THE OLD TESTAMENT AND THE DEVELOPMENT OF EARLY BYZANTINE POLITICAL TENDENCIES

JOHNSON

THE OLD TESTAMENT AND THE DEVELOPMENT OF EARLY BYZANTINE POLITICAL TENDENCIES

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INTRODUCTION

The Byzantines were Christians. Sometimes the most obvious facts are the easiest to ignore. In a modern world deeply impressed with the concept that all human beings are rational, and will act independent of their religious beliefs, to ignore the place of religion in history is certainly a habit we come by honestly. It is not, however, a perspective that we should entertain too much if we wish to assess another culture thoroughly and accurately. The Byzantine Empire was a deeply Christian society, and that fact has not been sufficiently taken into account in assessing many key elements of its cultural development. This is particularly lacking in our understanding of the political ideology, structures, and tendencies of the Byzantines. Recent interest in the role of the Old Testament in Byzantium has opened up new possibilities and new ways of understanding Byzantium's political development.

The typical explanation of the nature and ideological background of the Byzantine political system is fairly straightforward. Francis Dvornik's (1893-1975) *Early Christian and Byzantine Political Philosophy*, an extremely detailed two-volume work, is one of the most respected and relied upon works in the discussion of the basic tenets of Byzantine political thought. Dvornik, a Czech priest and historian, makes the correct observation that "Hellenism was in the atmosphere which surrounded Christian

intellectuals and was charged with ideas they had either to contest or to adapt."[1] This was the intellectual background that early Christians had to reckon with as Christianity was beginning to develop and establish itself. When it comes to assessing how the early Christians and ultimately the Byzantines responded to Hellenism in terms of their political development, Dvornik is quite clear. One particularly insightful reviewer summarizes his thesis with remarkable precision: "that the political philosophy of the Byzantines. . . derives from the political philosophy of the Hellenistic world is the basic argument underlying Dvornik's book."[2] Dvornik's work provides the most comprehensive and extensive consideration of this claim, which is a typical assumption in Byzantine studies. This is an example of a general tendency not to take the religious beliefs of the Byzantines seriously in assessing the nature of their society.

The Byzantines were a people standing at a unique point in Christian history. They were the first Christians forced to deal with the question of how to inherit an entire political system and society, and what it means to live as a Christian empire. There has recently been a growing interest in the role of the Old Testament in Byzantine life which adds an important dimension to this aspect of their development. The collection of essays, *The Old Testament in Byzantium*, represents one of the most important examples of this interest. In their Introduction, the editors comment on the fact that the Bible in

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[1] Francis Dvornik, *Early Christian and Byzantine Political Philosophy: Origins and Background.*, Vol. 2 (Washington: Dumbarton Oaks Center for Byzantine Studies, Trustees for Harvard University, 1966), 558.

[2] Peter Charanis, review of *Early Christian and Byzantine Political Philosophy: Origins and Background,* by Francis Dvornik, 459, *Speculum* 44.3 (Jul., 1969), http://www.jstor.org/stable/2855514.

Byzantine culture has not been the subject of any focused study.[3] The role of the Old Testament in Byzantium is a particularly interesting point of inquiry, the editors Paul Magdalino and Robert Nelson assert, because "for the culture and society of an earthly kingdom, the Old Testament was richer in tangible historical precedents," than the New.[4] After all,

> for believers, the Old Testament is God's word–often his last or only word–on a variety of human experiences that God's people must undergo: warfare, inheritance, tyranny captivity, exile, deliverance, pollution, purification, reward for obedience, and punishment for disobedience and apostasy. It also contains the divinely approved paradigms of the institutions by which God's people organize themselves to worship and obey him: law, charismatic leadership, kingship, priesthood, the holy city of Jerusalem, sacred space (the Tabernacle and Temple), and sacred objects (the Ark of the Covenant).[5]

Others have sounded the call for further research in this area. Howhanessan notes in the Preface to another collection of essays on a similar theme, *The Old Testament as Authoritative Scripture in the Early Churches of the East*, that "the number of scholars who applied to participate in" this compilation of essays "was a clear indication of the importance and relevance of this subject in the scholarly world."[6] Kelsey Eldridge specifically mentions the need for more research regarding "the Old Testament's influence on imperial ideology in Byzantium," mentioning the work of French Historian Gilbert Dagron (1932-), whose book *Emperor and Priest: the Imperial Office in*

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[3] Paul Magdalino and Robert S. Nelson, "Introduction," introduction to *The Old Testament in Byzantium*, ed. Paul Magdalino and Robert S. Nelson (Washington, D.C.: Dumbarton Oaks Research Library and Collection, 2010), 1.
[4] Ibid., 3.
[5] Ibid.
[6] Vahan Hovhanessian, preface, in *The Old Testament as Authoritative Scripture in the Early Churches of the East*, ed. Vahan Hovhanessian (New York: Peter Lang, 2010),**vii.**

Byzantium "contains several chapters on how the Old Testament influenced Byzantine imperial ideology."[7]

Indeed, Gilbert Dagron's book is another oft-cited work and has appeared in numerous places in American scholarship, especially since its translation into English. Yet it seems that there has not yet been a full realization of the controversial and revolutionary implications of this work, for it makes assertions that undermine the typical understanding of Byzantine political thought as represented by the likes of Francis Dvornik. Dagron asserts that the "the Old Testament was far more influential than antiquity" in the development of the Byzantine view of the imperial role, asserting that "Christianity had as much impact in the political as in the religious sphere" of Rome.[8] In fact, he seems to explicitly contradict the view we have identified in Dvornik when he says that studies of the subject have "too exclusively evoked the sacredness of the Hellenistic kings and attached exaggerated importance to the rather anodyne title of *pontifex maximus* borne by the pagan emperors."[9] Dagron certainly paved the way for *The Old Testament in Byzantium* collection. Eldridge rightly claims that "the papers

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[7] Kelsey Magne Eldridge, "Byzantine Emperors and Old Testament Kings: Contextualizing the Paris Psalter as a Product of Ninth and Tenth Century Byzantine Imperial Ideology," 4, accessed April 17, 2012, http://soundideas.pugetsound.edu/cgi/viewcontent.cgi?article=1132&context=summer_research&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dthe%2520old%2520testament%2520in%2520byzantium%26source%3Dweb%26cd%3D6%26ved%3D0CEkQFjAF%26url%3Dhttp%253A%252F%252Fsoundideas.pugetsound.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1132%2526context%253Dsummer_research%26ei%3DTvWNT9i-Ouby0gHpxcmZDw%26usg%3DAFQjCNH0RlixRP7gOyJaGNa6ac2HdziShQ#search=%22old%20testament%20byzantium%22.

[8] Gilbert Dagron, *Emperor and Priest: The Imperial Office in Byzantium*, trans. Jean Birrell (Cambridge, U.K.: Cambridge University Press, 2003), 3.

[9] Ibid., 2.

within the book begin where Dagron took off."[10] In regards to political concerns, the essays go beyond discussing merely the imperial office but also touch on the role of the Old Testament in Byzantine law, specifically in Nelson and Magdalino's Introduction, by which we recognize that Dagron has opened the door to a new way of understanding the Byzantine political system as a whole, and raising questions that have not been sufficiently answered. Ultimately we are forced to ask what the relationship was between the Byzantine use of the Old Testament and the classical traditions it inherited in the development of Byzantine political ideology, structures, and tendencies. How was the Old Testament used as the Byzantines attempted to understand what to do with the society they had inherited?

These are, of course, questions of gargantuan proportions, and which cannot be answered in a single thesis – but it is my hope to take a step toward answering these questions in light of the new perspective Dagron has offered, and highlight some important questions for future research.

Dagron suggests that it was because of Jerusalem's close proximity and the abundance of Jewish communities "in the East" that the Old Testament was of importance to the Byzantines.[11] We have already noted Magdalino and Nelson's insightful suggestion that the Old Testament was important because of its specific relevance to the Byzantine situation. There is truth to both of these contentions, but I hope to expand and provide further support for understanding why the Old Testament was important to the Byzantines by contextualizing it in the early Christian and Byzantine attempts to understand their relationship to classical culture, and important

[10] Eldridge, 5.
[11] Dagron, 3.

early developments in Christian theology. In the end, I hope to show that the Old Testament played a legitimately important place in their attempts to understand how to live as a Christian society, and that the foundation of this attitude was established very early in their intellectual and cultural background.

The first chapter shall set the stage for my discussion by showing how the Old Testament was placed in an important position by early Eastern Christians, and the precedents set that would eventually allow for the Old Testament's important role in Byzantium. We will see how the tendencies Dagron describes, and the other evidence for Old Testament influence in Byzantium, were made possible – justifying the perspective Dagron introduces to the study of Byzantine politics. It is through these precedents that the tendency to use the Old Testament in a normative sense was largely made possible.

The second and third chapters will both deal with the first Christian, Byzantine emperors – especially the reigns of Constantine and Justinian. The second chapter will mostly be interested in the incorporation of Hellenistic ideals through Old Testament images during and soon after the time of Constantine. The third will discuss the legal changes made by the first several emperors, adding to my thesis that the Old Testament had, in the Byzantine imagination, the potential to be used as a legal authority. The last chapter will focus on the age in which Old Testament references in political contexts increase, and I will assess the claims that along with these increased references came substantive changes to Byzantine political structures. The place of the Old Testament in the Byzantine worldview, which we will have traced from the beginning of Eastern Christianity, becomes clearest in the era that our last chapter is concerned with, the 6th-10th centuries. I shall mainly follow a strict chronological sequence, but at times shall

diverge to point out how certain themes play out in other contexts, and in the last chapter I shall draw from all of the past periods in assessing and comparing the overarching perspectives of the theories of Dagron and Dvornik. I shall make some mention of the age of iconoclasm and its consequences, but not in great detail, and only to solidify further my claims regarding earlier centuries. My focus is on the earlier period of Byzantium, during the 4^{th}-9^{th} centuries. Discussing this period will be sufficient for us to make a meaningful assessment.

CHAPTER 1

THE HELLENISTIC & CHRISTIAN BACKGROUND

We shall begin with an examination of key, pre-Byzantine trends of thought that would have profound impact on the Eastern Roman Empire. First, we shall look to the political thought and exegesis of Philo of Alexandria. Philo plays a pivotal role in our story. Philo's inauguration of an association between Scripture and certain elements of Hellenistic thought would largely pave the way for later, Byzantine, uses of the Old Testament in its political formulation. We shall also look to the dissemination and Christianization of several of his ideas among the early Greek Church Fathers, as well as other elements of their worldview that perform a similar function as Philo's thought in laying a foundation for later reliance upon the Old Testament for the justification of political structures. At this early stage important precedents were set by which the Old Testament was placed in a position that would eventually lead to its use as an authoritative political text in Byzantium.

Philo and Hellenistic Political Thought

Philo was concerned with the relationship between divine revelation and the political ideas of the world he lived in. According to Martens, he "had to come to terms with the law of Moses in the context of the cultural mosaic of Alexandria. To do so he

looked to Hellenism."[12] Dvornik explains that "the Hellenistic period, which opened with the conquests of Alexander the Great, brought about the fusion of the old Greek culture with that of the great Oriental traditions" where we observe "the growth of the notion of an absolute monarchy ruled by a divinized king, which was a feature of the political philosophy of the Hellenistic period."[13]

Martens surveys a few key aspects of Hellenistic trends which influence Philo's political philosophy. According to Martens, the claims of the Sophists that law possessed "no true basis in morality or justice"[14] initiated a response that "led to the creation of Greek concepts of what one might call 'higher' law," which is a sort of law with a divine, immutable origin and which is not based upon man.[15] One view of 'higher law' is found in "the idea that there is a law of nature. . . which transcends written codes of laws" and is understood "through study and reason, and which guides" individuals "by nature, not by codification, to do all that is right and to avoid all that is wrong."[16]

Among this body of thought is also discussion of how an individual person might have knowledge of, and follow, this law. Martens explains that "the true law, the law of nature, is available through reason, though most people are unable to harness reason and follow nature."[17] Although people *are* capable "reality is much grimmer."[18] Martens tells

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[12] John W. Martens, *One God, One Law: Philo of Alexandria on the Mosaic and Greco-Roman Law* (Boston: Brill Academic Publishers, 2003), xix.
[13] Dvornik, *Early Christian and Byzantine Political Philosophy.*, Vol. 1, 205.
[14] Martens, *One God, One Law: Philo of Alexandria on the Mosaic and Greco-Roman Law*, 1.
[15] Ibid., 2.
[16] Ibid., xvi.
[17] Ibid., 22.
[18] Ibid., 22.

us that according to Cicero, "for the wise man only the law of nature was truly law."[19] It is critical to note that "the wise man was extremely rare" in fact it is possible that one had "never even existed."[20]

Martens also discusses the idea of "the living law," identified as "a concept which took form in the Hellenistic period, specifically in a number of fragments attributed to students of Pythagoras."[21] According to Dvornik, the works of Ecphantus (especially) and Diotogenes are key.[22] Their respective works, both entitled *On Kingship*, are among writings "attributed to. . . ancient Pythagoreans" making up what Centrone titles "Pseudo-Pythagorean literature."[23] There is disagreement over when they were written, and "proposals range from the third century BC to the second AD."[24] Dvornik also mentions the Platonic notion of the ideal state," which "would be governed by a wise man who was able to rule without laws."[25] Similarly, he discusses Aristotle who "was more outspoken when he said that the ideal ruler would be like a god and that the best men ruling a state would not need written law because 'they themselves are law.' "[26] These ideas are part of the same trends of thought as in Diotogenes and Ecphantus.[27] In

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[19] Ibid., 22.
[20] Ibid., 30.
[21] Ibid., xvii.
[22] Dvornik, *Early Christian and Byzantine Political Philosophy*., Vol. 2, 272
[23] Bruno Centrone, "Platonism and Pythagoreanism in the Early Empire," in *The Cambridge History of Greek and Roman Political Thought*, ed. C. J. Rowe and Malcolm Schofield (Cambridge: Cambridge University Press, 2000), 568-570.
[24] Ibid., 570.
[25] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 1, 247.
[26] Ibid.
[27] Ibid.

fact, the "doctrinal content" of the Pseudo-Pythagorean authors "seems. . . to be indebted essentially to Platonism."[28]

The pseudonymous writings attributed to Ecphantus and Diotogenes, which we shall henceforth refer to using those names, "celebrate monarchy as the best form of government."[29] Furthermore, they "draw upon Greek traditions about the king as the most just man and the wise man who transcends the law."[30] Diotogenes follows the Greek tradition "that the ruler must be a just man."[31] But, even though he is drawing upon the doctrine of Aristotle that for "the ideal ruler. . . .'There can be no law to deal with such men. . . for they are a law unto themselves'"[32] Diotogenes introduces some differences. Namely, that the king "must. . .be justice itself."[33] In other words, the king is the embodiment of justice. Martens helpfully explains that "not any king with horrible power was the living law. The king must be perfect, truly just, and like a father to his subjects if he was to be the living law."[34]

Paramount to this picture of kingship is the king's relationship to God. In the "system" given by these writers "the supreme principle governing the universe is God."[35] "The universe is a system articulated in different sub-systems: world, city, family, individual and individual soul," and these systems reflect one another: they "display an

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[28] Centrone, 569.
[29] Ibid., 570.
[30] Martens, *One God, One Law: Philo of Alexandria on the Mosaic and Greco-Roman Law*, xvii.
[31] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 1, 248.
[32] Ibid.
[33] Ibid.
[34] Martens, *One God, One Law: Philo of Alexandria on the Mosaic and Greco-Roman Law*, 32.
[35] Centrone, "Platonism and Pythagoreanism in the Early Empire," 570.

analogous structure."[36] In the case of the political body: it "imitates the ordering and harmony of the cosmos," says Diotogenes.[37] Or more specifically, the best government is the one "which reproduces God's rule over the world."[38]

In Diotogenes, there is an "insistence on the imitation of God" by the king, as well as a focus on "the establishment of harmony among the subjects."[39] Indeed, "in giving judgement the king should act like God. . . . He must bring the whole kingdom into harmony."[40] The king's relationship to the world mirrors God's: "The king bears the same relation to the state (*polis*) as God to the world," Diogotenes explains.[41] What is it about the king that makes him capable of fulfilling this role, we might ask? There are many facets to understanding this relationship, but two are especially important. First, the king "is a friend of God."[42] Furthermore, the king must "be a philosopher-sage, a wise man."[43] His relationship to God gives the king a divine status: Ecphantus states that "it is the king who is most divine."[44] Diotogenes is more explicit: "he becomes a 'god among men.'"[45] Martens summarizes helpfully, that according to Ecphantus "the king functions as a mid-point between God and humanity, inferior to one, but towering over

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[36] Ibid., 571.
[37] Diotogenes as quoted in Centrone, "Platonism and Pythagoreanism in the Early Empire," 571.
[38] Ibid., 571.
[39] Dvornik, *Early Christian and Byzantine Political Philosophy.*, Vol. 1., 249.
[40] Ibid.
[41] Diotogenes as quoted in Dvornik, *Early Christian and Byzantine Political Philosophy.*, Vol. 1., 249.
[42] John W. Martens, "Nomos Empsychos in Philo and Clement of Alexandria," in *Hellenization revisited: shaping a Christian response within the Greco-Roman World*, ed. By Wendy E. Helleman (Lanha, Maryland: University Press of America, 1994), 324
[43] Glenn F. Chesnut, *The First Christian Histories: Eusebius, Socrates, Sozomen, Theodoret and Evagrius* (Paris: Beauchesne, 1977), 143.
[44] Dvornik, *Early Christian and Byzantine Political Philosophy.*, Vol. 1., 253.
[45] Martens, *One God, One Law: Philo of Alexandria on the Mosaic and Greco-Roman Law*, 39.

the other."[46] Dvornik says that for Diotogenes "the king. . . has been transformed into a deity among men."[47] Just as the king emulates God, the "subjects. . . aspire in their turn to emulate" the king.[48] Furthermore the king is also "living law (*nomos empsychos*)."[49] In his discussion of "Hellenistic divine kingship" Chesnut helpfully explains how this concept fits in with the overall cosmology: the ruler was "the Law or Reason or Logos of God," described as "the seat of Living Law, Sacred Thought, or Divine Logos."[50] This means that he was supposed "to be in his own life the ensoulment of cosmic order, and thereby bring it down to earth, so that the earthly state might mirror the cosmic harmony."[51]

Now, with our cursory treatment of these concepts in mind, we can return to Philo. In Philo we see Scriptural revelation employed to incorporate, and also to alter, these Hellenistic political ideals. Dvornik explains that "Philo of Alexandria devoted a great deal of space to comments on the divine monarchy, and he did so in Hellenistic terminology."[52] In fact, Dvornik goes so far as to contend that "Philo had clearly absorbed into his political scheme all the elements of the Hellenistic doctrine on kings, except their actual deification."[53] This seems largely to be correct. But Philo makes several moves that would set the stage for Hellenism to be overturned as an overriding source of political tendencies in Byzantium.

