

## 538 A.D. and the Transition from Pagan Roman Empire to Holy Roman Empire: Justinian's Metamorphosis from Chief of Staffs to Theologian\*<sup>1</sup>

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### Abstract

*The year 538 A.D. became the turning point in the history of the Roman Empire since so many aspects on political, administrative and economical levels were already switched off that when Justinian declared himself to be a theologian from this year and no longer a soldier, he crossed the barrier of his mandate between what is purely civil obligation and what is religious obligation, similarly to Constantine before, and entered in competition with the papal function and this role is evidence of Justinian's ongoing caesaro-papism. The quest for unification of the empire by unification of the church, the fever for church-building projects with his wife Theodora, the persecution of enemies of the church and heretics, his disdain with the Sabbath although his second name was Sabbatini, his support for suppressing any eschatological fever in line with the church fathers and Oecumenius and yet trying to build the 'Kingdom of God' on earth, all this indicate the problem 538 was for the Roman Empire and the Catholic Church. Archaeological and historical original sources of Justinian and contemporaries of popes, biographer of Justinian and a commentator on Revelation (Oecumenius) are very revealing of these times and the shift or transition of what belonged to the Roman Empire handed over since 538 A.D. to the church and the papal function. The Code of Justinian was a persecuting instrument. Justinian upheld the supremacy of the papacy. He permitted through the Council of Orleans actions to be done on Sunday that Constantine prohibited like travel and preparation of food and cleaning the house. In Novellae CXLIV Justinian instituted a Seventh-day Sabbath persecution. He changed the times and laws ad hoc as his Novellae XLVI and coins of 538 A.D. (XII year) indicate. Private gatherings were persecuted. He had church-manual laws. Justinian studied Systematic Theology on the nature of Christ and wrote homiletical rules for preachers. He gave text-critical advice to Jews and condemned their doctrinal deviations. This theological hobby of the ruler of the once mighty Roman Empire was to be taken over by a more theological competent power that would eventually lead to papal-caesarism until the unsettling of this new aggrandizing paradigm in 1798 by Napoleon. The prophetic embedding of the 1260 days as "years" prophecies in both Daniel 7 and Revelation 12 definitely started in 538 A.D. contrary to W. Spicer's (1918) suggestion of 533 or 538 as two alternative dates or any other dates suggested by other scholars in the history of interpretation in historicism. It is also not just a case of history of interpretation hermeneutics but data solidly supported by archaeology, iconography and original historical sources that coincides with the parameters provided by exegesis of the rest of the Books of Daniel and Revelation added with the exegesis of the detail of the passages under consideration. A necessary ingredient for the historical researcher remains to be the faith that God can predict the future and He did and that the data as well as the prophecies of the Biblical Text are evidence of that.*

### 1. Introduction

There is something to be said about each legal system, that they represent some fingerprint that gives it a peculiar character and even if that system is warmed up and rebaked in other centuries later, one can trace the fingerprint back to its original inventors.

<sup>1</sup>\*The present study is the result of an interaction and cooperation between a number of researchers coming from a wide range of backgrounds and educational qualifications and experience. All of them are recognized leaders in their talents and educational upbringing. Some are Emeritus professors, others are still teaching. They are coming from different continents and countries.

The code of Justinian became a handy tool in the hands of the successors in ecclesiastical circles in Middle-Age legal systems. This biased legal system led to the persecution of many people during the period between 538-1798.<sup>2</sup> When the new Catholic Canon Law came out, the role of Justinian in its design was fully recognized.<sup>3</sup> Justinian was the great compiler of a legal system that brought together ecclesiastical related matters to the civil law from the time of Constantine to his own and presented his world in 534 A.D. with a code mixed with Christian religion and state matters. He recognized only one religion and that is the Christian Orthodox religion with the supreme head at Rome. He became increasingly disinterested in state affairs and studied himself into Systematic Theology and the area of Christology.

