cooperation with the Christian administration. The policy may not have been completely successful for Constantine, but it set important precedents for the future of church and state relations in Europe.

Before Constantine, Christians were sometimes repressed and persecuted by the Roman Empire. Constantine's personal interest in Christianity, brought about by his perception of assistance from the Christian God in his victory over Maxentius at Milvian Bridge, brought about a distinct change in imperial policy toward Christians. Constantine put an end to persecution of Christians, and elevated Christianity to the status of the other religious cults within the empire.

The toleration of the Christians by the emperor became more than mere toleration in the years following Constantine's victory at the gates of Rome. Constantine worked with Christian bishops at the councils of Arles and Nicaea. He helped to arrange and pay for these meetings, and provided the bishops with official imperial transportation. Constantine also took a definite interest in the proceedings of these councils. At Nicaea, in fact, his intervention

played a big role in making up the theological compromises that were intended to settle the dispute.

Constantine's reputation as the "First Christian Emperor" sometimes is misleading in the respect that it cloaks the non-religious motivations Constantine may have had in associating imperial authority with the Christian bishops. The Donatist controversy was the source of violence and riots in North Africa. The problem went beyond being simply a religious dispute, and Constantine had an obligation as the emperor to insure domestic peace within the empire. Constantine had a vested interest in putting an end to the Donatist schism for reasons other than just his personal interest in the Christian religion.

The situation with the Council of Nicaea is a similar one. The Arian controversy so unsettled the East that Constantine canceled a scheduled trip to Egypt in order that he might avoid the theological dissent and associated domestic disturbances. Constantine was plainly more interested in achieving harmony and ending the schism than he was in achieving theological "truth". He wrote both Arius and Alexander, chastising them for making such a big fuss over philosophical questions would could not be satisfactorily answered. And he burned the accusatory petitions of the bishops at the beginning of the Council of Nicaea, emphasizing his concern for compromise and unity over vehement theological arguments. Nicaea was similar to Arles in the respect that Constantine hoped to put an end to violence and rioting in a region of the Empire without resorting to repression and persecution like many of his imperial predecessors had.

Constantine wanted to resolve these disputes peacefully, without making the associated domestic disturbances and ecclesiastical hard feelings any worse than they already were. Eusebius of Caesarea was willing to compromise about theological matters, and he did so at Nicaea. Constantine's policy depended on compromise. Athanasius was unwilling to compromise, and unwilling to admit Arius back to communion, under any circumstances. It is revealing of Constantine and his policy that Eusebius became a close associate of the emperor, while Athanasius ended his life in exile.

The environment of the early fourth century is important also. Constantine was emperor at a time when corruption among officers of the imperial bureaucracy ran rampant. A "new morality", of sorts, settled in and called for harsh measures to deal with the problem of bribery. It is in this context, along with the influence of his own belief in Christianity, that Constantine was able to see the bishops as sacrosanct men, faultless and completely reliable. His words in the *First Sirmondian Constitution* leave little doubt that the emperor believed bishops could be the solution the problems of corruption in the imperial bureaucracy. Constantine hoped that the administration of the bishops, increasingly large and influential, could take over some of the functions of civil authorities. He seemed particularly concerned about minors and the poor and suggested in CSI that the bishops would be ideal for judging such cases.

But in all three of these situations, Constantine's policy never proved very successful. The Council of Arles was ineffective at putting an end to the Donatist controversy. When Constantine

finally lost his patience and tried using military repression on the Donatists, the emperor found himself in a peculiar dilemma of contradiction, since he was persecuting Christians in Africa, yet invading the eastern empire as the liberator of Christians. The Donatists were unconvinced by repressive measures, and began enumerating their own martyrs, in a fashion similar to Christians under persecuting pagan emperors of the past. Constantine eventually relented, and Donatists flourished in Africa.

Nicaea was strikingly similar. The Arians suffered a temporary setback due to the pronouncements of the council, but eventually made their presence known again and regained control of some eastern bishoprics. Constantine's policy failed at achieving peace in the eastern empire. Constantine's legislation granting vast legal privileges to bishops was apparently a significant disappointment; it was no longer in effect within only a few years of its inception.

There is no one single reason to account for the failure of Constantine's attempts to integrate imperial and Christian administrations. A few generalities can be made. He seemed to overestimate the effectiveness of councils at resolving dissention. The Donatists simply ignored the decisions made at Arles and previous synods. Constantine's policy could only be effective if bishops respected the results of councils. At Nicaea, Constantine played a fairly important role, and involved himself in the proceedings to a greater degree than before, but to no avail. The Council of Nicaea did not achieve the harmony in the east Constantine desired. Constantine's conciliatory approach to the

complex theological matters at stake at the Council of Nicaea may have avoided the important issues. It is probably safe to say that the vague compromises of Nicaea could not have been very satisfactory considering the vehemence of the dispute and strong feelings of its participants.