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[46] Ibid.
[47] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 1, 249.
[48] Centrone, "Platonism and Pythagoreanism in the Early Empire," 575.
[49] Ibid., 573.
[50] Chesnut, *The First Christian Histories: Eusebius, Socrates, Sozomen, Theodoret and Evagrius* (Paris: Beauchesne, 1977), 143.
[51] Ibid.
[52] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 612.
[53] Ibid., 565.

Philo sees harmony between the Old Testament and many of the Hellenistic ideas discussed so far. He also sees the Old Testament as a fulfillment of certain Hellenistic concepts. According to Martens,

> Philo finds that the Stoic ideas properly explain God's work in nature, without contradicting Jewish creation accounts, and he believes that the Jewish idea of the transcendent God supplies missing information for the Stoic view of nature.[54]

He agrees with the idea of the "unwritten law" as an "eternal, or divine law."[55] He also agrees with the Stoics that "politics is grounded in the law of nature."[56] Furthermore, he uses "political categories in describing the universe and its relationship to its creator."[57] These are reminiscent of the Hellenistic view of the universe described above. Philo describes the universe "in Stoic fashion as a great city founded upon law and administered justly by a 'great king.'"[58] This God "brings order out of disorder."[59] Furthermore, "following the law of nature is essentially the same as contemplating the order of nature and the constitution of the cosmic city."[60] He also sees an "analogy between universe and city" in that "good government means reproducing within the city God's government of the world."[61] Monarchical rule is, for Philo, "the ideal form of

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[54] Martens, *One God, One Law: Philo of Alexandria on the Mosaic and Greco-Roman Law*, 86.
[55] Ibid., 88.
[56] Centrone,567.
[57] Ibid., 563.
[58] Ibid.
[59] Ibid.
[60] Ibid.
[61] Ibid., 564.

government,"[62] and he agrees with the Platonic emphasis on the need for philosopher-kings.[63]

Philo, however, provides an important, unique contribution: "he. . . is the only one who designated people as 'unwritten laws'."[64] More specifically, for Philo "those who have followed the law of nature *are* unwritten laws."[65] This contribution is founded in Philo's interaction with divine revelation. The individuals who he identifies as *unwritten laws* are "the patriarchs" of the Old Testament who "followed the law of nature."[66] Philo stands alongside the view of some of the pseudonymous Pythagorean writings that all people "must be a copy of the divine nature."[67] These patriarchs represent the fulfillment of a status that all men should strive for. This was an extraordinary contention: it places God's Word as a source for the presentation of *what* a sage, the wise man of Stoic thought, should act and be like. The importance of this cannot easily be understated, and we shall see its consequences later. But even more important for our purposes is the way in which Philo introduces a scriptural example for kingship, namely in Moses.

For Philo, "Moses is the incarnation of the ideal king."[68] Dvornik says that "Philo had Hellenized and proposed [Moses] as a pattern of kingly virtues."[69] Discussing Philo's work, *The Life of Moses,* Martens argues that "Philo's description of Moses in this

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[62] Ibid., 564.
[63] Ibid., 564-5.
[64] Martens, *One God, One Law: Philo of Alexandria on the Mosaic and Greco-Roman Law*, 88.
[65] Ibid., 88.
[66] Ibid., 88.
[67] Centrone, 572.
[68] Ibid., 565.
[69] Dvornik, *Early Christian and Byzantine Political Philosophy.*, Vol. 2., 644.

context resembles that of the king of the Hellenistic fragments in almost all respects."[70] Martens explains how Philo shows Moses to be the living law.[71] While any person was a living law "who fulfilled the law of nature," Philo only employs "specific kingship language. . . for Moses."[72] The Stoic influence is clear in *The Life of Moses*: Moses is described, for example, as one who used his reason "with temperance and fortitude" as well as "tamed, and appeased, and brought under due command every one of the other passions" and did not eat anything other than what was necessary by nature, nor had any interest in sexual action except for "having legitimate children."[73] Centrone explains that Moses is, to Philo, "the philosopher king."[74] Philo describes how those surrounding Moses during his youth wondered "whether it was a human mind or a divine intellect, or something combined of the two" within Moses, for he was not like others but "had gone beyond them all and was elevated to a more sublime height."[75] Here we see Platonic, philosopher-king imagery employed.

We can see here, then, that Philo has introduced an interpretation of Scripture that embodies and provides Scriptural sanction for the Hellenistic political ideal. But in his interpretation, he has done something important: he introduces Scriptural revelation as a source for examples of the *fulfillment* of the ideal. Furthermore, although Philo agrees

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[70] John W. Martens, "Nomos Empsychos in Philo and Clement of Alexandria," in *Hellenization revisited: shaping a Christian response within the Greco-Roman World*, ed. By Wendy E. Helleman (Lanha, Maryland: University Press of America, 1994), 326.
[71] Martens, *One God, One Law: Philo of Alexandria on the Mosaic and Greco-Roman Law*, 91.
[72] Ibid., 93.
[73] Philo, *A Treatise on the Life of Moses, that is to say, On the Theology and Prophetic Office of Moses, Book I*, trans. Charles Duke Yonge, Early Christian Writings, VI. 25-26, 28, accessed April 11, 2012, http://www.earlychristianwritings.com/yonge/book24.html
[74] Centrone, "Platonism and Pythagoreanism in the Early Empire," 562.
[75] Philo, VI: 28.

with the Stoic view that "politics is grounded in the law of nature" he adds: "that law finds its incarnation in Mosaic law."[76] Although his view of the king is "rooted in Greek tradition" he sees the fulfillment of this view in the Jewish religion.[77] Martens considers why Philo never referred to "a Roman emperor" as "the living law, but surely the answer is obvious; no one fulfilled the requirements. In principle they could have; in reality they did not; in all probability only a Jew would."[78] Specifically, "a real [living law] would be much like Moses."[79] The Word of God now stands in a position to give content to the Hellenistic ideal. Although man's reason is able to understand the law of nature on its own, and become the living law oneself, the text later known to Christians as the Old Testament now provides specific examples of what such an individual should be like, and what a proper ruler would be and act like. Philo had opened the door for the Old Testament to take center stage in Byzantine thought as a political authority.

The Greek Church Fathers

We must also consider how these ideas filtered through the writings of the early Greek Church Fathers, and take account of their own unique contributions to Christian political thought and biblical theology. Through them the Old Testament was put in a unique position of importance that would have great consequences later.

Chadwick explains how it is that Justin (100-165) has "ground for affirming the positive value of philosophy," namely: "all rational beings share in the universal Logos or

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[76] Centrone, "Platonism and Pythagoreanism in the Early Empire," 567.
[77] Ibid.
[78] Martens, *One God, One Law: Philo of Alexandria on the Mosaic and Greco-Roman Law*, 91.
[79] Ibid., 112.

Reason who is Christ. So both Abraham and Socrates were 'Christians before Christ.'"[80] This image keeps the Old Testament, and Greek philosophy, in an important place of relevance to Christians. The fact that they lived before Christ does not change the fact that there is harmony to be found here between them and Christianity. " 'What is Plato,' he asks, 'but Moses in Attic Greek?'"[81] Justin sees little, if any, difference between the philosophy of Plato and the revealed revelation attributed to Moses.

Yet in comments like these a precedent was being set for giving the Old Testament a place above Greek thought. Justin maintains that "the higher philosophical truths about God" among Greeks can be explained not merely by "divinely given reason" but because of a literal reliance on Moses.[82] Indeed, "the remote antiquity of Moses was a long-established theme of apologetic in the Hellenistic synagogues."[83] This would suggest, even if Justin or those after him do not say so explicitly, that where there might be differences between Plato and Moses, Moses must be authoritative. And indeed, Justin *is* critical and he specifically claims that "with regard to the doctrine of God. . . the Stoics are wrong" and "Plato. . . is wrong in his doctrine of the soul, and in his acceptance of. . . transmigration."[84] Chadwick concludes that here "we see Justin's Christian faith impelling him to reject metaphysical positions that he thinks incompatible with the Bible."[85] The Eastern Christians were acutely aware of the need to account for

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[80] Henry Chadwick, *Early Christian Thought and the Classical Tradition; Studies in Justin, Clement, and Origen.* (New York: Oxford University Press, 1966),16.
[81] Ibid., 15.
[82] Ibid., 13.
[83] Ibid., 13.
[84] Ibid., 21.
[85] Ibid..

classical philosophy, and a primary means of doing so was by appealing to a harmony between the Old Testament and the philosophy of Plato.

In the early Greek Fathers, especially Origen (184/5-253/4), we see the development of a view of the role of the Old Testament in Christian life and understanding that would herald some of the most distinctive and explicit developments in Byzantine views of politics. According to Chadwick, Origen is similar to Philo in his allegorical approach to Scripture,

> but modifies the results by fusing Philonic allegory with the typological methods of Justin and Irenaeus by which the Old Testament contained not moralizing generalities expressed in the obscure form of history, geography, or law, but specific foreshadowings of the concrete redemptive acts of God in Christ.[86]

Dawson argues in *Christian Figural Reading and the Fashioning of Identity*, that "Origen insists that the actions that the Gospel describes taking place before the arrival of Jesus are extended into the post-resurrection life of Christians" events hat took place previously "remain relevant—indeed, necessary—for the spiritual advancement of his contemporaries by continuing to occur in the present in future."[87]

Stewart explains that for Origen "the realities of the Old Testament become *figures* or *types* of realities found in the New Testament, Christ, or his church."[88] The inclusion of church on this list is important, for it implies that the Old Testament can be applied to understanding contemporary events – that is, the church after the New Testament. Stewart shows how Origen "reads the Levitical prescriptions of the Old

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[86] Ibid., 74.
[87] David Dawson, *Christian Figural Reading and the Fashioning of Identity* (Berkeley: University of California Press, 2002), 127.
[88] Bryan Stewart, "Levitical Paradigms for Christian Bishops: The Old Testament Influence on Origen of Alexandria," in *The Old Testament as Authoritative Scripture in the Early Churches of the East*, ed. by Vahan S. Hovhanessian (New York, NY: Peter Lang Publishing, 2010), 31.

Testament" for priests and "he unapologetically applies them to the Christian ministry."[89] Stewart later explains that Origen possesses "an assumed connection with Israel which results in the Old Testament institutions and realities becoming paradigms for understanding his current Christian situation."[90] In fact, Origen believed that "the old law must still be observed. . . even in" the Christian church.[91] According to Stewart,

> Origen assumes an ecclesiological connection between Israel and the Christian community such that he reads and appropriates the Old Testament patterns of Israelite leadership. . . as a working typology for his understanding of Christian leadership.[92]

This stretches beyond Church structure and liturgy. In *Contra Celsus*, Origen "offers an expansive political eschatology, in which the conversion of the empire accompanies its extension to the whole world with a single language and the dawning of a universal rule of reason."[93] Origen explains that "God rejoices when rational beings agree and turns away when they disagree."[94] He then cites Exodus 14:14, "the Lord will fight for you, and you shall keep silence" in response to Celsus' concern with "what would happen if the Romans were to become convinced by the doctrine of the Christians."[95] If the Roman Empire are entirely Christian, and "pray with complete agreement they will be able to subdue many more pursuing enemies than those that were

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[89] Ibid., 27.
[90] Ibid., 29.
[91] Ibid., 31.
[92] Ibid., 30.
[93] Oliver O'Donovan and Joan Lockwood O'Donovan, *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought, 100-1625* (Grand Rapids, MI: William B. Eerdmans Pub., 1999), 40.
[94] Origen, *Against Celsus*, Book 8, translated by Henry Chadwick, in *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought, 100-1625*, ed. Oliver O'Donovan and Joan Lockwood O'Donovan (Grand Rapids, MI: William B. Eerdmans Pub., 1999), 42.
[95] Ibid.

destroyed by the prayer of Moses."[96] The promise to Israel is also true for a Christian Roman Empire. Origen also quotes a long passage from Zephaniah to support his assertion that "we believe that at some time the Logos will have overcome the entire rational nature, and will have remodeled every soul to his perfection." Here he implies that what Celsus seems to have "thought. . . impossible," namely, "to unite under one law the inhabitants of Asia, Europe, and Libya, both Greeks and barbarians even at the furthest limits'" can happen.[97] Origen sees in Old Testament prophecy events he believes will come to pass in Christian future.

In Clement and Origen, we also see an interest in the Old Testament that continues the traditions of Philo toward specific formulations of a view of political constitution. Clement

> provides. . . an overarching theory of authority, including both intellectual and political authority, which derives it from the sovereignty of divine rationality. This approach has a natural sympathy for Plato's political doctrines.[98]

Clement justifies his reliance on Plato by "proceeding on the assumption. . . that Plato borrowed from Moses."[99] Instead of being interested in political constitution he "is concerned to speak of philosophical kingship as something already present, because God has undertaken it and manifested it in his Son" and shows how authority in the world fails to live up to this standard.[100] According to O'Donovan and O'Donovan, however, Clement never exactly says whether it is possible for "human rule (apart from that of Moses himself)" to achieve this standard: "the rule of reason unaided by force. . . a

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[96] Ibid.
[97] Ibid., 43.
[98] O'Donovan and O'Donovan, 30.
[99] Ibid.
[100] Ibid., 31.

philosophically governed society.'"[101] Clement is drawing from Philo's description of Moses as "living law" and explains how "that phrase has a long future ahead of it." It is "for Clement, however,. . . innocuous, since it applies only to the ideal king."[102] Clement did, however, become "the thinker who 'introduced Hellenistic notions of kingship into Christian speculation on the state and its rulers,'" Oakley claims, quoting from Dvornik.[103] O'Donovan & O'Donovan point to Philo as Clement's "source" for "making a conjunction between biblical religion and the Hellenistic understanding of kingship."[104]

Origen gives us a more direct interest in political construction. Origen assents to Celsus' proclamation: "Let there be one ruler, one king,"[105] disagreeing, however, that the king shall be " 'him to whom the son of crafty Kronos gave the power,' but the one whose power" is granted by He "who 'appoints and changes kings from time to time raises up a useful man on earth,'" quoting Daniel 2:21 and Sir. 10:4.[106]

As we can see, from an early stage in Greek Christian thought, largely in debt to Philo, the Old Testament played an important role in developing and justifying political thought and political assumptions, and the consequences of this union would be tremendous. While it is dangerous to deal in counterfactuals, it is hard to be imagine what Byzantium would have been had these developments not taken place. The most immediate influence, but far from the only one, is the one we shall turn to next. Philo

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[101] Ibid.
[102] Ibid., 32.
[103] Francis Oakley, *Empty Bottles of Gentilism: Kingship and the Divine in Late Antiquity and the Early Middle Ages (to 1050)* (New Haven, Conn: Yale University Press, 2010), 87.
[104] O'Donovan and O'Donovan, 31.
[105] Celsus as quoted by Origen, *Against Celsus,* 41.
[106] Origen, *Against Celsus,* 41.

had provided a tangible example of the ideal king in history. Although altered and changed by Christianity, Eusebius of Caesarea built upon this monumental precedent to claim that he had found another ideal political ruler in history: a new Moses named Constantine.

CHAPTER 2

OLD TESTAMENT MODELS FOR IMPERIAL RULE AT THE FOUNDATION OF THE EASTERN CHRISTIAN EMPIRE

But Constantine Stood Up and Helped Them

In the early 300s AD, Eusebius of Caesarea was living in the eastern portions of the Roman Empire, primarily *in* Caesarea but also traveling throughout other provinces of the near east.[107] It was during this part of his life that he saw "first hand" the persecution of Christians that began in 303.[108] For the most part, there had been an end to persecution by 260 and this reprisal came largely as a surprise.[109] Eusebius describes how this particular outbreak of violence began when Diocletian commanded churches be destroyed, copies of Scripture burned, "those who held places of honor. . . degraded," and Christian servants "be deprived of freedom."[110] Cochrane explains that Roman opposition to Christianity came to a climax under Diocletian because he "developed to their logical

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[107] Timothy David Barnes, *Constantine and Eusebius* (Cambridge, MA: Harvard University Press, 1981), 148-149.
[108] Ibid.
[109] Ibid., 148.
[110] Eusebius of Caesarea, *Church History*, 8.2, Trans. Arthur Cushman McGiffert, *Nicene and Post-Nicene Fathers, Second Series*, Vol. 1. Eds. Philip Schaff and Henry Wace (Buffalo, NY: Christian Literature Publishing Co., 1890.), New Advent, Revised and edited for New Advent by Kevin Knight, accessed 4/12/12 http://www.newadvent.org/fathers/2501.htm.

consequence policies which made the extermination of the Christians inevitable."[111] Cochrane relates this to Diocletian's "search for a new formula wherewith to consecrate the imperial power."[112] It was in Caesarea that Christians to be executed were often sent.[113] Eusebius experienced martyrdom in his own city, and was touched by it personally, witnessing "the martyrdom of his friend and teacher Pamphilus."[114] Eusebius lived in a time when the conflict between Christianity and the Roman imperial office were reaching a bloody crescendo.