By 538 A.D. he publically laid down his interest by declaring that he is no longer chief in Staff for the army but a theologian and that is how his image on the coins should look like. This religious fire in him brought him in trouble with many and he abused his imperial power for his own goals. It is very likely that the evils that he and his wife did (according to his biographer Procopius) were true and that their conscience plagued them every night and in order to squash the inner voice of self-acknowledged guilt, so that they embarked upon a religious overdrive, giving themselves the license to steal from the rich (with a robin-hoodism rationalization) and give to the ecclesiastical poor in many forms, which included the building-programs of 37 enormous churches throughout the empire. Many scholars have written about this imperial couple but none have made the iconography on the coins of 538 A.D. the pivotal point of investigation to understand Justinian in the context of a broader picture relevant also in our own times. The date 538 A.D. is fixed archaeologically by numismatics and with the clear marker XII of twelve year of Justinian on it, which is significantly the first time they appeared. Why this happened and how it happened and what the consequences were for the shift in the life of Justinian was to produce a paradigm shift from Pagan Rome to the Holy Roman Empire.<sup>4</sup>

<sup>2</sup> R. Hilberg indicated in his research on hatred towards Jews that “Das Dritte Reich ist die erste Macht, die die hohen Prinzipien des Papsttums nicht nur anerkennt, sondern auch praktiziert.” (R. Hilberg, citing from [January 14, 1934]. „Ritter des Malteser Ordens Franz von Papen,“ *Der Völkische Beobachter*; R. Hilberg, [1982]. *Der Vernichtung der europäischen Juden. Die Gesamtgeschichte des Holocaust*. Berlin, 15. <http://de.wikipedia.org/wiki/Benutzer:Jesusfreund/Judenfeindlichkeit>. Dating to Monday 2 November 2009. Retrieved 21 January 2016). Hilberg has many revisionists [H. Arendt] who tried to soften his stance on historical data but regardless what of the agendas of scholars about the facts (attempt to hide or an attempt to display), some points Hilberg made is worth looking at. About the goal of anti-Semitism he said: “Der Holocaust war nur der logische Schlusspunkt einer langen Vorgeschichte. Er war kein absolutes ‘Novum’, kein ‘Betriebsunfall’, keine ‘Katastrophe’ usw. Die deutsche Bürokratie konnte ihn nur darum so schnell und gründlich durchführen, weil sie auf jahrhundertelange Erfahrungen der Kirche mit diesem Vorgehen zurückgreifen konnte. Die kanonische Recht der katholischen Kirche enthält sämtliche Massnahmen, die die Nazis übernahmen: Ghettos (Judenviertel); Boykott jüdischer Geschäfte; Synagogen in Brand stecken; Enteignungen; gelbe Sterne; Schriften verbrennen; aus Ämtern entfernen; Apartheid in Schulen; Lager.” There is not a single example in Hilberg’s list, in which Justinian did not participate, with the help of his legal code and in consultation with the Papal See of his time. The Papal See had the same challenges that those in the time of Hitler had, but in Justinian’s time, he abdicated himself from the imperial throne and made himself a kind of “layman caretaker of the whole church” including the papacy.

<sup>3</sup> James A. Coriden, Thomas J. Green, Donald E. Heintschel, (1985). *The Code of Canon Law: A Text and Commentary* (New York: Paulist Press), said “Finally, it should be recalled that canon law and Roman civil law were at times intermingled. Many imperial constitutions, particularly under the emperor Justinian, dealt with ecclesiastical matters, and bishops were often called upon to serve as arbiters of disputes or in other secular capacities. Some of the early church laws on subjects such as marriage can be found in the Roman law collection entitled *Corpus Iuris Civilis*”.

<sup>4</sup> Procopius was convinced that the glory of caesaropapism since Constantine is mutated into a manifestation of the Antichrist in Justinian (B. Rabin, (1960). Der Antichrist und die “Apokalypse” des Prokopios von Kaisareia. *Zeitschrift der Deutschen Morgenländischen Gesellschaft* Band 110: 55-63). Says Rabin: “Prokop betrachtet das Iustinianbild durch eine gleichermassen dämonologisch, domitianisch und apokalyptisch [*Apocalypse of Elijah* 34,1] gefärbte Brille, daran lassen die Einzelheiten wie die religiös erhitzte Tonart der Geheimgeschichte keinen Zweifel” (Rabin 1960:62). The more Justinian tried to be the Elijah preparer of the way for the millennium of the Messiah by building projects all over the empire, by trying to unify every aspect of the empire, politics, nations, religion, spreading Christianity, building Constantinople rather than Jerusalem to impress Him, the more suspicious he had the papal See and them all concerned that he was playing in the hands of the Antichrist. Procopius gave evidence of these eschatological concerns in those days. According to Procopius in Anecdota VIII 13-21 there is a correlation between the Antichrist connections of both Domitian and Iustinian. In this paragraph Procopius depicted the demonic aspects of Justinian that someone saw that he was suddenly headless and then the head appeared again. Strange satanic incidents are reported.