Most importantly, the plans and priorities of the bishops, involving theological and ecclesiastical matters, did not necessarily include the matters that Constantine hoped to resolve, such as rioting and judicial corruption. The bishops had their own concerns, and were chiefly interested in Constantine's assistance only if it would help them achieve their own goals. When Athanasius fled to the emperor after being thrown out of Alexander, the first things on the bishop's mind were probably not domestic peace in Egypt and safe grain shipments. These things were, however, foremost on Constantine's mind. Athanasius was worried about getting back his position in Alexandria, and convincing the emperor that the Arians who helped remove him were reprehensible heretics. Athanasius' intractability resulted in his exile. He considered his ecclesiastical agenda far more important than the emperor's domestic concerns. Constantine could not use men like Athanasius; his policy depended on bishops like Eusebius, who were willing to compromise, and willing to give Constantine's priorities a certain consideration. There were many bishops like Athanasius and relatively few bishops like Eusebius.

Simply, Constantine expected too much from the bishops. A certain exuberance for the sanctity of Christian holy men seems to have been a part of his belief in Christianity. The legislation of 331

granting judicial powers to bishops is indicative of Constantine's perhaps over-enthusiastic expectations for the bishops. This legislation has been described by Jean Gaudemet as "imprudent generosity" on the part of Constantine.[1] Constantine's speedy grant and retraction of judicial privileges certainly implies that he made a hasty decision and retracted it in a fairly short period of time.

In a larger sense, this "imprudent generosity" can be understood as a important insight into the granting of those judicial privileges to bishops. In the early edicts of toleration after his initial victory at Rome, Constantine insured that both pagans and Christians received equal treatment. His intervention at Arles suggested a greater interest in Christianity. The emperor's restitution laws after his victory in the east are notably partial toward Christians, and his involvement at Nicaea also indicates a commitment to Christianity. The *First Sirmondian Constitution* gives the impression that Constantine went too far and gave away too much. His enthusiasm for Christianity led to him to experiment with simply handing over authority from the imperial to the ecclesiastical. The praetorian prefect, Ablabius, was shocked by Constantine's legislation, and asked to verify it. Constantine was irritated by Ablabius' doubts, and wrote CSI to insure than his prefect knew he meant it.

CSI should not be seen as only a foolish attempt by Constantine to toss the reins of empire to the Christians. He was concerned with a practical domestic problem in the form of corruption within the

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1 Drake, "Constantine and the Bishops: some unresolved problems" 9.

imperial judicial system. The emperor's intense enthusiasm for Christianity probably played a role in his "imprudent generosity." But he was also shrewd enough to realize CSI did not fit his needs, and he did retract the legislation only a few years later.

Constantine's policy of working with the bishops was less than successful. Constantine's conversion to Christianity, however, had long range effects for the future of Europe. The presence of a Christian emperor provoked many imitators, and Constantine's large grants to Church coffers and the privileges he granted to Christians caused the number of Christians to swell dramatically.
Constantine's association with bishops lent them a legitimacy, even among non-pagans, that they never had possessed previously. When the administration of the empire began to break down at the end of ancient world, it was the bishops and other Christian holy men who took the place of imperial officials.

Constantine brought to the position of emperor a special position with respect to Christianity. The emperors after him were almost all uniformly Christian (with the exception of Julian) and this is undeniably Constantine's legacy. Interestingly, though, Constantine was unable to transmit his special relationship to his heirs. Future emperors frequently found themselves in bitter struggles with bishops over which was the greater: secular or spiritual authority. This struggle lasted throughout the middle ages and on into the modern world. Perhaps the expansion of Christianity and Christian bureaucracy made the collision between church and state almost unavoidable. Whatever the reason, the sort of respectful differentiation between the two as observed by

Constantine and the Christian administration of his time was not repeated.

Constantine's dream of a "sacrosanct" bishop-bureaucracy integrated with, or even replacing, the imperial one was never realized, nor was it realistic. Constantine hoped that working with the bishops would allow him to avoid the persecutions of the past and initiate a policy which took advantage of the Christian administration. He tried using cooperation and even lapsed into repression during the Donatist controversy and neither achieved his goals of peace and unification. His eagerness to find a satisfactory compromise for all at Nicaea also did not solve the schism nor did it put an end the unrest in the eastern empire. A hasty attempt at replacing imperial judges with Christian ones was quickly repealed. Constantine's enthusiasm for Christianity sometimes interfered with his ability to realize that the bishops had agendas of their own and were primarily interested in working with him as long as it was to their advantage. His policy may not have been very successful for his purposes, but the legitimacy it provided to Christianity and its bishops was of great significance.

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