It would not be hard to suppose that this series of persecutions created at least some sort of mental discord for Eusebius. When Eusebius was young, he had possessed "an optimistic view of history" and had not experienced Christian persecution himself.[115] In fact, "as Eusebius grew to manhood, the peaceful triumph of Christianity seemed already assured."[116] Both he and his teacher Pamphilus "regarded themselves as the intellectual heirs of Origen and devoted their lives to scholarship in the tradition which he had founded."[117] We have seen how Origen turned to the Old Testament for prophecies for the Church, and saw biblical history as providing a model for future events—namely in the history of the Church. "Eusebius consistently founds his interpretation of the Bible (and hence of human history) on. . . two inferences" which come from Origen: that "Christianity both fulfilled the prophecies of the Old Testament and enjoyed a worldly

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[111] Charles Norris Cochrane, *Christianity and Classical Culture; a Study of Thought and Action from Augustus to Augustine.* (New York: Oxford University Press, 1957), pg. 175.
[112] Ibid.
[113] Barnes, 150.
[114] Kenneth M. Setton, *Christian Attitude towards the Emperor in the Fourth Century* (New York: AMS Press, 1967), 40.
[115] Barnes, 102-104.
[116] Ibid., 104.
[117] Ibid., 94.

success which confirmed its divine origin."[118] Bruns draws our attention to a particular instance in which Eusebius employs "what has been termed 'similar situation typology' in which there is a pattern of the recurrence in the future of an event connected with a crisis of redemption in the past."[119] Eusebius saw predicted in "Isaiah and the Psalms. . . the triumph of the Christian church."[120] Living in Caesarea during these tumultuous times, as Christians were being persecuted throughout the empire, what was Eusebius to make of his expectations?

Eusebius continued to see the history of Israel reflected in the history of the Church. Eusebius believed the Christian persecution that he witnessed to have been predicted by Scripture, as are "all significant historical events."[121] In *The Martyrs in Palestine*, Eusebius describes several Egyptian Christians being tortured who "refused to relate their given names. . . . Instead, they called themselves Elijah, Jeremiah, Isaiah, Samuel, or Daniel, and indicated Jerusalem as their place of residence." [122] Rapp identifies this story as "part of" Eusebius' "great project of proving that the Old Testament foreshadows the New and that God's past history with his people, the Old Israel and the New, continues in the present."[123] This also may tell us something of how the Eastern Christians Eusebius interacted with thought of themselves – as standing in solidarity with Old Testament figures living under oppressive, pagan tyranny. Eusebius

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[118] Ibid., 100.
[119] J. Edgar Bruns, "The "Agreement of Moses and Jesus" in the 'Demonstratio Evangelica' of Eusebius," *Vigiliae Christianae* 31, no. 2 (1977): 117, doi:10.1163/157007277X00284, http://www.jstor.org/stable/1583109
[120] Barnes, *Constantine and Eusebius*, 101-102.
[121] Ibid., 172.
[122] Claudia Rapp, "Old Testament Models for Emperors in Early Byzantium," ed. Paul Magdalino and Robert S. Nelson, in *The Old Testament in Byzantium* (Washington, D.C.: Dumbarton Oaks Research Library and Collection, 2010), 175.
[123] Ibid.

cites a prophetic text concerning the history of Israel as a reflection of the church in order to claim that this series of persecutions was instigated by Christian impiety. He mentions that Christians had "added one wickedness to another" and how "those esteemed our shepherds, casting aside the bond of piety, were excited to conflicts with one another." Soon after this he quotes Lamentations 2:1-2: "*The Lord in his wrath darkened the daughter of Zion, and cast down the glory of Israel from heaven to earth, and remembered not his foot-stool in the day of his anger. The Lord also overwhelmed all the beautiful things of Israel, and threw down all his strongholds.*" He also cites a Psalm as a specific prophecy of the persecution enacted by Diocletian: "He has made void the covenant *of his servant, and profaned his sanctuary to the earth.*" Eusebius claims that 'his sanctuary' refers to "the destruction of the churches" under Diocletian. He continues the quotation of the Psalm: "*and has thrown down all his strongholds, and has made his fortresses cowardice. All that pass by have plundered the multitude of the people; and he has become besides a reproach to his neighbors.*"[124] The prophetic message to Israel applies, in this situation, to the Church.

This is the lens through which Eusebius was able to account for the persecuted condition of Christians. "Maxentius was portrayed" by Eusebius "as a 'tyrant' who had 'enslaved' the people of Rome, and as a man who practiced 'sorcery.'"[125] Eusebius draws upon the tyranny of the Egyptians against the Hebrews as a point of comparison and contends that "the tyrants of our day have ventured to war against the Supreme God, and

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[124] Eusebius of Caesarea, *Church History*, 8.1.
[125] Chesnut, *The First Christian Histories: Eusebius, Socrates, Sozomen, Theodoret and Evagrius, 133.*

have sorely afflicted His Church."[126] Christians are a people living in bondage and oppression, not unlike the Israelites under Pharaoh.

In surveying Eusebius' work as a whole, we know that he possessed a cosmological and political outlook very similar to Philo's. Runciman explains that "Eusebius simply adopted the doctrines of Diotogenes, Ecphantus and Plutarch, with suitable modifications."[127] He expresses their same basic cosmology when he contends that the king "must be surrounded with reverence and glory that befits God's earthly copy; and he will 'frame his earthly government according to the pattern of the divine original, finding strength in its conformity with the monarchy of God'."[128] Eusebius' view is distinctly grounded in monotheism: "again, since the unity of God is the presupposition of kingship, monotheism is the presupposition of its true exercise."[129] Eusebius believed that "the history of the imperial court as such," by contrast, "had been one of bloodshed and polytheism (*Life of Constantine* 1.12)."[130] Someone worshiping false deities can't imitate heavenly rule.[131] As polytheists, there had not yet been an emperor of Rome who had fulfilled the ideal of kingship. The Christian church had been living under the oppression of a false, ungodly, ruler. Christians had been waiting for one

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[126] Eusebius of Caesarea, *Life of Constantine,* translated by Bagster in *Nicene and Post Nicene Fathers*, Vol 1, 2nd edition, ed. P. Schaff and H. Wace, (Edinburgh: repr. Grand Rapids MI: Wm. B. Eerdmans, 1955) 1.12, Internet Medieval Sourcebook, accessed April 17, 2012, http://www.fordham.edu/halsall/basis/vita-constantine.asp.

[127] Steven Runciman, *The Byzantine Theocracy* (Cambridge: Cambridge University Press, 1977), 22.

[128] Ibid.

[129] O'Donovan and O'Donovan, 57.

[130] Ibid.

[131] Eusebius of Caesarea, *A Speech for the Thirtieth Anniversary of Constantine's Accession,* translated by E.C. Richardson in *Nicene and Post-Nicene Fathers*, in *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought, 100-1625*, ed. Oliver O'Donovan and Joan Lockwood O'Donovan (Grand Rapids, MI: William B. Eerdmans Pub., 1999), 62.

who would free them from their bondage, awaiting their eventual political supremacy. They were also waiting to achieve what Origen had predicted, when the Old Testament prophecies would be fulfilled by the unification of all peoples within the Christian community.

There is much evidence for Philo's influence upon Eusebius, or at least for similar trends of thought between them – which is necessary to understand if we wish to comprehend how Eusebius viewed the Church, and what role the Old Testament had in Eusebius' thought. As Johnson justifiably observes, "the appropriation and adaptation of Philo's writings" by early Christians "found their most far-ranging and obvious climax in Eusebius."[132] Eusebius possesses a view of Christianity that has many important parallels to Philo's view of Judaism. According to Eusebius, "Christianity. . . was not a new religion but the primeval religion."[133] Like Philo, Eusebius upholds the patriarchs as examples for the general populace to emulate, incorporating them into Christian history: "The virtuous lives of the Hebrew holy men were portrayed as part of the historical heritage, which Eusebius was appropriating to form part of the Christian past," speaking of Eusebius' *Praeparatio Evangelica.*[134] Eusebius appropriates them as part of his attempt to achieve "a decisive means of legitimating Christianity against Greek accusations of novelty."[135] As Justin, Clement, and Origen before him, Eusebius maintains that "Plato's philosophical system was thoroughly indebted to the Hebrew

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[132] Aaron P. Johnson, "Philonic Allusions In Eusebius, Pe 7.7–8," *The Classical Quarterly* 56, no. 01 (2006): 246, doi:10.1017/S0009838806000188.
[133] Barnes, 126.
[134] Johnson, 246.
[135] Ibid.

writings."[136] As in the Greek patristic tradition the history of Israel and the content of the Old Testament is elevated as part of an attempt to make sense of the relationship between Christianity and classical culture.

Philo is integral to Eusebius' view of Christianitty and its role in history. He uses Philo in supporting "the fundamental assertion" in his *Preparatio Evangelica*: "Christianity was the restoration of the ancient Hebrew *politeia.*"[137] In fact Eusebis believed that "it would remain for the Christians (new Jews) to fully revive the Hebrew *politeia.*"[138] According to Eusebius,

> the lack of real knowledge of God condemned them to the lowest sort of existence even on earth; conversely, any widespread growth of civilized human community would have to take place in company with the appearance of some sort of renewed knowledge of God.[139]

Philo had described Moses as the ideal king of Hellenistic political thought. He was an example of what a king *should* be, and for both Philo and Eusebius represented something the current regime had not achieved. In the midst of an Empire being run by a Tetrarchy of emperors increasingly coming into conflict with one another,[140] a man appeared in Gaul who seemed sent to set the Christians free from the ungodly tyrants. His name was Constantine. What could have been more natural than for Eusebius to form a connection between this deliverer and Moses?

Chesnut has explicitly argued that Eusebius might have drawn upon Philo's depiction of Moses in the way he portrays Constantine. He claims, "when Eusebius

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[136] Ibid.
[137] Johnson, 246.
[138] Ibid., 247.
[139] Chesnut, *The First Christian Histories: Eusebius, Socrates, Sozomen, Theodoret and Evagrius*, 69.
[140] Norwich, 34.

portrayed Constantine in one of his most important images as the New Moses, this may possibly have been the influence of Philo, who … treated Moses in his *Life of Moses* as the ideal philosophical ruler of Hellenistic kingship theory."[141] Chesnut suggests, to support this possibility, that the reason Moses was used "instead of, for example, Davidic imagery which was chosen in the most important linkages of Constantine with Old Testament political leaders, in spite of the fact that David, to modern eyes at any rate, seems much more kingly than Moses."[142] Dvornik makes similar observations: "The first Christian political thinkers, who looked also to Philo for guidance, could hardly question the plausibility of his theory. The author of the *Vita Constantini* took the lead by being the first to draw a comparison between Constantine the Great and Moses."[143]

Wilson has described in detail the Mosaic images found in Eusebius. She explains that Eusebius employed "the biblical life of Moses as a running *synkrisis*, a patriarchal and a kingly model."[144] This comparison appears twice, Wilson claims, both in *Historia Ecclesia* and in *Vita Constantini*. In IX.9 of *Church History*, where Eusebius recounts Constantine's defeat of Maxentius, he quotes Exodus 15 several times, describing the events at the Milvian bridge being "as in the time of Moses himself and the ancient God-beloved race of Hebrews."[145] Wilson argues that in *Church History*, Eusebius was merely experimenting with the Mosaic comparison.[146] Yet if we believe that Eusebius is using

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[141] As cited in David T. Runia, *Philo in Early Christian Literature: A Survey* (Assen: Van Gorcum, 1993), 222.
[142] Ibid.
[143] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 644.
[144] Anna Wilson, "Biographical Models: The Constantinian Period and Beyond," in *Constantine: History, Historiography, and Legend*, by Samuel N. C. Lieu and Dominic Montserrat (London: Routledge, 1998), 113.
[145] Eusebius, *Church History*, 9.9.
[146] Ibid.

this model out of his background in the Philonic tradition, it would make more sense that *Historia Ecclesia* is no mere experiment, but represents the categories by which Eusebius necessarily understood who Constantine was and what he represented.

Eusebius portrays Constantine as if he intentionally acts like Moses: After his victory, Eusebius explains how Constantine sang praises of God, doing so "after the example of his great servant Moses."[147] But the Mosaic imagery has an even more important role to play than this. According to Wilson, "the running *synkrisis* with Moses is fundamental to the organization of the" *Life of Constantine.*[148] Constantine is portrayed "as a latterday Hebrew equivalent brought up as a hostage at an Egyptian-style tetrarchic court."[149] Maxentius is associated with sorcery like the magicians of the Pharaoh of Exodus.[150] Constantine's vision of the cross is associated with Moses' burning bush, and other parts of Exodus, notably Moses' rod.[151] "Constantine as the New Moses was portrayed by Eusebius as the man who came to set God's people free," Chesnut explains.[152] Constantine is not merely being compared to Moses in his behavior, character, or qualities. History is repeating itself in the entirety of Constantine's life.

Dvornik argues that Eusebius "became responsible for the wholesale acceptance of Hellenistic political thought by the Christians."[153] It is particularly important to note that Dvornik believes that "the Hellenistic definition of royalty" allowed for the

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[147] Eusebius of Caesarea, *Life of Constantine,* 1.39.
[148] Wilson, 116.
[149] Ibid.
[150] Ibid.
[151] Ibid., 117.
[152] As cited in Runia, 222.
[153] Dvornik, *Early Christian and Byzantine Political Philosophy,* Vol 2, 616.

acceptance of the idea of an emperor with "quasi-sacerdotal powers."[154] Eusebius had, according to Dvornik, "laid the foundations for the Byzantine political structure and for Eastern policies on the relationship between Church and state."[155] Such assumptions about the degree to which Byzantine Christianity after Eusebius actually accepted Hellenistic political thought will be challenged subsequently, but it is correct that Eusebius' portrayal of Constantine represents a justification of Hellenistic political thought in Christian terms. Dvornik also notes how Eusebius cites Philo's description of "God as wielding royal and legal power as a pattern for earthly kings" and that Eusebius also draws

> from Philo's Apology for the Jews and from his book on Moses, two works in which the latter expounded his politico-philosophical views. It can therefore be concluded that the ready acceptance of Hellenism by Eusebius and his Christian contemporaries and its application to Christian needs were in large measure, due to the influence of Philo [*sic*].[156]

Philo's *Life of Moses* "was the most popular and influential of all Philo's works during the Patristic period."[157] This adds more weight to the theory that Eusebius had Philo in mind. The ideal king that Philo could not find among the kings of history had, according to Eusebius, finally come.

The Greek assumptions that Philo had incorporated into his reading of the Old Testament had carried into Christianity. Although one might conclude at this point that this represents a victory for Greek thought over Christianity, there is much more to be

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[154] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 643.
[155] Ibid., 617.
[156] Ibid., 621.
[157] Runia, 222.

said. The Old Testament had been given a special place in Eastern Christian thought, and it would not so placidly play second fiddle to Greek Hellenism.

Athanasius and the Cappadocian Fathers

Despite Eusebius' prominent use of the Mosaic imagery, some of the most important Christian writers and thinkers around or soon after the time of Constantine, namely Athanasius and the Cappadocian Fathers, do not seem to use Mosaic imagery in the same way as Eusebius. In fact, there appears to be some attempt at avoiding the Mosaic comparison for the emperor after Eusebius. Several things that take place in the life and thought of Athanasius and the Cappadocians give us some guidance, and we will find in them a rejection of at least some aspects of what Eusebius has done, and a political battle that seems to be partially fought on the plane of Old Testament models marking the beginning of a new dimension to the political uses of the Old Testament in early Byzantium.

Wilson points out that Athanasius of Alexandria and Gregory of Nyssa, Gregory of Nazianzus, and Basil of Caesarea "move the notion of the Christian *bios* down very different paths" than what we see in Eusebius' depiction of Constantine as Moses.[158] Gregory of Nazianzus uses Moses as an "image of the supreme Christian leader" which Andrea Sterk suggests "may have been. . . important in propagating the monk-bishop ideal."[159] Moses is used by Gregory of Nazianzus in his biography of his bishop brother, Basil, Sterk explains. While Moses is not the only figure that Basil is compared to, "the

[158] Wilson, 121.
[159] Andrea Sterk, "On Basil, Moses, and the Model Bishop: The Cappadocian Legacy of Leadership," *Church History* 67, no. 02 (1998): 228, doi:10.2307/3169760, http://www.jstor.org/stable/3169760.

comparison" is "the final and longest in the encomium."[160] Gregory of Nyssa, in his *Life* of Gregory Thaumaturgus, refers to his subject as "the Moses of our times."[161] As Nyssa would later write in his own biography of Moses, "Moses was only an example of 'the perfect life for men.'"[162]

These examples raise many important questions about the place of Moses, and the Old Testament in general, in the political understanding during the initial emergence of Byzantium. Wilson suggests that both Athanasius and the Cappadocian Fathers have "a shared experience of long periods in exile and opposition, together with a not unnatural coolness towards imperial interference in Church affairs," and as a result would not be the most optimistic about the dawning of a new, peaceful, Christian kingdom.[163] They may have had personal reasons to be unexcited about the political perspective sketched by Eusebius. Is it a coincidence that it is these figures who have now claimed that the new Moses is now the Church leader, or the individual pious believer, and no longer draw such connections to the emperor in the manner of Eusebius? Is it possible that these figures are intentionally de-politicizing the Mosaic image?

Raymond Van Dam adds a more complex dimension to this picture. According to Van Dam, Eusebius draws a close relationship between Constantine and Christ: "the more Jesus Christ and Constantine resembled each other, the more Jesus was distinctively different from and subordinate to God the Father."[164] He continues, "in *Life* he imagined

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[160] Ibid., 233
[161] Raymond Van Dam, "Hagiography and History: The Life of Gregory Thaumaturgus," *Church History* 68, no. 2 (1998): 279, http://www.jstor.org/stable/3169760.279.
[162] Ibid.
[163] Wilson, 121.
[164] Raymond Van Dam, *The Roman Revolution of Constantine* (New York: Cambridge University Press, 2007), 310-311.

a Constantine who could be understood only within the context of an Arian subordinationist theology that allowed him to be seen as an analogue of Jesus Christ."[165] Setton notes a "parallelism between Christ and the Emperor. . . in both the art and the literature of the early fourth century" and specifically how "Eusebus uses imperial epithets of God and divine epithets of the Emperor to indicate their close resemblance."[166] Van Dam suggests that the background of Greek philosophy justified this portrayal, as Greek political thought allowed that an emperor "might also become divine himself" and "that because a ruler attained perfect internal harmony, he could become virtually a savior through his capacity for passing on this harmony to his kingdom and its subjects."[167] This was available for Eusebius both in understanding Christ, and also the Emperor.[168] Both Christ and the emperor were men who could achieve divinity. After all, "Arianism allowed that someone else could become like Jesus."[169] Dvornik makes supporting observations: "the Arian view of God's monarchy seemed to agree better with the current concept of the Roman Empire as the reflection of one single divine empire."[170] This view is further supported by the fact that "the doctrines of Nicaea comprise one of the few areas in which [Eusebius] fails to prescribe imitation for Constantine's successors."[171] Wilson suggests that, especially considering the fact that

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[165] Ibid., 313.
[166] Setton, 47.
[167] Ibid., 310.
[168] Ibid.
[169] Ibid., 325.
[170] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 728.
[171] Wilson, 114.