That the Code of Justinian had teeth that could bite, called persecution, is undoubtedly. According to the prophetic interpretation with a historicist mode, many scholars in the books of Daniel and Revelation were looking through the centuries in the explanation of the period 1260 days seen as years by historicists. The investigation of Le Roy Froom in 1948 indicated that scholars between 1608-1798 had different views of the starting point of this long prophetic period in both biblical prophetic books. A number of these scholars suggested the time of Justinian and some suggested 533 A.D. but there are also those who suggested 538 A.D. The historicist W. Spicer (1918) suggested that both are good options: 533 A.D. and 538 A.D. There are those who want to reject historicism as mode of prophetic interpretation because scholars disagree among themselves as to dates. It is true that there are differences but all of them are working with sources and the problem of the sources is that they are not always readily available to these researchers due to the listing of “forbidden books”, book-banning and book-burning practices during the period of 1260 years. The best one can say of their erroneous calculations is that they were close enough for their sources and their time. The relevancy of the investigation of the role of 538 A.D. in the life of Justinian, the papacy and prophetic interpretation is part of the *modus operandi* of this research

## 2. Literature Review

The rise of the papacy as supreme power was presented in a book and paper by Frances Dvornik in 1961. The scend is gradual but insistent and demanding.<sup>5</sup> The *Collectio Avellana* is a prime source for research of this type. These 244 manuscripts dealt with heresies and schism and how the papal and imperial powers approached the issues. It ends with the last letter written by emperor Justinian to pope Vigilius on the 14<sup>th</sup> of May 553.<sup>6</sup> The *Corpus Novellae* of Justinian is an ingredient part of this research.<sup>7</sup> The *Liber Pontificalis* is another source that is essential for a study like this. It originated in the year 510 in the days of the primacy of the papacy insistence pope Homisdas and the intention was to illustrate the role of the popes.<sup>8</sup> The popes with whom Justinian and Theodora dealt that are relevant here are pope Johannes II (533-535);<sup>9</sup> pope Agapetus (535-536);<sup>10</sup> pope Silverius (536-537);<sup>11</sup> Vigilius (537-555).<sup>12</sup> A helpful source for those who struggle to get access to the originals or good translations thereof of the papal letters to Justinian and other pertinent sources mentioned in this writing, is the *Source Book* Vol. 2 on AD 538 by Heidi Heiks (2010).<sup>13</sup> For a helpful chronology of Justinian, the Gothic kings, the Vandals as well as the year from Creation as calculated by Jerome, see the *Chronica Minora* edited by T. Mommsen 1894.<sup>14</sup>

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In the Apocalypse of Elijah 34.1 it was stated that the Antichrist or man of sin will suddenly be old and then young interchanging. Rabin is convinced that Procopius had this passage in mind here as template for fulfillment (Rabin 1960: 59).

<sup>5</sup> Dvornik, F. (May 1961). Byzantium and the Roman Primacy. *The American Ecclesiastical Review* 289-312. Online available 12<sup>th</sup> of June 2016 at <http://www.catholicculture.org/culture/library/view.cfm?id=1355>. In his book W. Ullmann focused on the shaping power of the papacy as institution (a transpersonal focus) that made popes important or not (W. Ullmann [1955] *The Growth of the Papal Government in the Middle Ages*. Londra: Methuen).

<sup>6</sup> Guenther, O. (1895). *Epistolae Imperatorum Pontificum Aliorum Inde ab a. CCCLXVII usque DLIII datae Avellana Quae Dicitur Collectio*, in *Corpus Scriptorum Ecclesiasticorum Latinorum*, Vol. 35, in 2 parts (Prague/Vienna/Leipzig).