Nicene theology became unpopular in Constantine's later years, Eusebius may have been "biding his time" until the council of Nicaea might be overturned.[172]

Van Dam claims that there was opposition to this political philosophy on the part of those who most strenuously denied Arian theology. Athanasius held up the example of Antony: "Athanasius essentially replaced the entire Tetrarchic and Constantinian eras with an Age of Antony."[173] Specifically, Athanasius was opposed to the idea that a human person could achieve divinity and "become like Jesus."[174] He used his biography of Antony as a platform upon which to "promote his Nicene doctrines."[175] Athanasius indicates that his subject "had in fact not been an analogue of Jesus," implying that Constantine had not been so either.[176] In the work, Antony says "I am a man, just like you," and perhaps more importantly, "Christ is the only true and eternal Emperor."[177]

Dvornik would likely disagree with this assessment. He maintains that although "Athanasius is never as obsequious as Eusebius. . . his casual remarks are good evidence that he considered the Hellenistic political system to be the best and only one."[178] He further maintains that Gregory of Nyssa was "a convinced monarchist in the Eusebian sense."[179] He also tries to press John Chrysostom into this same mold: "Chrysostom followed, on the whole, the teachings on kingship of Eusebius and the other Fathers of the fourth and fifth centuries."[180] He and the Cappadocian Fathers are, for Dvornik, the

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[172] Ibid., 115.
[173] Van Dam, *The Roman Revolution of Constantine,* 324.
[174] Ibid., 326.
[175] Ibid.
[176] Ibid., 327.
[177] As quoted in Van Dam, *The Roman Revolution of Constantine,* 327.
[178] Dvornik, *Early Christian and Byzantine Political Philosophy,* Vol. 2, 732
[179] Ibid., 689.
[180] Ibid. 699.

mediators between "the first period of Christian political thought with that which followed."[181] Dvornik sees an almost entirely uniform development of Eastern Christian political thought.

It is true that Gregory of Nazianzus, according to Pelikan, "seemed" to treat Plato's doctrine of the philosopher-king "positively," believing "that the political decisions of a ruler were to be made in the light of rational and natural principles."[182] Leithart maintains that, in consideration of the relationship between Arianism and imperialism, "that there simply was no one-to-one correspondence between political and theological convictions."[183] Nonetheless, Dvornik seems to be pressing the point here. It is true that we do not see a complete repudiation of Hellensitic political ideas and categories. There are, however, some subtle changes occurring here that have a close connection to the Christological controversies of the time, and the particular political experiences of these figures. Setton argues persuasively that "Athanasius seems to have been the first to perceive the new danger which confronted the Church" through "the recognition of ecclesiastical rights as being part of the imperial prerogative."[184] Dvornik also seems wrong about Chrysostom. Setton also claims that "Chrysostom harbored none of the illusions of the semi-divine nature of the imperial office" as Eusebius had.[185] In

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[181] Ibid.
[182] Jaroslav Pelikan, *Christianity and Classical Culture: The Metamorphosis of Natural Theology in the Christian Encounter with Hellenism* (New Haven: Yale University Press, 1993), 150.
[183] Peter J. Leithart, *Defending Constantine: The Twilight of an Empire and the Dawn of Christendom* (Downers Grove, IL: IVP Academic, 2010), 181.
[184] Setton, 81.
[185] Ibid., 168.

this problem we can see the wisdom of Van Dam's insight that current study of the political thought of this period is unnaturally divorced from the study of theology.[186]

Van Dam's assessment of Athanasius' attitude toward the political theology of Eusebius makes even more sense if we consider Athanasius' contribution to the developing Eastern doctrine of deification. Russell explains that "deification. . . underlies his Christological model and therefore constitutes a vital aspect of his struggle to unify the Alexandrian Church."[187] Russell claims that the "key idea" of the cult of emperors "is not unconnected with the fundamental principle of Christian deification."[188] But Athanasius rejects the idea that emperors can become divine by a decree of the senate, because only one who *is* a god can make such a declaration.[189] In fact, this is "a foreshadowing of the argument which was to be advanced by Athanasius to prove the true deification of the Christian, for the Son can deify precisely because he *is* God."[190] This contrasts with Origen and Eusebius who "both characterized the Son as deified by the Father. . . . The Son can only deify if he is not himself the recipient of deification."[191] So, if we assume the close association between Constantine and Christ seen in Eusebius, we can now compare how Athanasius has created an important distinction between them. In fact,

> In response to the Arian claim that the perfect become exactly like Christ he is careful to explain that the biblical references to men as gods in a way which plays down any implication that men really are transformed into gods. Gods in the

[186] Van Dam, *The Roman Revolution of Constantine,* 226-227
[187] Norman Russell, *The Doctrine of Deification in the Greek Patristic Tradition* (Oxford: Oxford University Press, 2004), 168.
[188] Ibid., 169.
[189] Ibid.
[190] Ibid.
[191] Ibid., 177.

> Christian sense are those who on the ontological level have been united to the Logos by the grace of adoption, while on the moral level they have become like God through imitation and progress in virtue.[192]

Christ is Himself divine, and thus only he can deify and even then only in a very specific sense. There remains here an impermeable, ontological, distinction between man and Christ.

Perhaps this political and theological conflict explains the 'democratization,' if you will, of the Mosaic imagery. Gregory of Nyssa wrote *The Life of Moses*, which was "the first time we have a patristic writing with almost exactly the same title as a Philonic work and covering exactly the same ground."[193] Nyssa's concern is with personal piety, and the individual's "incessant transformation into the likeness of God."[194] Nyssa writes that his work is meant to "outline like a pattern of beauty the life of the great Moses so that each one of us might copy the image of the beauty which has been shown to us by imitating his way of life."[195] Gregory of Nyssa is among those who rely upon Philo in much of their spiritual theology.[196] Clement had drawn from Philo in describing Moses as "the perfect man who has attained gnosis and therefore is the paradigm for every Christian" seeking knowledge of God.[197] Ergo, Nyssa's work is not necessarily antithetical to Philo. Runia, however, examines some of the main differences between Philo's and Gregory's respective works and notes that while Book I of Philo's *Life*

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[192] Ibid., 180.
[193] Runia, 256.
[194] Abraham J. Malherbe and Everett Ferguson, "Introduction," in *The Life of Moses*, by Gregory of Nyssa, trans. Abraham J. Malherbe and Everett Ferguson (New York: Paulist Press, 1978), 11-12.
[195] Gregory of Nyssa, *The Life of* Moses, trans. Abraham J. Malherbe and Everett Ferguson (New York: Paulist Press, 1978), 136.
[196] Russell, 77.
[197] Ibid., 124.

contains "special emphasis on his role as king" and Book II with "Moses as legislator, priest and prophet," Nyssa's biography merely "gives a short account of the facts of Moses' life" in Book I and in "Book II examines the same facts in order to see what they can contribute to the virtuous life."[198] Furthermore, for Gregory, "Philo is associated with heresy."[199] In fact, the "Neo-Arians" of Nyssa's time used Philo as a support for their arguments.[200] It is not unimportant that Gregory was "one of the foremost champions of the orthodox faith against Arianism."[201] If we are right in our assessment of Eusebius, the idea of a political interpretation of Philo is certainly not foreign to Gregory. It is worth considering that Nyssa is rejecting some sort of political and theological affinity he sees between Eusebius and Philo by consciously limiting Moses' significance to individual spirituality, avoiding a close and exclusive association between Moses and a political figure. But the similarities between Gregory and Philo suggest that, at the very least, if anyone is a primary polemical opponent it is most likely Eusebius. Perhaps he does not mean to distance himself from Philo very much, but Gregory does so in order to avoid the appearance between his use of Philo and the political connotations of Eusebius' political use of Philo.

Unlike in Eusebius, Moses is not used here as the comparison point or typological predecessor for one unique individual in history, but a model for all people's lives. Cochrane maintains that Athanasius' Christology is extremely significant for understanding his view of deification and the way his views contrast with the classical tradition: "while Classicism rejected the possibility of apotheosis, except for the hero or

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[198] Runia, 257.
[199] Ibid. ,261.
[200] Ibid., 247.
[201] Malherbe and Ferguson, "Introduction," *The Life of Moses*, 1.

superman, this possibility was now extended to all who believed in Christ."[202] Athanasius puts great emphasis on contrasting the pagan view with the Christian view of deification.[203] Christian deification means "knowledge of God and freedom from corruption"[204] as well as becoming like Christ: "He became human that we might become divine," Athanasius writes.[205] But, there is a difference between man and Christ: "the recipients of adoption and deification have simply received the name of sons and gods; Christ, however, is Son and god 'by nature and according to essence.'"[206] That which Eusebius had tried to apply to Constantine by making him seem similar to Christ, is now for all believers and given by Christ. All the while there remains a distinct difference between Christ and man. Perhaps Gregory of Nyssa's application of Moses as a spiritual model for all was a reflection of this shift.

Whether we are correct about that much, or not, we must observe that there were changes in political discussion that suggests some sort of change of perspective among some Christians. We specifically see a distancing from Hellenistic political tendencies in the midst of what appears to be a conscious attempt to avoid a Eusebian, political, use of the Mosaic model. The Old Testament remained, however, a vital part of these developments. Van Dam mentions Ambrose's reference to King David in a sermon, in which he describes how David "had repented after the prophet Nathan pointed out his

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[202] Cochrane, 372.
[203] Russell, 168-169
[204] Ibid., 169.
[205] As quoted in Russell, 169.
[206] Russell, 171.

sins."[207] Van Dam argues that "this story was meant to be a warning for Theodosius." "Ambrose had defined a model of Christian emperorship," Van Dam continues, and this

> model. . . was based on humility, piety, and gentleness. In this paradigm the emperor was certainly not an analogue of Jesus Christ. As Ambrose pointedly reminded Theodosius, 'you are a man, and temptation has come to you.' Instead, the emperor was a sinner like king David who would benefit from the reproof of a new Nathan, a bishop such as Ambrose.[208]

Athanasius had already asserted that "the Christian emperor is, so to speak, the spiritual successor of David and Solomon, and Constantius is advised to follow the example of these two rulers through quotations from Ecclesiastes and the Book of Proverbs."[209] Chrysostom would make a similar comparison: "kings must be respected by virtue of their position, even if they do not deserve it, as David respected the royal dignity of Saul in spite of his injustice."[210] Other Old Testament comparisons include Chrysostom's reference to the Old Testament to assert the emperor's subordination to the church: "in the Old Testament, kings were invariably anointed by priests."[211] Chrysostom also famously makes a scathing, running, comparison between the Empress Eudoxia and the evil Israelite Queen Jezebel.[212] The Old Testament was here often asserted in ways to temper the authority and grandeur of the emperor. Dvornik argues that Constantine's "religious zeal and his intervention in Church affairs" relied upon "the definition of Hellenistic royal competence. . . . Since the Christian in the Eastern parts had long been familiar with Hellenistic political thought, it never occurred to them to contest such

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[207] Ibid., 347.
[208] Ibid., 347-348.
[209] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 736.
[210] Ibid., 699.
[211] Ibid.
[212] Setton, 173.

imperial claims."[213] Yet, here we have examples of the Old Testament being used in ways to place some controls on the emperor. Van Dam claims that "Theodosius accepted a model of imperial rulership derived from Nicene theology. . . . With his acknowledgment of the dependence of emperors on bishops and monks, Theodosius instead became a Christian version of an Old Testament king."[214] Van Dam continues to argue that by the reign of Theodosius "Eusebius' Age of Constantine was almost over, and emperors would no longer. . . identify themselves with Jesus Christ."[215] Van Dam claims that the Davidic imagery is part of the "new paradigm," which "defined Christian emperorship" over and against the paradigm Eusebius asserts.[216] We might identify the same phenomenon, or at least the precursors of this tendency, in the other figures we have discussed. It would appear that in his forced attempt to fit Athanasius, Chrysostom, and the Cappadocians into the Eusebian mold, Dvornik's hands have been tied by the fact that he does not take these Old Testament references seriously enough.

It is true that despite these references to David, references to Moses in political contexts do not entirely disappear. It is not possible to give a full account of them, however some distinctions are important to help us understand. Claudia Rapp distinguishes between "two main modes of establishing a relationship to Old Testament models" in Byzantium, which are "the Roman mode of the *exemplum* and the Christian mode of typology."[217] "*Exempla*," she explains "are located in the historical past and are re-enacted through imitation in the present. *Exemplum* depends on the active effort of the

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[213] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 637.
[214] Van Dam, *The Roman Revolution of Constantine*, 346.
[215] Ibid., 346-350.
[216] Ibid., 352.
[217] Rapp, 177.

imitator."[218] "Typology," she also explains relates to the "Christian hermeneutical strategy that connects the present with the biblical past of the Old Testament."[219] This applies to the emperor in that "*typoi* are. . . the figures of Old Testament history who cast their long shadows into the historical time of the here and now, where they are fully realized."[220] Rapp points to Moses as one of several *exempla* used by Eusebius and suggests "one might even say that Moses serves as a *typos* for Constantine."[221] We have seen above, though, that in the strong connections drawn between events in the lives of Moses and Constantine that were outside of their own efforts a typological aspect is quite prevalent, more than Rapp seems to acknowledge.

Some of the later Mosaic references require no extensive explanation, such as when Justinian is described by "Innocent, bishop of Maronia," as possessing "Moses' patience,"[222] along with certain qualities of other biblical figures.[223] In this case he is merely being lauded for character qualities that could apply to anybody. A tougher example to make sense of is when Leo is "praised for extending his wise judgment 'like the most great Moses.'"[224] This example is a little difficult to interpret but does not appear to be strongly typological, but compares a particular quality – perhaps in this case a quality particularly important for kingship, but still far from the extreme steps that Eusebius takes. The hardest to explain is the example of the panegyrist George of Pisidia who "carefully chose the verbs to indicate the imitative relationship between the emperor

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[218] Ibid., 179.
[219] Ibid.
[220] Ibid., 180.
[221] Ibid., 182.
[222] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 823.
[223] Ibid.
[224] Rapp, 190.

and his Old Testament models" and who writes of Heraclius in this way: "you led the troops against the second Pharaoh, in the image of Moses."[225] Rapp describes this instance in terms of typology.[226] This example is still somewhat different than what we find in Eusebius by the fact that this text is making a comparison for one specific moment, dealing with one specific type of action (military action) that doesn't necessarily imply the complete correlation that we see in Eusebius. But it does possess some similarities to Eusebius' approach that presents some problems for the argument thus far.

Because of these varied examples, it is difficult to explain exactly what has happened. This is one place where more research is very clearly needed. One helpful way to approach this problem is to consider an important part of Dagron's claims. Dagron argues that the Byzantines, despite accusations of "caesaropapism" by scholars, hadn't "ever officially accepted that an emperor might be a priest: the autocrats who had ventured to suggest this had been treated as heretics, and those who had encroached on the rights of the Church – or worse, laid hands on its property – had been denounced as ungodly."[227] After Constantine's reign, he was described as a saint in order to avoid "the scandal of a cult or an imperial priesthood grafting itself on the Christian religion"[228] and "to avoid making him a model of kingship."[229] Yet, the Byzantines did possess a notion of a "priestly or quasi-priestly" role for the emperor that was just not explicitly acknowledged.[230] Byzantine political ceremonial associated Moses with a priestly

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[225] George of Pisidia as quoted in Rapp, 195.
[226] Rapp, 195.
[227] Dagron, 293.
[228] Ibid., 144.
[229] Ibid., 143
[230] Ibid., 4.

function for the emperor.[231] We will discuss all these themes in more detail in our last chapter when we shall consider Dagron's arguments more carefully. But for now, it is enough to suggest the possibility that there was ambivalence about the Mosaic image for kingship among the figures we have just discussed as a result of some of these tendencies. The Mosaic image was, at the least, too close to depicting a role that could not be acknowledged. But, as discussed above, there is evidence to suggest that the comparison was problematic because it was too closely associated with the specific, subordinationist-based, grandiose descriptions of the emperor by Eusebius. We shall see later that the Davidic image seems to be more important and prevalent than the Mosaic one anyway, possibly for some of these reasons, and is often associated with limiting the emperor's role.

It could be argued that the Cappadocian Fathers were especially in a position to be more critical of classical thought than their Greek Christian predecessors had been. Basil associated heresy with "the doctrines of Classical thought."[232] The Cappadocian Fathers, we should remember, "each. . . experienced the challenge of the emperor Julian, not only intellectually but personally."[233] In fact, Julian's reign assisted "an elevation of Christian faith over Classical 'Hellenizing' when he confined the latter to those who worshiped the pagan gods and assigned the former to those who equated *Sophia* with an uncritical 'believing.'"[234] Gregory of Nazianzus responded to Julian by claiming that "Christians, many of them common people or even monks, were philosophically superior to Plato and

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[231] Ibid., 110.
[232] Pelikan, *Christianity and Classical Culture*, 176.
[233] Ibid., 170.
[234] Ibid., 176.

Aristotle."[235] The Cappadocian Fathers seemed to be more immediately interested in asserting the supremacy of revelation over the classical tradition. Christian revelation is beginning to be more strongly asserted as superior to classical thought. It is not surprising that we see here the Old Testament used more and more frequently, at least in certain spheres, as an authoritative source for critiquing tendencies inherited from the classical tradition.

There are many unanswered questions here, but it is clear that important developments were set into motion in this period. It would not be long before the appeal to Old Testament examples would take an even more important place in Byzantine political discourse. While Eusebius had used an Old Testament figure as a justification for a Greek understanding of kingship, following Philo's tradition of looking to the Old Testament for models, the Old Testament was now being used in ways that critiqued or altered the tendencies of that classical inheritance. As Van Dam writes, "now bishops constructed an image of a New Constantine that was modeled on biblical exemplars."[236] Despite the risk of oversimplification, it is tempting to conclude that Philo's marriage of Hellenism and Old Testament interpretation had backfired.

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[235] Ibid., 180.
[236] Van Dam, *The Roman Revolution of Constantine*, 353.

CHAPTER 3

TWELVE TABLES AND TEN COMMANDMENTS

Thus far we have examined how church leaders and theologians began to explain and make sense of what a Christian empire means, especially in regard to its relationship to the Church, and how they introduced the Old Testament as a source text for models for emperors. But what of these first Christian emperors themselves in dealing with the more practical, legal concerns of their empire? This is especially pertinent since "by the mid-second century AD, the emperor was the sole creator of law" in Rome.[237] These emperors were in a unique position at this stage of transition. Of particular relevance to us are Constantine and Justinian; the first Christian emperor and the one responsible for the most comprehensive changes in Roman law, respectively. They were the emperors forced to ask how the acceptance of Christianity might change the structures and laws of the empire.

The study inaugurated by Gilbert Dagron, and later by *The Old Testament in Byzantium* essay collection, has opened up the question of the role the Old Testament played in the political consideration of the Byzantines, and how it might have affected the emperors themselves. Peter Leithart's recent book *Defending Constantine*, begins with the assertion that contemporary scholarship has not been sufficiently influenced by

[237] Judith Herrin, *Byzantium: The Surprising Life of a Medieval Empire* (Princeton: Princeton University Press, 2007), 71.

Norman Baynes' claim in the 1930s, controversial at the time, "that Constantine was a sincere Christian."[238] In seeing what role the Old Testament might have had in Constantine, and other early emperors' attempts to approach the questions of what it means to be a Christian empire, we see further evidence to support the notion that the Old Testament was important to the Byzantines, and that its importance had begun to develop at a very early stage. However, "after Constantine," the fact that the Roman Empire and the birth of Christ occurred at the same point in history "seemed to be providential."[239] Eusebius expressed that "together, as from one starting point, two great powers came forth to civilise and unite the whole world, the monarchy of the Roman Empire and the teaching of Christ."[240] This positive view undermined any need to claim that Christianity required the complete overhaul of the Roman system. The situation was, however, somewhat ambiguous. Therefore, even though these emperors inherited the Roman legal system, Dagron and those since him lead us to ask an obvious question. There is, after all, a body of law, as well as expressions of advice and principles for magistrates presented in Christian revelation for God's people for governance. What, if any, influence could this have had on the thought of the source of law, the emperor, who was now also a Christian?

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[238] Peter J. Leithart, *Defending Constantine: The Twilight of an Empire and the Dawn of Christendom* (Downers Grove, IL: IVP Academic, 2010), 9.
[239] D. M. Nicol, "Byzantine Political Thought," in *The Cambridge History of Medieval Political Thought C. 350-c. 1450*, ed. J. H. Burns (Cambridge: Cambridge University Press, 1988), 54
[240] As quoted in Nicol, 54

Changes in Criminal Law

Lactantius, it has been suggested, wrote his *Divine Institutes* with the purpose of "the formation of a Christian conscience in emperor Constantine,"[241] because "a Constantine educated by the *Divine Institutes* in the political implications of the Christian faith would be in a position to set about some steps to reform the major institutions of the empire."[242] Lactantius' "*Divine Institutes* contained a definite plan if not a programme for implementing what Lactantius propounded."[243] Lactantius believed that "the emperor had a unique capacity. . . a singular responsibility to transform the empire according to the law of God."[244] If Constantine took these admonitions seriously, it adds to the picture of sincere religious faith and a desire to see the Roman system change as a result of his Christian faith. Van Dam notes that, early after his conversion, Constantine "was concerned primarily with heroes and events from the Old Testament," perhaps explained by the fact that as he traveled with the court of Diocletian, "most of the biblical memorials he might have seen commemorated people and events from the Old Testament."[245] Leithart also believes that Constantine "emphasized. . . the need for Scripture."[246] Determining where the Old Testament might have served as an inspiration, or a justification, for any specific laws is extremely difficult to ascertain. Leithart

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[241] Thomas Hughson, "Lactantius's *Divine Institutes*," in *Reading Patristic Texts on Social Ethics: Issues and Challenges for Twenty-first-century Christian Social Thought*, ed. Johan Leemans, Brian J. Matz, and Johan Verstraeten (Washington, D.C.: Catholic University of America Press, 2011), 194
[242] Ibid.
[243] Ibid., 189.
[244] Ibid., 197.
[245] Van Dam, *The Roman Revolution of Constantine*, 294-295.
[246] Leithart, 90.

concedes that Constantine "almost never cited explicit Christian or biblical justification for a law." Yet he maintains that "Constantine did reform the law in a Christian direction in several respects."[247] If this is the case, did the Old Testament play any role? Schaff argues that Mosaic law was one of the influences for the many changes in Roman law "from the time of Constantine."[248] Indeed, there are some laws where we might suggest the possibility of influence.

It has been noted that Constantine was particularly pro-active in legislation regarding sexual purity. The debates over the degree to which Constantine's laws in this dimension were influenced by Christianity are deeply complex, and we must avoid getting too seriously bogged down by them. Most of our claims shall, as a result, be largely speculative. But the sheer abundance of suggestive changes we can point to becomes rather convincing on the whole. Westbury-Jones notes "the horror of Constantine for the crime of adultery," which "is shown by his classing it with homicide and witchcraft in a law which declares that these crimes alone are worthy of death."[249] Adultery had been punishable by law under Augustus, but it was most likely not until Constantine that it was punishable by death for both parties.[250] The punishment for adultery had, however, traditionally been delegated to the "husband. . . or to the judgement of a family council," and the *Lex Iulia* of 18 B.C. was concerned with the

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[247] Ibid., 201.
[248] Philip Schaff, "Alliance of Church and State and Its Influence on Public Morals and Religion," in *History of the Christian Church, Vol. 2: From Constantine the Great to Gregory the Great*, vol. 2 (New York: Charles Scribner &, 1867), 111.
[249] John Westbury-Jones, *Roman and Christian Imperialism,* (Port Washington, NY: Kennikat Press, 1971), 223.
[250] Ibid., 295.

regulation of such forms of trial and punishment.[251] It did prescribe the formation of "a special court" for adjudicating situations of adultery. Typical penalties in those cases did not include death.[252] The Old Testament quite clearly outlines death for both parties as the punishment for adultery.[253] In the New Testament, Christ and also Paul centers their respective discussions of adultery on its "inward disposition," while the Old Testament is focused on "outward actions."[254] The Old Testament only, then, provides a clear political ethic for adultery. Westbury-Jones remains confident that "Christianity influenced the Roman civil law by its utter detestation of adultery" and more specifically that it was possibly Constantine and Constans's Christianity that inspired them, in their "mistaken zeal for Christian religion and morality."[255]

In short, there had been Roman precedent for the punishment of adultery, and Christians maintained a strong contempt for it. These may alone account for punishment of adultery by death, but it is compelling to note that punishing both parties by death is also found in the Old Testament. Clement of Alexandria cites the same Old Testament prohibition of adultery, and others, concluding that "the law is not at variance with the Gospel, but agrees with it. How should it be otherwise, one Lord being the author of both?"[256] It was not outside the realm of Christian imagination for the Old Testament

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[251] Adolf Berger and Barry Nicholas, "Adultery," in *The Oxford Classical Dictionary*, ed. N. G. L. Hammond and H. H. Scullard, 2nd (Revised) Edition ed. (Oxford: Clarendon Press, 1970), 10-11

[252] Ibid.,

[253] Deuteronomy 22:22

[254] Westbury-Jones, 295.

[255] Westbury-Jones, 295-297

[256] Clement, *The Stromata*, 2.23, Trans. William Wilson, *Ante-Nicene Fathers*, Vol. 2., Eds. Alexander Roberts, James Donaldson, A. Clevelend Coxe (Buffalo, NY: Christian Literature Publishing Co., 1885), New Advent. edited for New Advent by Kevin Knight, accessed April 17, 2012. http://www.newadvent.org/fathers/0210.htm.

proscription to be authoritative. Schaff argues also that "the Old Testament prohibitions of marriage within certain degrees of consanguinity" were codified under Constantine.[257] It appears that, at the very least, the background of Christian ethical thought (which had Old Testament law as one of its bases) might have played a role in Constantine's thought, if not his own reading of the Old Testament.

The issue of usury provides similar possibilities. Lenders in Rome were "pitiless" toward debtors "during the later Republic" and a 12 percent limit was imposed midway through the 1st century B.C.[258] Among the Theodosian Code are laws in which Constantine attempts to lower the interest rate for lending.[259] Westbury-Jones notes that "some have concluded that these laws are due to Jewish influence," yet himself claims that "it is certain that the Christian Church looked with no favour on high rates of interest."[260] On this latter point, he is certainly correct. Yet there is not necessarily a contradiction here, as Westbury-Jones implies, for Christian views on usury were strongly influenced by the Old Testament. In his review of the early church Fathers' views on usury, Maloney notes that the New Testament provided them "no explicit judgment on the morality of usury."[261] Instead, "time and again the Fathers turn directly

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[257] Schaff, 112.
[258] Friedrich M. Heichelheim, "Usury," in *The Oxford Classical Dictionary*, ed. N. G. L. Hammond and H. H. Scullard, 2nd (Revised) Edition ed. (Oxford: Clarendon Press, 1970), 1104
[259] Westbury-Jones, 226.
[260] Ibid.
[261] Robert P. Maloney, "The Teaching of the Fathers On Usury: An Historical Study On the Development of Christian Thinking," *Vigiliae Christianae* 27, no. 4 (1973): 241 doi:10.1163/157007273X00233. http://www.jstor.org/stable/1582909.

to two sources as the base for their teaching on usury: the Old Testament prohibition and the conviction that usury was incompatible with Christian love."[262]

After a consideration of Seipel's arguments that the Old Testament was merely a support for otherwise developed views for the early Fathers, Maloney contends instead that "even the earliest Fathers to write on the subject turn directly to the Old Testament texts."[263] Even though they wrote after Constantine's reign, Maloney's discussion of the Cappadocian Fathers' vehement opposition to usury is helpful for us on this point. He explains that Gregory of Nyssa was in harmony with other Church Fathers in that he "saw the Old Testament prohibition as clearly still binding."[264] In fact, Clement seems to do the same. Clement, according to Maloney, when "attempting to show that the Mosaic Law is the source for all the moral teaching of the Greeks. . . adduces the example of the Old Testament teaching on generosity and fellowship. He cites the prohibition of usury as an instance."[265] Even among those known for their allegorical interpretation of the Old Testament, on this question at least the Old Testament still has implications for actual ethical practice. Using the Old Testament in this way, then, is something Constantine certainly may have encountered, giving plausibility to the claim that Constantine was influenced by the Old Testament, or at least influenced by Christian thought which was relying upon the Old Testament, in these laws.

Leithart makes another interesting observation regarding Constantine's laws regarding slavery:

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[262] Ibid., 242.
[263] Ibid., 262-263.
[264] Ibid., 251.
[265] Ibid., 243.

> In a law strikingly reminiscent of Exodus 21:20-21, he ruled that an owner who beat his slave to death with clubs or stones, or killed the slave by hanging, poisoning or throwing him from a height, would be prosecuted as a murder. If, however, the slave died from normal discipline, the owner was free.[266]

Perhaps, in the context of the examples we have examined thus far, the correlation that Leithart observes is significant, and indicates another example of ethical and legal thought being influenced, either directly from Constantine or through Christian thought in general, by the laws of the Old Testament.

Another important emperor to examine is Justinian, under whom some of the most significant and lasting changes in the Byzantine political structure occurred. The Emperor Justinian "posed as the 'most Christian emperor.'"[267] He was not without reason to stake this claim. He "was a sincere believer in and adherent of the Christian faith. In fact we are inclined to believe that he was more of a Christian than Constantine."[268] He is also known for his "civil legislations," which "forms in many respects the highest point in the development of Roman law."[269]

There have been fewer claims for Old Testament influence in the laws of Justinian. Scott explains how Malalas and Procopius (both historians recording the reign of Justinian) noted that after "Justinian's varied measures against heretics, pagans, Jews, homosexuals, and astrologers," both historians agree, "the result was fear" among the population. In fact, Scott argues, "Malalas quite obviously sees a reign of terror as proper

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[266] Leithart, 223.
[267] Peter Brown, *The World of Late Antiquity AD 150-750* (New York: W.W. Norton & Company, 1989), 152.
[268] Westbury-Jones, 231.
[269] Ibid., 230-232.

and right."[270] "Fear was," Scott concludes, "acceptable in Byzantine society of the sixth century." He claims this attitude is inspired by the Old Testament: "we have here in Malalas the suggestion of a return to Old Testament values" which "may be most notable in Justinian's reign."[271] Even if we doubt the novelty of such an attitude, the concept of fear appears in Justinian's legislation with a distinctly Christian, and Old Testament, meaning. The *Novels* were a part of "the monumental codification of law. . . from the imperial court of Justinian between 529 and 534."[272] Two of them present themselves as important examples. Novel 77 refers to "the fear of God and the judgment to come" and the incentive "that they may not be visited by the just wrath of God" as reason not to engage in homosexual acts.[273] Novel 141 cites the story of Sodom in the Bible as a reason for enacting laws against homosexuality, claiming that "by this God teaches us, in order that by means of legislation we may avert such an untoward fate."[274] The legislator has a responsibility to enact laws that will avoid incurring God's wrath. Wortley explains that Justinian's laws against homosexuality contrasted with "the tolerant stance of the Greco-Roman tradition" and was driven by his sense that he, "the Shepherd of New Israel[,] had both a responsibility and an obligation to ensure that" what happened to Sodom and Gomorha did not happen to Byzantium: "therefore he outlaws sin, in order that

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[270] Roger D. Scott, "Malalas, The Secret History, and Justinian's Propoaganda," *Dumbarton Oaks Papers* 39 (1985): 103, http://www.jstor.org/stable/1291517.
[271] Scott, 104.
[272] O'Donovan and O'Donovan, 171.
[273] As quoted in "Jusitinian I: Novel 77 [538] and Novel 171 [544 CE]," by Paul Halsall, People with a History: An Online Guide to Lesbian, Gay, Bisexual, and Trans* History, Internet History Sourcebooks Project, accessed April 14, 2012, http://www.fordham.edu/halsall/pwh/just-novels.asp
[274] Ibid.

righteousness might exalt his nation."[275] We will see attitudes like this become more prevalent in the 7th-10th centuries.

In several of the early Christian emperors, Justinian included, the issues of abortion, infanticide, and the exposure of children were taken up by the law. Child exposure, or "*expositio* was widespread in many Greek societies in the period after Alexander the Great" and it has been argued that at the turn of the era child exposure was prevalent in the Roman Empire.[276] Leithart points out that "the Twelve Tables that served as the foundation of the Roman law appear to require Romans to kill 'monstrous' infants," arguing that the legality of exposure rested upon "the *patria potestas* of the Roman *paterfamilias*" and that the "exposure of children because of deformity, illegitimacy, poverty or superstition, which usually ended in death, was simply on manifestation of this basic paternal power."[277] Abortion was practiced in ancient Rome, and Bakke presents convincing arguments for "the relative frequency of abortion."[278] Furthermore, "children with obvious physical deformities were usually prevented from growing up," and Bakke also claims that the practice "was accepted by law and society in the same way as *expositio*."[279] What then was the Christian perspective on these issues, especially among those who would be particularly influential in the East? Bakke draws our attention to Clement who, when he "discusses marriage. . . expresses his solidarity

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[275] John Wortley, "Israel and Byzantium: A Case of Socio-Religious Acculturation," in *Traditions in Contact and Change: Selected Proceedings of the XIVth Congress of the International Association for the History of Religions*, ed. Peter Slater, Donald Wiebe, Maurice Boutin, and Harold Coward (Waterloo: Wilfrid Laurier University Press, 1983), 369.
[276] Odd Magne Bakke, *When Children Became People: The Birth of Childhood in Early Christianity* (Minneapolis, MN: Fortress Press, 2005), 29.
[277] Leithart, 218-219.
[278] Bakke, 27.
[279] Ibid., 31-33.

with those who held that one of the worst things that can happen is to lose a child by death: to have children is a good thing."[280]

The passage of Clement's to which Bakke refers is from the Stromata, 2.23, where Clement cites Genesis 1:28: "*Increase and replenish*" among many other references to classical sources.[281] Furthermore, in his discussion of exposure Clement "attempts to demonstrate that the law of Moses is the source of all ethics; the positive elements found in Greek ethics reflect the influence of Moses. . . . In other words, Clement roots his opposition to *expositio* in the law of God."[282] Bakke explains that among the Christians writing on the subject between "the beginning of the second century to the beginning of the third," there can be identified "a. . . tendency to root" their perspective on these acts against children "in creation theology and to anchor it ethically in the law of Moses."[283] Although Constantine did not criminalize exposure, Leithart argues that "it was discouraged in his legislation."[284] Valentinian did, however, criminalize the practice in 374.[285] Bakke thinks "it is likely that Constantine was influenced by the Christian opposition to *expositio*" and more generally with the Christian "attitude to murder, their sexual ethics, and the attitudes they took on moral questions in general."[286] Schaff similarly notes "the discouragement of infanticide" among Constantine's Christian legal changes.[287]

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[280] Bakke, 139.
[281] Clement, *The Stromata*, 2.23.
[282] Bakke, 119.
[283] Ibid., 124-125.
[284] Leithart, 220.
[285] Bakke, 51.
[286] Ibid., 135.
[287] Schaff, 108.

To summarize our conclusion thus far, there is some evidence of legal changes inspired by Christianity among the first Christian emperors. There is a connection we can draw between these changes and the general background of Christian ethical thought. The Old Testament was sometimes used within this body of Christian moral reflection. It is thus difficult to very clearly identify what role the Old Testament might have played in the thought processes of the emperors. That there would be some influence, though, should not surprise us. We saw in the Greek patristic tradition a tendency to assert the antiquity and superiority of the Old Testament to classical culture. There was precedent for using the Old Testament as the foundation for the moral obligation for certain changes in Roman society, in this case its criminal laws. There does not appear to be a comprehensive philosophy of Old Testament interpretation on the part of the emperors in question – though the attempt to search for one would be an interesting question for further research.