<sup>7</sup> Schoell, R.; Kroll, W. (1928). *Corpus Juris Civilis*. Vol. III. Novellae. Berlin: Weidmanns. Available online from <https://ia801403.us.archive.org/31/items/corpusjuriscivil01krueuoft/corpusjuriscivil01krueuoft.pdf> (Latin) and Scott, S. P. (1832). *The Justinian Code from the Corpus Juris Civilis*. Cincinnati: The Central Trust Company (English).

<sup>8</sup> D. Deliyannis, (2014). The Roman *Liber Pontificalis*, Papal Primacy, and the Acacian Schism. *Viator* Vol. 45/2: 1-16. For the date of its compilation as between 514-530 see *Liber Pontificalis* by Duchesne 1886: XLV. Duchesne knows of two manuscripts Parisinus 5140 and Vaticanus 3764 (Duchesne 1886: XLVII).

<sup>9</sup> Duchesne (1886): 285-286.

<sup>10</sup> Duchesne (1886): 287-289.

<sup>11</sup> Duchesne (1886): 290-295.

<sup>12</sup> Duchesne (1886): 296-302. Four letters of Vigilius were studied by E. Schwartz in 1940 in order to look at Justinian's ecclesiastical politics (E. Schwartz [1940]. *Vigiliusbriefe. Sitzungsberichte der Bayerische Akademie der Wissenschaften Philosophisch-historischen Klasse*. München. Pp. 1-32). For some letters by Vigilius see H. Heiks (2010). *AD 538: Source Book* Vol. 2. Ringgold, GA: TEACH Services, Inc., pp. 266-267 cited from Mansi, Joannes Dominicus (1902). *Sacrarorum Conciliorum: Nova, et Amplissima Collectio*, bk. 9, facs. Ed. Paris: Welter, 9: 32-33.

<sup>13</sup> H. Heiks, (2010). *AD 538: Source Book* Vol. 2. Ringgold, GA: TEACH Services, Inc.

<sup>14</sup> T. Mommsen (1894). *Chronica Minora Saec. IV. V. VI. VII. Vol. II* (Berlin: Weidmannos), 249. For an overview of biblical chronology and secular history including Justinian, but a wrong length of the time for the enslavement [not 144 but 400 years], see Mommsen (1984): 482-488.

Faber said that the rise of the papacy as power was “in the year 606 when the Pope was declared *Bishop of Bishops and supreme head of the Catholic Church*. At this era which is the proper date of the 1260 years...”<sup>15</sup> Actually the papacy was declared that by emperors already a long time ago and evidence for that is in the Code of Justinian.

Justinian used these words in his letter to Pope Johannes in 533.<sup>16</sup> S. R. Maitland (1837) said that Mede, Sir I. Newton, Bishops Hurd and Newton all calculated the 1260 days of Revelation and Daniel as 1260 years.<sup>17</sup> He felt that any period that indicated a division of the Roman Empire is a candidate for this event starting the 1260 years. Bishop Newton<sup>18</sup> apparently said that if one is to find the ten kings, one has to look at the broken pieces of the Roman Empire”.<sup>19</sup> For Frere the starting date for the 1260 years is 536.<sup>20</sup> Faber wanted it to start before 325 A.D. and Cuninghame suggested the thirteenth century.<sup>21</sup>

Maitland used Frere and Cuninghame to argue against Faber that the date is not 606 but 533 with the Edict of Justinian.<sup>22</sup> For Mede the prophetic persecution started in 456 A.D.<sup>23</sup> Faber said to Mr. Bicheno “If the 1260 years be computed from the year 534, they carry us beyond the year 1789; and an error of five years as effectually invalidates a numerical calculation as an error of five centuries . . . what can an event which happened in the year 534, have to do with a date which is declared to be the year 529?”<sup>24</sup> Frere was in search for the year the Edict was published.<sup>25</sup> Another author placed it in 583 A.D.<sup>26</sup> Hales suggested 620 A.D. Bishop Newton in 727 A.D. and Lowman in 757 A.D.<sup>27</sup> These are the times given for the ‘saints given in the hands of the beast’ as predicted by Daniel and Revelation. Maitland himself seems to say the event took place sometime in the fifth, sixth, seventh or eighth centuries. He called on all researchers of the 1260 days as 1260 years to cite their sources with accuracy and check whether the source was correctly used and cited.