The Byzantine State and Social Welfare

It is interesting to take specific note of the changes in social welfare in Byzantium, where we shall also find some evidence for Old Testament influence both in terms of specific laws, but also through the Old Testament's indirect influence upon social ethics. Philip Schaff, discussing the early Christian emperors, claims that "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."[288] Constantelos in *Byzantine Philanthropy and Social Welfare* contradicts

[288] Schaff, 121.

the common assertion that Christianity in Byzantium was not very concerned with ethical practice: "Byzantine religion was never divorced from ethics and. . . morals were regarded as seriously as doctrine. The Church possessed both the desire to realize an ideal society here on earth and the conviction that good works were essential for such a society."[289] With the establishment of Christianity, the ensuing "changes in ancient society reshaped the nature of orphan care. . . and set new standards for assisting" orphans "that would last through the entire Byzantine era."[290] Care for others was an important part of Byzantine Christianity and, as we shall see, of Byzantine politics.

What, then, stood as the motivation for this political ethic of social welfare? The early Christians had been inspired by following Christ's words, and following God's example: "as God had reached out to save man, so the man of God was expected to reach out and help his fellow man."[291] Finn provides a list of passages regularly used for encouraging almsgiving in early Christian ethical thought, including several Old Testament passages. A large portion of these references are from Proverbs, while there is only one from the Pentateuch. [292] Insomuch as these influences played a part in the development of a philanthropic ethos in Byzantium, it is difficult to pinpoint any specific Old Testament influence. We can say at least in the example of these biblical references, the Old Testament certainly had some part in the background of ethical thought.

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[289] Demetrios J. Constantelos, *Byzantine Philanthropy and Social Welfare*, 2nd (Revised) Edition ed. (New Rochelle, NY: Aristide D. Caratzas, 1991),49.
[290] Timothy S. Miller, *The Orphans of Byzantium: Child Welfare in the Christian Empire* (Washington, D.C.: Catholic University of America Press, 2003),49.
[291] Constantelos, 11.
[292] Richard Finn, *Almsgiving in the Later Roman Empire Christian Promotion and Practice (313 - 450)* (Oxford: Oxford Univ. Press, 2006), 178.

Constantelos contends that "the Byzantines expected their rulers to practice philanthropia and charity" and that "from the very beginning many Byzantine emperors are credited with much work and legislation in alleviating public and private misery."[293] He cites countless examples of emperors involved in philanthropic activity, including the establishment of hospitals, "special institutions; hospices and inns were founded in various cities and on roads of the Empire to provide food and shelter for travelers,"[294] one paid visits to "the elderly on each Holy Thursday."[295] Furthermore, there are examples of emperors taking legal provisions for the protection of the vulnerable, such as when "Valentinian, in 365, exempted widows and orphans from the ignoble poll tax."[296]

If an individual Christian is expected to engage in philanthropy and seek the wellbeing of the vulnerable members of society why would this necessarily translate into a political policy in Byzantium? The New Testament does not explicitly argue for the application of Christian social ethics as a political standard, making it very difficult to see how it might have played an influence. In the Old Testament, however, we see exhortations to kings regarding social welfare, most especially "the sayings of King Lemuel" in Proverbs 31. The author writes, "speak up for those who cannot speak for themselves, for the rights of all who are destitute. / Speak up and judge fairly; defend the rights of the poor and needy."[297] Perdue points out that in the Old Testament "the prophets censured rulers for two reasons: many denied justice to the poor and often defenseless persons that was guaranteed to them by God, and rulers refused to extend the

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[293] Constantelos, 89.
[294] Ibid., 117.
[295] Ibid., 174
[296] Schaff, 122.
[297] Prov. 31:1, 8-9 (ESV).

poor mercy."[298] A good example is Isaiah 3:13-15, when it is proclaimed that God would "enter into judgment / with the elders and princes" for they "have devoured the vineyard, / the spoil of the poor is in your houses" and they are "grinding the face of the poor."[299] Hosea 14:1-3 specifically discusses orphans. The prophet begins, "return, Oh Israel, to the LORD your God, / for you have stumbled because of your iniquity" which seems to be intentionally contrasted with the proclamation "in you the orphan finds mercy."[300] Caring for the orphan is a quality of God's that Israel has failed in. While not substantiated here, this does suggest the possibility of influence.

In his *Life of Antony*, Athanasius records Antony's "letter to the emperors in which 'he called on them to be generous and think of justice and the destitute.'"[301] This admonition is reminiscent of the prophetic literature. Miller states that in the early Church's efforts to develop "some form of group care for orphans," the Old Testament was one of its motivators. James in the New Testament also offers "advice" regarding orphans.[302] But, again, it is the Old Testament that provides a political ethic for the care for orphans. In the prophets, Israel's leadership is "rebuked because they. . . not only failed to protect, but themselves oppressed the helpless and weak, the widows and the orphans."[303] Lactantius, in *The Divine Institutes*, talks of the "justice to protect and defend orphans and widows who are destitute and stand in need of assistance," explaining that God "Himself" provides the command to do so: he "commands that widows and

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[298] Leo G. Perdue, *Wisdom Literature: A Theological History* (Louisville: Westminster John Knox Press, 2007), 199.
[299] (ESV).
[300] (ESV).
[301] Finn, 122.
[302] Miller, 109.
[303] George Stibitz, "The Old Testament Prophets as Social Reformers," *The Biblical World* 12, no. 1 (1898): 23-24, doi:10.1086/472292, http://www.jstor.org/stable/3137163.

orphans should be defended and cherished."[304] Lactantius must have Old Testament passages in mind, for the James passage merely encourages the believer to "look after orphans and widows in their distress and to keep oneself from being polluted by the world."[305] It is certainly possible that the Old Testament provided a political ethic for Christian values that only have social or individual dimensions in the New Testament.

A more easily substantiated body of evidence of Old Testament influence can be seen if we again take account of the relationship between the Byzantine view of kingship and the development of deification as a doctrine, and the employment of Old Testament figures as models for spiritual behavior. The Byzantines believed that Christians should act with "philanthropia" because it is a trait of God's.[306] This was in actuality a part of the developing doctrine of deification. Constantelos explains, "for the Byzantines, philanthropia as a manifestation of love was the way to ultimate theosis. As Clement of Alexandria wrote: 'The more one loves God, the more one enters within God.'"[307] Social involvement was a central part of becoming divine, as we can see in later literature: "leading theologians, including mystics such as Maximos the Confessor and Symeon the New Theologian, saw no antithesis between a life of prayer, contemplation, and spirituality, and a life of involvement and social activity."[308] Clement writes that "our Educator being practical, first exhorts to the attainment of right dispositions and

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[304] Lactantius, *Divine Institutes* VI.12. in *Ante-Nicene Fathers*, Vol. 7., ed Alexander Roberts, James Donaldson, and A. Cleveland Coxe (Buffalo, NY: Christian Literature Publishing Co., 1886.), New Advent, revised and edited for New Advent by Kevin Knight, accessed April 17, 2012, http://www.newadvent.org/fathers/0701.htm.
[305] Jam. 1:27, (NIV).
[306] Constantelos, 16.
[307] Ibid., 59.
[308] Ibid., 63.

character."[309] We saw in the Hellenistic political tradition an emphasis on the king's role as an imitator of God, and the emperor's place as a model to be imitated by the people. Constantelos explains that "the Byzantine emperor, as the first citizen, was expected to be among the first who would believe in and practice philanthropia. Only through philanthropia would he become like God."[310] All of the people of God were admonished to engage in philanthropic acts and in providing for social welfare, *because* of God. The emperor held a special place in this scheme, he was to model God in this respect and the people in turn modeled themselves after the emperor. It should be no surprise to see, then, that the emperor and other figures of society all engaged in philanthropic activity as an ideal for all members of society. As an example, "the erection of hospitals and clinics was the work of the Church, the emperor or the State in general, and of pious lay benefactors."[311] We might see indirect Old Testament by noting that it is in the Old Testament that God is attributed the quality of caring for those in need, as exemplified by passages such as Deuteronomy 10:18: "He executes justice for the fatherless and the widow, and loves the sojourner, giving him food and clothing."[312] Perhaps the Old Testament added details like this to the content of the imitation of God. There is, however, much more concrete evidence to consider.

Constantelos identifies another inspiration that was second only to God: the patriarchs. He writes,

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[309] Clement, *The Paedagogus*, 1.1, Trans. William Wilson, *Ante-Nicene Fathers*, Vol. 2., Eds. Alexander Roberts, James Donaldson, A. Clevelend Coxe (Buffalo, NY: Christian Literature Publishing Co., 1885), New Advent, edited for New Advent by Kevin Knight, accessed April 17, 2012, http://www.newadvent.org/fathers/0210.htm.

[310] Constantelos, 102 n.111

[311] Ibid., 119.

[312] (ESV)

> the Byzantines were advised to imitate the great patriarchs of the Old Testament in works of hospitality, because one patriarch was host to God the Savior; another entertained the angels; a third was rewarded by a son in his advanced age, while yet another was delivered with his daughters from the fires of Sodom.[313]

We hear the unquestionable echo of Philo here in the establishment of the patriarchs as models which people were meant to imitate. Indeed we see several places in which Old Testament characters were held up as models of virtuous action. It is extremely telling that, unlike in Western art, Eastern Christian artists depicted Old Testament figures with a nimbus.[314] Gregory of Nyssa, in his eulogy for his brother Basil of Caesarea, claims that Basil is of equal virtue as Moses, Samuel, Elijah, John, and Paul, "numbered among the saints."[315]

Gregory gives particularly extended comparisons of Basil and both Paul and Moses. Moses is an "example. . . of virtue."[316] In upholding the model of Elijah and his miracles, Gregory compares Elijah's miraculous provision of food and oil to Basil's selling of his possessions in order to purchase food for those coming to Caesarea out of need, including Jews.[317] Finn counts this eulogy among several works in which "almsgiving is a characteristic activity. . . in so far as it displays the character of the saint expressed in terms of the virtues and of the biblical models which together form an authoritative matrix for the determination of virtuous action."[318] Gregory of Nyssa is particularly helpful for us as an example of this phenomenon, because we also have his

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[313] Constantelos, 17.
[314] Adolphe Napoléon Didron, *Christian Iconography; the History of Christian Art in the Middle Ages.*, trans. E. J. Millington, vol. 1 (New York: F. Ungar Pub., 1965), 69-70.
[315] Gregory of Nyssa, "A Eulogy for Basil the Great," trans. Casimir McCambly, The Gregory of Nyssa Home Page, accessed 4/17/12, http://www.sage.edu/faculty/salomd/nyssa/basil.html.
[316] Gregory of Nyssa, "A Eulogy for Basil the Great."
[317] Ibid.
[318] Finn, 134.

extended description of Moses, already considered in the previous chapter. In his work, Gregory describes Moses as one "who has truly come to be in the image of God and who has in no way turned aside from the divine character. . . and shows in all things his conformity of the archetype."[319] Moses was an imitator of God, and Basil was like Moses (and other Old Testament saints), and part of this imitation included care and concern for others. The Old Testament models in general, like the patriarchal models Constantelos refers to, are to serve as inspirations to act generously because they have imitated God just as the emperor is supposed to. They provided examples of what an imitator of God is supposed to do. We cannot say with any very great certainty that the use of these Old Testament characters as models actually inspired specific actions – they are part of a much larger theology of philanthropy - but they are certainly placed in a position where their lives give concrete content to the abstract concepts of imitating God in His virtues. Although the Hellenistic and stoic background to the thought of Philo, Eusebius, and others remains, Scripture, and particularly the Old Testament gives content to how these ideals are to be put into practice.

[319] As quoted in Malherbe and Ferguson, 11.

CHAPTER 4

FEAR, GUILT, AND REVELATION: THE OLD TESTAMENT AND THE BYZANTINE POLITICAL SYSTEM IN THE 6TH-10TH CENTURIES

Fear has a way of drawing out sincerity in a way that no other human emotion can. It is when we are scared that some of our most fundamentally held beliefs are most clearly presented. We are now entering an era in which the Byzantines would most explicitly express what they had been always inclined to believe by the precedents set by their intellectual ancestors, as they faced their potential destruction through a series of imperial crises. This is also the era from which we will be in the best position to assess and summarize the elements of Dagron's work that are key to our inquiry, and that help us see how his claims could potentially alter traditional understandings about the development of Byzantine political tendencies.

My approach in this chapter will not be strictly chronological, and I shall consider this period of time from a few different angles. I shall begin by noting the important differences between Dvornik and Dagron, especially as revealed by their different approaches to the period of time following the reign of Justinian. I shall then provide support to the claims of Dagron and those making similar assertions by pointing to many of the ideological themes we have traced from the foundations of Byzantine thought and the conclusion they reach in this era. Lastly, I will consider more thoroughly Dagron's

assertions and critcize them, and make some attempts at an assessment. In short, I shall argue that he brings important perspective to the question of the development of Byzantine political tendencies, supported by much of the material we have discussed, and that it does appear that the Old Testament was deeply important to the Byzantines and was drawn upon as a source for the development of the Byzantine political system.

Hellenism and the Old Testament Veneer

Dvornik, as we might expect, continues to trace the existence of Hellenistic political categories in Byzantine history through this era. He specifically mentions "two treatises on kingship that give the measure of Byzantium's political growth in its most vital years," in the 6th century.[320] These are Agapetus' "Mirror of Princes" and "the anonymous dialogue *On Political Science.*"[321] Agapetus certainly seems to employ many of the key categories of Hellenistic political theory. For him, the king "is like God Who rules over all; for he has no man on earth who is higher than he."[322] The king should also "imitate, so far as he can" God.[323] The work *On Political Science* focuses on this same theme of divine imitation, claiming "that 'imitation of God. . . has been shown. . . to be the nature of really true kingship."[324] It is certainly understandable that Dvornik sees the continuation of many of the main elements of Hellenistic political thought in these texts.

Justinian saw the relationship between the Church and State as one of equals, since they are both "gifts" of God: "the *sacerdotium* and the *basileia*, of which the former

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[320] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 706.
[321] Ibid.
[322] Ibid, 57.
[323] Ibid., 59.
[324] Ibid., 67.

serves divine matters, the latter presides and watches over human affairs."[325] Dvornik, commenting on this text, argues that "Justinian understood the *imperialis potestas* – with all the implications given it by Roman law – as placing the spiritual sphere under its care for the normal functioning of the *sacerdotalis auctoritas*."[326] Later he clarifies that "this harmonizing is quite in the spirit of the old Hellenistic political system, whose ideal king established harmony among the various interests of his realm."[327] Justinian proclaimed that since "nothing can please the merciful God better than that all Christians should be united in thought in the true and pure faith" it was right to take action against "heretics and their sympathizers."[328] Dvornik identifies the fruits of Justinian's view, noting Justinian's intervention in the church, describing his invasive policies as "a far cry from Constantine's policy of restraint."[329] This seems to agree in many ways with Dvornik's claim that Justinian was merely taking "a more unequivocal acceptance of the imperial prerogatives in matters ecclesiastical, to which churchmen had agreed under his predecessors."[330] These prerogatives included enforcing correct belief among those who did not ascribe to orthodox doctrine.[331] Many argue, as Kidd does, that "Justinian's ecclesiastical policy may be described in one word, as Caesaropapism."[332] Dvornik claims that this represents a misunderstanding, for Justinian was not a tyrant, nor were the churches of the East slaves: "the truth is that the whole Christian world in Justinian's

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[325] Justinian in Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 816
[326] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 817.
[327] Ibid.
[328] Justinian in Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 819.
[329] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 819.
[330] Ibid., 837.
[331] Beresford J. Kidd, *The Churches of Eastern Christendom: From A.D. 451 to the Present Time* (New York, NY: Franklin, 1973), 56.
[332] Ibid. 55.

time believed in the same political philosophy as did the Emperor."[333] An example of actions taken by Justinian that Dvornik would identify with Hellenistic tendencies is his "ecclesiastical legislation," which treats issues such as Nestorianism, church properties, heretics and apostates, and for himself "claims a universal and paramount right of legislating for the Church."[334]

. Dvornik makes no mention, however, of the Old Testament references and images employed by Justinian and others in the context of his rule. After the completion of the Hagia Sophia, Justinian is recorded as making his infamous declaration: "I have conquered you, Solomon!"[335] Also during Justinian's reign, we find "the reinterpretation. . . of Daniel's prophecy of the succession of world empires: the new identification of the Roman Empire not as the perishable fourth, iron kingdom, but as the 'fifth monarchy.'"[336] Dvornik likewise has nothing to say about the enthusiastic use of the Old Testament in the age following that of Justinian. According to Magdalino and Nelson, "from the seventh to the twelfth centuries. . . . particularly in the first half, Byzantine writers, artists, statesmen, and churchmen most explicitly found inspiration and meaning in the language, images, stories, personalities, and values of the Old Testament."[337] Dvornik's treatment of Byzantine politics does not take account of these phenomena.

Many scholars also deal with these Old Testament references as if they are not terribly important in describing the way the Byzantines understood and approached the political realm. J.A.S. Evans is an illustrative example when he claims that in the

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[333] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 838.
[334] Kidd, 58-61.
[335] J. A. S. Evans, *The Age of Justinian: The Circumstances of Imperial Power* (London: Routledge, 1996), 258.
[336] Magdalino and Nelson, 14.
[337] Ibid., 8.

expression of the Byzantine conception of the emperor (a conception that was, in his view, a mixture of Roman and Hellenistic elements), "the Old Testament was rummaged for analogies."[338] The Old Testament was merely attached as a veneer upon a political philosophy accepted on other grounds. Yet, is it enough to say that the references we have noted, especially when we observe how very prevalent they were, were largely meaningless? It seems very naïve to assume that the Byzantines took such an unserious, superficial, and intellectually flabby approach to their Scriptures. As we mentioned in our Introduction, Dagron describes this general tendency when he claims that scholars have, in describing Byzantine politics, "too exclusively evoked the sacredness of the Hellenistic kings. . . leading to the simplistic conclusion that the empire of Constantine and his successors had been only imperfectly Christianised."[339] Dvornik does make some mention of other Old Testament references other than the Mosaic imagery in Eusebius, such as his discussion of "the custom of calling the emperor the 'new David' and the 'new Solomon,'" though he attaches this to the "intricate court ceremonial" that included Davidic and Solomonic symbolism[340] implying merely symbolic and not substantial connections. He does go on to admit that since the Byzantine emperors were viewed as "successors of the kings of the Old Testament and heirs of their priesthood" they possessed a "reputation" of "whatever this implied"[341] but he also maintains that "Jewish political thought" was helpful to the Byzantines because

> the Jews have been shown to have invested their kings with a priestly character; familiarity with the Old Testament prepared the Christians for seeing in their first Christian Emperor a new David and a new Solomon. Here Philo came to the aid

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[338] J.A.S. Evans, 59.
[339] Dagron, 3.
[340] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 645.
[341] Ibid.

> of Christian writers to help them overcome their repugnance toward the idea of priest-kings

through his incorporation of Hellenistic thought.[342] Dvornik is a bit hard to understand on this point, but it seems clear that in the end, he sees Byzantine political thought as still Hellenistic *despite* the Old Testament references. This indeed seems far too simple. If we observe the way many of the intellectual themes we have traced thus far play out in the historical situation of this era, there is compelling evidence that the view that the Old Testament was *more* important has much in its favor.

Israel Threatened: Military Crisis and the Byzantine Conscience

Although we noted places in which Eusebius' imperial theology might have been rejected or challenged by other important Christian figures, it is clear that many key elements of Eusebius' thought remained prevalent in the Byzantine worldview. Wortley describes the Byzantine self-conception as the New Israel as the view "that the New Roman Empire had a sacred vocation also to be the New Israel, the new chosen people of God; an eschatological kingdom established on earth to consummate the divine plan for the world."[343] This tendency holds the key to understanding the seriousness with which the Byzantines took the Old Testament.

Averil Cameron helpfully describes the political development of the era immediately after Justinian: "between the death of Justinian in 565 and the reign of Heraclius (610-41), the emperors who succeeded to a throne weakened by a sense of failure and an empire neglected by the aged Justinian made a real change in the emphasis

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[342] Ibid., 644.
[343] Wortley, 363.

of Byzantine rule."[344] At the beginning of the reign of Justin II (565-578), who came to the throne after Justinian, the Byzantines were facing an acute military crisis.[345] The situation was so dire that "there were surely many who feared lest this twenty-first Emperor of Byzantium might also be the last."[346] In this period, at the end of the sixth century, Cameron identifies a "strength and unity" exhibited by the emperors of this century that kept Constantinople from giving in to these geo-political pressures. He argues that these emperors "made a real change in the emphasis of Byzantine rule."[347] Cameron claims that the political changes of this era "could only be expressed in religious terms."[348] Specifically, "classical culture for a time quietly took a back seat," and never returned in the same way as it had existed before. He explains that "imperial historians and poets who had previously striven to keep up 'classical' styles of writing now presented their subjects unblushingly within the terms of Old Testament typology." They turned to such expression from the sense that classical culture was "a luxury" that "could no longer be permitted."[349]

It has been argued that after Heraclius defeated the Persians, he "was concerned with his image, his authority and his historical role," and that at this point "the David plates," a nine-piece series of silver disks, were made.[350] Alexander contends that "the Persian war. . . made Heraclius aware of. . .Old Testament precedents" both for himself

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[344] Averil Cameron, "Averil Cameron, "Images Of Authority: Elites And Icons In Late Sixth-Century Byzantium," *Past and Present* 84, no. 1 (1979): 3-4, doi:10.1093/past/84.1.3., http://www.jstor.org/stable/650535

[345] John J. Norwich, *Byzantium: The Early Centuries* (New York: Knopf, 1989), 267.

[346] Ibid., 284.

[347] Cameron, 4.

[348] Ibid.

[349] Ibid.

[350] Suzanne S. Alexander, "Heraclius, Byzantine Imperial Ideology, and the David Plates," *Speculum* 52, no. 2 (April 1977): 217-218, http://www.jstor.org/stable/2850511.

and for the conflict itself. In a particular military address he is recorded as justifying violence against the Persians by citing King David. [351] After defeating the Persians "Heraclius used biblical phraseology, particularly the phraseology of Psalms, in the significant instance of reporting his victory."[352] Jeffreys discusses the 6th century historian Malalas, who provides an example of a typical Byzantine use of typology that "assumes that the Old Testament is linked not only with Christianity in general but with Byzantium in particular." This is evident by the way "Byzantine rhetoric, both theological and political, developed the view that the Byzantines in particular were the New Israel, the new Chosen People, God's New Elect."[353] Magdalino and Nelson point to the expression of "the collective identity of the Byzantines as the new Israelites in the face of their enemies—not just the Avars and Persians, but the Arabs and the Bulgars who replaced them, and then, eventually, the Turks and the Latins."[354] The Old Testament played an important role in the way imperial crises were described and understood.

Gilbert Dagron "takes the Avar and Persian problems in the early seventh century during the reign of Heraklios as a key moment in the development of the concept of the 'chosen people,' who are both protected and chastised."[355] Malalas, Jeffreys contends, "refers to the many natural disasters, especially earthquakes, that afflicted the Byzantine

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[351] Ibid. 232.
[352] Ibid.
[353] Elizabeth Jeffreys, "Old Testament "History" and the Byzantine Chronicle," in *The Old Testament in Byzantium*, ed. Robert S. Nelson and Paul Magdalino (Washington, D.C.: Dumbarton Oaks Research Library and Collection, 2010), 173.
[354] Magdalino and Nelson, 17.
[355] As cited in Jeffreys, 173.

world. . . as. . . 'the wrath of God'" or as "God's. . . 'benevolence,' perhaps to be interpreted as 'benevolent chastisement.'"[356] Nelson and Magdalino explain further:

> the Old Testament ideology formed in the crisis of the Avar siege thus remained intact in the decades and centuries that followed. It was soon reconfigured to refer to the conquering Arabs—'the abomination of desolation,' 'the desert Amalek,' 'the Philistine wolf . . . the Assyrian host'—who were seen as God's scourge for the sins, and especially the heresy, of the Byzantines."[357]

Wortley explains these dynamics in the context of the "world chronicles" of "middle Byzantine history" in which we see narratives concerning kings in which good kings are depicted as dying "prosperously in their beds, full of years and success, whilst bad kings suffer catastrophic reverses and bite the dust most horribly and prematurely."[358] The Byzantines' enemies are labeled "Ishmaelites or Hagarenes, and sometimes even. . . Gentiles."[359] They would also describe "imperial misfortunes" in the same way as the Old Testament describes the same for Israel.[360] Wortley concludes that these references are too abundant to be meaningless, but reflect "deep-seated passionately held convictions that" they were "the New Israel of God."[361] It is clear that he is correct in this assessment.

The timing of the increase in Old Testament references helps confirm that their use of the Old Testament was deeply meaningful. Nelson and Magdalino further explain:

> this [Old Testament] ideology came to the fore again under the last emperor of Heraklios's dynasty, Justinian II. . . .[He] called a reforming church council that gave concrete expression to the idea of the Byzantines as a chosen people by

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[356] Ibid., 174.
[357] Magdalino and Nelson, 18.
[358] Wortley, 367.
[359] Ibid.
[360] Ibid.
[361] Ibid.

> legislating to purify their moral and ritual behavior of all alien-that is, Hellenic and Jewish-adulteration.[362]

Discussing the Council of Trullo (691-692), they explain that Justinian II (685-695, 705-711) "used the expression 'chosen people' within a general context of reading the Old Testament history of Israel into the contemporary experience of" the Byzantines.[363] Not only did the Byzantines see the military crises of this era as God's chastisement, they believed that there was a need to respond by distancing themselves from non-Christian influences. The Old Testament references in this context are indeed driven by a sincere desire to apply Scripture to the way their society conducts itself.

What I propose is that Byzantium possessed a 'guilt-complex' regarding its relationship to the classical tradition. Kaldellis writes, regarding Christianity's interactions with the surrounding Greek culture, "in late antiquity. . . . despite various fruitful encounters among these different strains, movements, and individuals, conflict created confusion and inner torment, leading, in Byzantium, to a deep-seated bad conscience."[364] He reminds us that the early Christian apologists "scrutinized and criticized all aspects of the culture" that they encountered in the Greek East, and did not distinguish between Hellene and pagan.[365] We have already seen how, especially for Eusebius, the Old Testament was used to assert Christian superiority to the Greeks, and how this basic premise seemed to play a part in the background of legal changes under the first several Christian emperors.

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[362] Magdalino and Nelson, 18.
[363] Ibid., 19.
[364] Anthony Kaldellis, *Hellenism in Byzantium: The Transformations of Greek Identity and the Reception of the Classical Tradition* (Cambridge, UK: Cambridge University Press, 2007), 120.
[365] Ibid., 127.

One specific development during the reign of Heraclius introduces a further dimension to this discussion: the rise of Islam. Heraclius' campaign against the Persians coincided with Mohammad's escape to Medina in 622. Indeed, the man whose followers would "for the next thousand years" be Christendom's "most implacable enemy. . . was already born, and would soon be on the march."[366] In 634, the Muslims invaded Syria, and the "modest" army that had been sent to respond was destroyed.[367] Everything gained through 6 years of fighting had been completely lost.[368]

The Byzantines turned to the Old Testament to understand these new enemies. Indeed, "in the wake of the initial impact of the Muslim community upon the Middle East, the first Christian reaction to this new phenomenon was to interpret it in terms of certain statements of the Old Testament/Hebrew Bible which seemed highly pertinent."[369] Specifically, the Byzantines associated these new enemies with Ishmael in Genesis, and began to believe that the success of the Muslims, or "Ishmaelites," could be attributed to God's promises to Abraham regarding Ishmael.[370]

The Muslims made similar claims about Islam as early Greek Christians had made about Christianity. Fletcher explains:

> it is reasonably clear that Muhammad did not think that he was 'founding a new religion'. The phrase would probably not have made any sense to him. He had been chosen by the one true God as the Messenger who might bring the fullness of divine revelation, partially granted to earlier prophets such as Abraham, Moses

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[366] Norwich, 304.
[367] Ibid., 306.
[368] Ibid., 306.
[369] Hugh Goddard, *A History of Christian-Muslim Relations* (Chicago, IL: New Amsterdam Books, 2000), 35.
[370] Ibid.

> or Jesus, to the Arabs of the Arabian Peninsula and thereby coax them away from their traditional polytheism and idolatry.[371]

At this stage in Byzantine history "the intellectual life of Christendom within the Roman world was focused very nearly exclusively upon the Bible and its expositors."[372] One consequence was that "the idea that Islam might be 'a new religion' was in the strict sense of the term unthinkable." For the Christians, "there was The Faith." There was only one.[373] Early Christians in the East had maintained the antiquity of Christianity, asserting that Christianity was *the* primeval religion. This was used as a common argument to claim Christianity's superiority to Greek paganism. Now, the same sorts of arguments were resurrected and redirected. And in this case, the situation was even more threatening. The Muslims were claiming the *same* history for themselves as the Christians. This is certainly why John of Damascus felt the need to claim in response "that all the prophets, starting from Moses and onward, foretold of the advent of Christ."[374] It had to be re-asserted by the Eastern Christians that Old Testament history was *their* history; it did not belong to the Muslims. *They,* not the followers of Mohammad, were the keepers of the faith of the patriarchs and the prophets. Perhaps this explains why, over a century later, during "the Seventh Ecumenical Council [787], the Old Testament heroes were specifically accorded the same honors as those of the new dispensation."[375]

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[371] R. A. Fletcher, *The Cross and the Crescent: Christianity and Islam from Muhammad to the Reformation* (New York: Viking, 2004),, 11-12.
[372] Fletcher, 17.
[373] Ibid.
[374] John of Damascus, *De Haeresibus*, Chap. 100-101, from D.J. Sahas, in *Encounters and Clashes* by J.M. Gaudaeul, 20-24 (Roma: Pontificio istituto di studi arabi e d'islamistica, 2000), 21.
[375] Wortley, 366.

Similar phenomena appeared on the political stage as well. The Qur'an uses "the term *khalifat*. . . specifically applied to the Biblical king David, whose building work (along with that of Solomon) Abd al-Malik," the 7th century caliph, "was also perhaps seeking to emulate." Justinian II's response was to emphasize his subservience to Christ, by printing Christ on coins opposite his own likeness, which the Muslims claimed was idolatrous on the basis of the second commandment.[376] As Sarris aptly notes, "the struggle for mastery of the Near East was increasingly being fought on an ideological plane and in competition over a shared symbolic universe framed by the Old Testament."[377]

By the end of the 7th century "every vestige of effective Roman power had. . . been banished from North Africa."[378] "The speed of the Islamic conquests, and especially the early ones in the 630s and 640s, has always astounded and puzzled historians," according to Fletcher.[379] As a result of the Byzantine self-conception as the New Israel, however, this catastrophic situation was not a huge surprise to many: "Contemporaries were less bewildered. Patriarch Sophronius of Jerusalem. . . explained the invasion of Palestine as divine punishment for the sins of the Christians."[380] Just as in the earlier military crises, an Old Testament-infused view of history seems to form the backdrop of their understanding of current events. Fletcher explains that "the notion that the Muslims were the instruments of God's wrath would have a long life."[381] How did

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[376] Peter Sarris, *Empires of Faith: The Fall of Rome to the Rise of Islam, 500-700* (Oxford [England: Oxford University Press, 2011), 299-300
[377] Ibid.
[378] Fletcher, 15.
[379] Ibid.
[380] Ibid. 16.
[381] Ibid.

the Byzantines respond to these religious and political threats? With a firmer reliance on the Old Testament, based in the belief that, as God's people, imperial and theological crises meant there was a need to more fully return to God's precepts and imperial models.

Gilbert Dagron and The Old Testament as a Formative Political Text

We can now approach Gilbert Dagron's work, and other research making similar assertions, with greater confidence in its validity and assess the arguments made for viewing the changes in Byzantine politics as inspired by the Old Testament.

The Old Testament seems to have had an affect on the Byzantine understanding of the nature of imperial legitimacy. "With its roots in traditional imperial ideology, the identification of Heraclius and David was nurtured in the Persian war,"[382] Alexander explains. Alexander, citing Shahîd, presents the argument that "Heraclius was influenced by the biblical view that a king held office by the grace of God and that Heraclius's conception of the [*basileus*] had been shaped by the Old Testament prophets or the writings of Eusebius."[383] Dagron certainly attaches these attitudes to the Byzantine interest in the Old Testament king David. After the reign of Heraclius, the Byantines saw "the imperial dignity. . . as a sort of divine grace, a symbolic unction which attached the chosen few to a line of Davidic sovereigns and extended to their family."[384] Dagron contends that when, during the reign of Heraclius,

> the *imperator Caesar Augustus* became the *basileius*. . . . The imperial dignity was no longer seen as the topmost rank of a hierarchy, but as a sort of divine

[382] Alexander, 234.
[383] Ibid., 233.
[384] Dagron, 29.

> grace, a symbolic unction which attached the chosen few to a line of Davidic sovereigns and extended to their family.[385]

In this we can see a distinct change in classical tradition:

> in a political ideology which was reluctant to accept the hereditary nature of the imperial office, the notion of porphyrogenitus made it possible to evade the issue. The child conceived in the purple and at once acclaimed was, of course, the son of the emperor, but the blood ties which made him a potential heir to the empire were immediately replaced by those of divine 'election' by unction.[386]

We also see Old Testament influence in the evangelistic role of the emperor. Alexander describes Heraclius' attempts to enforce orthodoxy among Monophysites as "Old Testamentary."[387] Dagron identifies Heraclius' "forced baptism of Jews so as to hasten the realization of the economy of salvation" with the sense of the emperor as "a new David" and claimed that this status made "the conversion of the Jews. . . his proper sphere."[388]

This brings up one of the most researched and debated issues regarding Byzantium: the relationship between Church and State. Concerning this question, Dagron maintains that "the distinction between the two powers was never so clearly formulated as when there was dissension between them. When there was agreement or hope of harmonization, the celebration of, or nostalgia for, unity prevailed."[389] This seems to largely agree with Dvornik, who maintains that "Justinian's definitions of *imperium* and *sacerdotium* continued to form the basis of the system, and harmony between them,

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[385] Ibid.
[386] Ibid., 45.
[387] Alexander, 233.
[388] Dagron, 147-148.
[389] Dagron, 305.

although not always realized, remained its ideal."[390] Yet, Dagron places a much greater emphasis on the Old Testament as the basis of this model. In fact, "kingship, its origins and the nature of the office, sacerdotal or not, is one of the principal subjects of the Old Testament, and a Byzantine reader could take from it a number of key ideas."[391] Specifically, "the Byzantine empire. . . was. . . sacred and priestly. . . by a projection of the 'Jewish antiquities'."[392] Even more explicitly, Dagron maintains that "in Byzantium, the Old Testament had a constitutional value,"[393] and that it was the Old Testament kings who served as the inspiration for a Byzantine view of the imperial office as "priestly or quasi-priestly."[394]

One of the key differences between the arguments of Dagron and Dvornik seems to be the issue of *when* particular tendencies and ideas first presented themselves. Dvornik maintains that Eusebius "became responsible for the wholesale acceptance of Hellenistic political thought by the Christians" and also "laid the foundations for the Byzantine political structure and for Eastern policies on the relationship between Church and state."[395] In fact, Dvornik believes Constantine's involvement in the Church was based in "the definition of Hellenistic royal competence that legally entitled him to interfere. He represented the Divinity on earth, and as such was expected to lead men to God."[396] Dagron, on the other hand, in asking whether "the beginnings of a recognition of sacerdotal kingship" is to be found alongside attempts to make the emperor a sort of

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[390] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 840.
[391] Dagron, 49.
[392] Ibid., 53.
[393] Ibid., 50.
[394] Ibid., 4.
[395] Dvornik, *Early Christian and Byzantine Political Philosophy*, Vol. 2, 616.
[396] Ibid., 637.

apostle concludes that such attempts were "very tentative. . . and provoked vehement reactions."[397] In general, Dagron sees the development of Byzantine political thought as a set of problems being worked out over time, rather than the proposition of theories or the simple appropriation of previously held assumptions. Dagron concludes that "Constantine's initiative did not so much inaugurate a tradition as reveal the scale of the problem."[398] He argues specifically that the emperor as a type of priest was the natural consequence of "the very idea of a Christian empire. . . but the connection between this royal priesthood and the institutional Church was and must always remain problematic."[399] There is also ambiguity among the Christians writing during the age of Constantine, for Dagron argues that it is "not always. . . clear whether the Christian writers of the fourth century were producing an original ideology or revising the imperial ideology when they so clearly went beyond what was acceptable to Christianity in lauding the emperor."[400] The reign of Constantine, and the attempts of those such as Eusebius to explain it, were far from definitive answers but were merely the first attempts to make sense of what a Christian empire should be.