W. Spicer (1918) wrote on the 1260 years. In his diagram he dates it either between 533 to 1793 or between 538 to 1798.<sup>28</sup> Spicer said that in 533 came the recognition of the supremacy of the pope and in 538 the sword came to Rome.<sup>29</sup> He found from secondary sources that used the originals that a turning point was in the year 538 when Vigilius became pope in the place of pope Silverius. He was removed in 537 but Justinian intervened and he was kept until 538.<sup>30</sup> Revelation 13:2 says that the “dragon gave him his power, his seat and great authority” and if historicist exegetes are right about Revelation 13’ first beast as the Holy Roman Empire, then the actions of Justinian, Belisarius answering the call of the pope to come to Rome with his military for defense, the coin change of Justinian in 538, his public announcement to the whole empire that he is a theologian and not a soldier in 538 on his coins, his ecumenical and theological interest in Systematic Theology recognized by pope Johannes in his 533 letter to Justinian, Justinian’s emphasizing the supremacy of the papacy in 533 in his letter to Johannes, all these factors point to a paradigm shift in the history of that time: that is to say, the fall of the Pagan Rome Empire and the Ascendancy and development of the papacy to form the Holy Roman Empire. With the seat of Justinian symbolically “vacant” as emperor, the “symbolic power gap” was there for the papacy to take it.

<sup>15</sup> Faber (1806): 404.

<sup>16</sup> See Guenther (1895): 322 paragraph 7. All are to be subjugated to the Apostolic see pertaining to worship.

<sup>17</sup> S. Maitland (1837): 31

<sup>18</sup> Faber (1806) Vol. I: 460.

<sup>19</sup> Maitland (1837): 31.

<sup>20</sup> Maitland (1837): 40.

<sup>21</sup> Maitland (1837): 41.

<sup>22</sup> Maitland (1834): 46.

<sup>23</sup> Maitland (1834): 47.

<sup>24</sup> Op. cit. Maitland (1834): 47. Faber (1806) Vol. I: 309.

<sup>25</sup> Maitland (1834): 48.

<sup>26</sup> Maitland (1834): 48.

<sup>27</sup> Maitland (1834): 48.

<sup>28</sup> W. A. Spicer (1918). “The 1260 years of Daniel’s Prophecy,” in *Our Day in the Light of Prophecy* (Washington, DC: Review and Herald Publishing Association], 131-138).

<http://documents.adventistarchives.org/Search/Pages/results.aspx?k=spicer%201260&u=http://documents.adventistarchives.org/Books&s=Entire Online Archives>.

<sup>29</sup> Spicer (1918): 137.

<sup>30</sup> Spicer (1918): 135.