After Constantine, everything was tried "to get rid of Constantine," Dagron asserts.[401] Although Dagron does not touch on this theme, we can relate this to the avoidance of the use of Mosaic images after Eusebius. When the discussion of the emperor's relationship to the church reached a particular height surrounding the reign of Leo III (717-741), "the polemic on the sacerdotal or non-sacerdotal character of imperial

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[397] Dagron, 142.
[398] Dagron, 143.
[399] Ibid., 134.
[400] Ibid., 131.
[401] Ibid., 6

power was expressed through a confrontation of Old Testament models on the great biblical stage, where everything to do with kingship was decoded."[402] Dagron specifically describes places in which Melchizedek is portrayed as "a model of priestly kingship."[403]

It is unclear to what degree Dagron believes that Constantine and Eusebius relied upon the Old Testament as inspiration for their views of a Christian empire. It is interesting that he does not mention the important evidence Rapp mentions, that "Eusebios. . . praises Constantine for the priestly role he received from God, as a 'new Aaron or Melchizedek.' This is one of the very few instances where Melchizedek, king and priest, is invoked by an early Byzantine author in conjunction with an emperor."[404] Furthermore, Odahl asserts that Constantine developed a view of "himself as empowered by and obligated to the Christian Deity in the execution of his imperial duties."[405] Part of this included a growing understanding that God "loved good and hated evil; and. . . rewarded those who worshiped correctly and lived justly, but out of righteous anger punished those who rejected right religion and just conduct."[406] Odahl cites here Lactantius' *De ira Dei* (*On the Anger of God*), seeing the impact of the Old Testament in that "in the Pentateuch, God's law is crucial to the welfare of the Israelites," for punishment ensues when Israel does not follow God's law. "It becomes clear," Odahl claims, "that the divine law for Lactantius consisted in the knowledge and worship of

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[402] Ibid., 164.
[403] Ibid., 179.
[404] Rapp, 193.
[405] Charles Odahl, "God and Constantine: Divine Sanction for Imperial Rule in the First Christian Emperor's Early Letters and Art," *The Catholic Historical Review* 81, no. 3 (July 1995): 331 http://www.jstor.org/stable/25024522.
[406] Ibid., 340.

God and God alone."[407] Odahl notes specifically Constantine's political thought in light of influences such as these: "the acceptance of political power from the Divinity required duties in return, and failure to perform those duties could result in divine anger and a consequent loss of divine benevolence."[408] The words of Constantine recorded by Eusebius, certainly then feel as if they are in character, and thus appear to be an accurate representation: "it appears that those who faithfully discharge God's holy laws and shrink from the transgression of His commandments are rewarded with abundant blessings and endued with well-grounded hope."[409] It is perhaps no coincidence that this bears a striking resemblance to Moses' words: "And if you faithfully obey the voice of the Lord your God, being careful to do all his commandments that I command you today, the Lord your God will set you high above all the nations of the earth."[410] Some of the Old Testament attitudes we have discussed seem to appear at this early stage.

Perhaps all these examples imply that there was greater clarity earlier than Dagron would like to admit. Or perhaps Dagron believes, although he does not say so clearly, that the Old Testament was the primary source for the idea of the emperor as priest from the very beginning. But this would seem to form a sort of contradiction. He discusses "the period when the imperial office was becoming increasingly sacralised and. . . was claiming. . . a quasi-priestly character and bolstering itself with Old Testament

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[407] Kristina Ann Meinking, "Anger Matters: Politics and Theology in the Fourth Century CE," Ph.D Dissertation, University of Southern California, December 2010, 21-22, accessed April 17, 2012, http://digitallibrary.usc.edu/assetserver/controller/item/etd-Meinking-4027.pdf

[408] Odahl, 344.

[409] As quoted in Cochrane, 184.

[410] Deut. 28:1 (ESV).

references," as the years surrounding the Isaurian dynasty.[411] He does claim, however, that the concept of a Christian emperor having a sort of priesthood goes back to Constantine.[412] A clearer assessment of these complexities, and the nuanced implications of Dagron's argument, is needed in future research.

Also, important Old Testament references are made during the reign of Justinian I. Wortley explains that "by the sixth century Byzantine emperors were beginning to take themselves seriously as quasi-Israelite kings."[413] Ousterhout argues that "Justinian's Hagia Sophia may have been meant to evoke the Heavenly Jerusalem, or the Throne of God, or the Temple of Jerusalem, or quite possibly all three."[414] He cites Gilbert Dagron, who "extends the metaphor to suggest that as the Hagia Sophia increased in prestige, it came to be regarded as the new Temple of Solomon, thereby equating Constantinople with Jerusalem."[415] Ousterhout ultimately argues that "the construction of sanctity at Hagia Sophia was a political act,"[416] claiming that

> The underlying allusions to the Temple at Hagia Sophia, then, took many directions. As a new Temple rebuilt by Justinian at the heart of Constantinople, it transformed the city into a new Jerusalem, emphasizing its sacred character, without necessarily replicating its forms. It also bolstered Justinian's claims to imperial authority, grounding his rule in the divinely sanctioned kingship of the Old Testament. These themes—the religious and the political metaphors provided by the Old Testament, by Solomon and his Temple.[417]

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[411] Dagron, 31.
[412] Ibid., 3.
[413] Wortley, 368.
[414] Robert Ousterhout, "New Temples and New Solomons: The Rhetoric of Byzantine Architecture," in *The Old Testament in Byzantium*, ed. Paul Magdalino and Robert S. Nelson (Washington, D.C.: Dumbarton Oaks Research Library and Collection, 2010), 239.
[415] Ibid.
[416] Ibid., 243.
[417] Ibid., 248-249.

After the completion of the Hagia Sophia, Justinian is recorded as making his infamous declaration: "I have conquered you, Solomon!"[418] Dvornik has clearly (as seen above) associated Justinian with a very comprehensive espousal of Hellenistic political thought, which Dagron never appears to answer sufficiently. How do such explicit Old Testament references fit in with an emperor who also seemed to very clearly express Hellenistic categories in his explanation of the emperor's role? We have argued that, largely consistent with Dvornik, Eusebius did indeed incorporate a great deal of Hellenistic elements into Byzantine thought and Christianized them via the Old Testament, most significantly through the use of the Mosaic motif. If Old Testament references are important from so early on, does this mean that continued use of the Old Testament, especially when used to support the emperor's role in the Church, were merely examples of the Byzantines following Hellenistic patterns? To a certain degree, this does seem to be the case, although it does not appear to harmonize very well with the fullness of Dagron's picture. It may be that many of the tendencies Dagron identifies with the Old Testament were indeed developed before the Old Testament had as formative of an influence and have Hellenistic foundations.

A few things need to be kept in mind, though. First, the Old Testament does seem to be used to diminish the emperor's role in a way that seems derived from a sincere attempt to apply the text to political realities. Dagron describes the development of a ceremony that was "aimed to give the impression of a certain distance between the palace and the church."[419] He explains that behind the "processional itinerary" were a number of

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[418] Evans, 258.
[419] Dagron, 97.

"memories, *exempla*, fables or images."[420] An important memory is when Theodosius was kept from entering "the church by force" and later repented, "stretched out on the ground, repeating the words of David: 'My soul cleaveth unto the dust.'"[421]

Dagron also discusses the image presented at the narthex of the Hagia Sophia, of an emperor bowing to Christ.[422] He associates this with the belief that "repentance is constitutive of royal legitimacy" and that this image matches that of the penitent David – noting also that "in the *exemplum* drawn from his reign, David is clearly the model."[423] The model of David as repentant and subservient to the priestly authority is in some ways set against the model of Melchizedek:

> the mosaic in the narthex of St Sophia. . . is the image of every Davidic emperor who wept for his lost legitimacy and recovered it only by renouncing the priesthood of Melchizedek, that of kings, and acknowledging to the priesthood of Aaron, that of the clergy, the privilege of binding and loosing.[424]

Indeed, the model of David was very important in tempering the emperor's authority.

Furthermore, even if the Old Testament references that were deployed to justify imperial involvement in the church were just a veneer for Hellenism, it could also be argued that the Old Testament was later used in ways that seem wholly original or at least sincerely driven by a desire to apply Scripture to life. The clearest evidence of this seems to be the part of the ceremonial when the emperor's "quasi-priestly character" was momentarily recognized by allowing him to enter "through the Holy Doors into a priestly space" which Dagron believes is based upon a reading of Moses' and Aaron's entrance

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[420] Ibid., 104.
[421] Theodoret of Cyrus as quoted in Dagron, 106.
[422] Dagron, 114.
[423] Ibid., 114-124.
[424] Ibid. 124.

into the tabernacle in Leviticus 9:23.[425] The infamous Leo III supposedly claimed to be both "emperor and priest."[426] Dagron maintains that to make such a claim one "had to believe" that they actually *was* Melchizedek.[427] Rapp argues that "the emperors themselves shaped their behavior according to" the "models" set for them in the Old Testament.[428] This reveals the fundamental difference between the respective approaches of Dvornik and Dagron: "everything turns on this, less in the coherence of the ideas than in the superimposing of models."[429] For the Byzantines "priestly kingship was neither an idea, nor a theory, but a person, that of the enigmatic Melchizedek."[430] The Philonic tradition of setting up Old Testament figures as models for imitation, both in the context of individual piety and ethics, or in societal roles, had come full circle and the Old Testament itself, rather than merely the ideological background of Platonism or Stoicism, was filling in the content.

It was also Leo III who is generally thought of as the one who initiated the iconoclast controversy. Dagron explains that his claim to the priesthood is significant because "it stripped away the veil of rhetoric beneath which the Constantinian project and the ambiguity inherent in the Christian empire itself had been concealed."[431] Philo had claimed that Melchizedek "was a priest because he was just" and that in the aftermath of Leo III it was still maintained that an orthodox, or "*ideal* emperor was also a priest,"

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[425] Ibid., 110.
[426] Ibid., 158.
[427] Ibid., 166.
[428] Rapp, 181.
[429] Dagron, 4.
[430] Ibid., 173.
[431] Ibid., 158.

Dagron suggests.[432] There were reactions against Leo III's pretensions to priestly status, even though they were consistent with "what everybody thought." It was a problem because it was "said. . . at the wrong moment, at a time of violence, injustice and heresy," and Leo was told "that he was no longer a just king."[433]

Maximus "was, above all, probably the first explicitly to oppose this distinction between the 'two powers' to the notion of sacerdotal kingship."[434] Maximus claimed that the emperor "is not [a priest]. . . for he does not participate in the sanctuary" or give the Eucharist, or perform ordinations, etc.[435] It is unlikely to be a coincidence in light of our earlier discussion about the Mosaic motif that Maximus writes in the midst of a discussion of personal spiritual progress that

> nothing prevents anyone from willing to become Melchisedec, and Abraham, and Moses, and simply transferring all these Saints to himself, not by changing names and places, but by imitating their forms and way of life.[436]

Both Melchizedek and Moses were both relegated to examples of personal piety applicable to all people in the context of criticism of the emperor's involvement in the Church.

In the wake of the upheavals surrounding iconoclasm and Leo's supposed claim,

> the emperors were permanently suspect, caught in the mesh of a rhetoric of the 'almost-priest' and of a Melchizedekian model associated with the historical development of their power since Constantine the Great. . . . This explains the

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[432] Ibid., 306.
[433] Ibid., 181.
[434] Ibid., 171.
[435] Maximos the Confessor, "Maximos the Confessor on the Limits of Imperial Power over the Church," in *Byzantium: Church, Society, and Civilization Seen through Contemporary Eyes*, ed. Deno John Geanakoplos (Chicago: University of Chicago Press, 1984), 138.
[436] Maximus the Confessor, "Difficulty 10," Translated by Andrew Louth, in *Maximus the Confessor* by Andrew Louth and Maximus the Confessor (New York: Routledge, 1996), 118.

> extreme caution of the ceremonial 'entry' to St Sophia; it had to concede to the emperor a quasi-sacerdotal character, without ever putting him in the position of uttering Leo III's 'little phrase' – 'I am emperor and priest ' which would immediately have disqualified him.[437]

The Old Testament was certainly the main source text by which attempts were made to answer the complexities of a Christian empire. Perhaps future research inspired by Dagron will prove that the Old Testament indeed was more important early on in developing tendencies that has been attached to Hellenism, or at least that Dagron was more correct than we have given him credit for in his claim for the early ambiguity of Christian political tendencies, but at the very least the important role the Old Testament had for the Byzantines in their political development is now quite clear.

We have said little of iconoclasm itself, and we shall not consider it in detail. Much has already been written on the subject. I merely hope to show how the perspective described helps to better contextualize the developments of that era. It is important to remember the oft-cited fact that the iconoclasts were influenced by a variety of Old Testament passages.[438] This raised important questions of biblical interpretation for the Byzantines,[439] for the iconophiles asserted to the contrary that it was a "distortion of Scripture for the iconoclasts to apply to it the biblical passages that prohibited making and worshiping false gods."[440] Scholars have agreed "that the imperial reform was basically motivated by a perception that God was punishing his chosen people for the idolatry of icon-worship."[441] The Old Testament was explicitly being applied to the law,

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[437] Dagron, 191.
[438] Jaroslav Jan Pelikan, *The Spirit of Eastern Christendom: (600-1700)* (Chicago: Univ. of Chicago Press, 1984), 107.
[439] Pelikan, 214-215.
[440] Ibid., 123
[441] Magdalino and Nelson, 20.

and in a context that makes it fairly clear that it was inspired by a sincerely held fear regarding their level of faithfulness to God. Even if all of our earlier assertions about literal Old Testament influence in specific laws were false, by this period there are at very clear instances that we can point to. After Justinian II

> the conviction was intensified that the chosen people needed to regain God's favor by stricter application of and obedience to divine law. The eighth century saw the promulgation in 741 of a new imperial law code, the *Ecloga* of Leo III and Constantine V, based on the Justinianic corpus but with a more religious and less Roman rationale; it may even have been an attempt to implement the letter of the law of Moses.[442]

There are "some scholars" who consider "the *Ecloga* the first law code to be influenced by Christian principles."[443] Brubaker and Haldon describe the distinctive aspect of this law code as "its emphasis on corporal mutilation, following an Old Testament pattern." They remark that "the parallels frequently drawn during the seventh century between the fate of the Romans, as the Chosen People of God, and that of the Jews of the Old Testament, is apparent."[444] These examples add to our argument that the Old Testament was an important, indeed a fundamental, source for Byzantine political tendencies.

Many important developments took place in the world of Byzantine biblical theology, and their views of the emperor, after this point. It was after iconoclasm and during the reign of the Macedonians that the references to Melchizedek were given up in place of more Davidic references, and during this time that the Book of Ceremonies (containing descriptions of the ceremonial we have described in part above) were

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[442] Ibid., 19.
[443] Geanakoplos, Deno John. *Byzantium: Church, Society, and Civilization Seen through Contemporary Eyes*. Chicago: University of Chicago Press, 1984., 78.
[444] Leslie Brubaker and John F. Haldon, *Byzantium in the Iconoclast Era (c. 680-850): A History* (Cambridge: Cambridge University Press, 2011), 78.

organized into a written work.[445] In 843, the "Triumph of Orthodoxy" (that is, the final victory of the iconodule party) "spelled the end of the attempt to apply the letter of Old Testament law to the reality of Byzantine life."[446] The Eclogues were "rejected by the succeeding Macedonian dynasty. . . who considered the Isaurian emperors, as supporters of Iconoclasm. . . to be heretics."[447] We can pursue these development no further, however, for we have reached the stage of Dagron's work that is sufficient for our assessment of his argument.

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[445] Dagron 218-219.
[446] Magdalino and Nelson, 21.
[447] Geanakoplos, 79.

CONCLUSION

There are no easy answers as to whether classical culture or Christianity was more important to the Byzantines in the development of their political structures and tendencies. Biblical references, inherited attitudes, assumptions, and structures, intermingle and operate on a number of different levels. But, I have hopefully illustrated that the Old Testament was very important to the Byzantines, that there were important reasons that this was so, and that new questions and approaches need to be considered as scholarship continues. Dagron and others have opened the door for very important changes in the way we assess Byzantine politics, and no assumption should be left unchallenged as this new proclivity of thought carries us forward.

Even if we maintain that the concept of the emperor as priest had ultimately Hellenistic origins, the Old Testament did indeed become the main source-text by which such tendencies were constructed, and that the Old Testament was asserted in ways that critiqued and altered these tendencies. The Byzantines were Christians who took Scriptural revelation seriously – and took the Old Testament especially seriously because of early precedents set by the early Greek apologists and key individuals such as Eusebius. As time progressed, the Old Testament became increasingly important and took the place of Hellenism as the key inspiration for the tendencies of the Byzantine political system, also at times serving as an inspiration for changes in the Roman legal tradition they had inherited, though attempts to literally apply Old Testament law ended after Iconoclasm.

The picture we have sketched can now be summarized in the following manner. Philo of Alexandria and the early Eastern Christians had created a theological and

intellectual context in which the Old Testament was placed in a very important position, and was bound to be used in important ways. It was a source for distancing Byzantium from its classical heritage from its earliest uses in Eastern Christianity. The attempts to read the Old Testament in ways consistent with the classical tradition, particularly in terms of looking to the Old Testament for models to imitate, would later come back to undermine at least some aspects of the classical tradition. The Byzantines were Christians. They took their religious beliefs extremely seriously, and were steeped in precedents that were bound to make the Old Testament uniquely important for them. The assertion of the Old Testament in the development of political tendencies barely could have been helped, and indeed, was highly significant.

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