L. R. Froom<sup>31</sup> investigated between 1603-1798 nearly 37 scholars who investigated the starting point for 538 and gave the results as follows: George Downhant (1603) (see b in footnote 31); James I of England (1600) (see c in footnote 31); Joseph Mede (1631) (see d in footnote 31); John Tillinghast (1655) (see e in footnote 31) who placed it at **396**; Thomas Goodwin (1654) (see f in footnote 31); William Sherwin (1670) (see g in footnote 31); Thomas Beverley (1684) (see h in footnote 31) who suggested the starting date to be **437**; Drue Cressoner (1689) (see i in footnote 31) started the period at the time of **Justinian**; Johannes Gerhard (1643) (see j in footnote 31); Andreas Helwig (1612; 1618 and 1630) (see k in footnote 31); Daniel Cramer (1618) (see l in footnote 31) George Pacard (1604) (see m in footnote 31); Pierre Jurieu (1687) (see n in footnote 31) give the date as **454**; Johann H. Alsted (1681) (see o in footnote 31); Matthias Hoe (1618) (see p in footnote 31); Johannes Cocceius (1701) (see q in footnote 31); Robert Fleming, Jr. (1701) (see r in footnote 31) suggested the time of **Justinian**; Daniel Whitby (1703) (see s in footnote 31); William Lowth (1700) (see t in footnote 31) gave the date as **606**; Charles Daubux (1720) (see u in footnote 31); Sir Isaac Newton (1727) (see v in footnote 31) William Whiston (1706) (see w in footnote 31) gave the date as **606**; Theodore Crinsoz de Bionens (1729) (see x in footnote 31) suggested about **400**; Thomas Pyle (1735) (see y in footnote 31); Thomas Newton (1754) (see z in footnote 31) gave the date as **533**; Jean C. de la Flechere (1800) (see aa in footnote 31); R. M. (1787) (see bb in footnote 31) James Purves (1777) (see cc in footnote 31); Heinrich Horch (1712) (see dd in footnote 31); Georg Hermann Giblehr (1702) (see ee in footnote 31); Berlenberg Bible (1743) (see ff in footnote 31); Johann A. Bengel (1740) (see gg in footnote 31); Johann Ph. Petri (1768) (see hh in footnote 31) suggested **587**; Hans Wood (1787) (see ii in footnote 31) give the date as **620**; John Willison (1745) (see jj in footnote 31); George Bell (1795) (see kk in footnote 31) presented the date as **537**; Jacques Phillipot (1685) (see ll in footnote 31) gave the date as **445**; James Bicheno (1793) (see mm in footnote 31) give the date as **529**; Edward King (1798) (see nn in footnote 31) suggested **538**; Richard Valpy (1798) (see oo in footnote 31) gave the date as **538**; David Simpson (1797) (see pp in footnote 31) explained the date as **538**; Christian G. Thube (1789) (see qq in footnote 31); Joseph Galloway (1798) (see rr in footnote 31) gave the date as **606**.

In an article by A.F. Vaucher, he discussed the 1260 year-day principle with the Joachimites and indicated that they saw the beginning of the 1260 years as the year 1 or the end of the New Testament and believed that Christ may come in 1260 A.D. M. C. Maxwell, wrote in 1951 a Master Thesis on the beginning and ending of the 1260 days of prophecy as 538 and 1798.<sup>32</sup> H. S. Prenier wrote in 1919 a manuscript on the 1260 year-day prophecies.<sup>33</sup>

<sup>31</sup> Le Roy Edwin Froom (1948). *The Prophetic Faith of our Fathers Vol. II* (Washington DC: Review and Herald), 786-787. b = Froom 1948: 535; c = Froom 1948: 536; d = Froom 1948: 542; e = Froom 1948: 570; f = Froom 1948: 573; g = Froom 1948: 576; h = Froom 1948: 581; i = Froom 1948: 588; j = Froom 1948: 602; k = Froom 1948: 605; Edwin de Kock 2010; l = Froom 1948: 608; m = Froom 1948: 627; n = Froom 1948: 636; o = Froom 1948: 610; p = Froom 1948: 611; q = Froom 1948: 613; r = Froom 1948: 642; s = Froom 1948: 649; t = Froom 1948: 670; u = Froom 1948: 655; v = Froom 1948: 658; w = Froom 1948: 671; x = Froom 1948: 678; y = Froom 1948: 680; z = Froom 1948: 684; aa = Froom 1948: 687; bb = Froom 1948: 691; cc = Froom 1948: 694; dd = Froom 1948: 698; ee = Froom 1948: 701; ff = Froom 1948: 702; gg = Froom 1948: 709; hh = Froom 1948: 713; ii = Froom 1948: 719; jj = Froom 1948: 728; kk = Froom 1948: 741; ll = Froom 1948: 726; mm = Froom 1948: 746; nn = Froom 1948: 765; oo = Froom 1948: 770; pp = Froom 1948: 775; qq = Froom 1948: 777; rr = Froom 1948: 779.

<sup>32</sup> M. C. Maxwell, An exegetical and historical examination of the beginning and ending of the 1260 days of prophecy with special attention given to A.D. 538 and 1798 as initial and terminal dates. Andrews University, James White Library, Adventist Research Center/ Lower Floor F1Th. M465. Maxwell asked what happened during this period: persecution, papal dominance, or temporal power (Maxwell, 12). Maxwell was a product of his time (1950's) and slightly pessimistic about the papal dominance for 1260 years (idem). Variations and sliding date scales were a headache to Maxwell. Historiography is a matter of sources and it depends which secondary sources is treasured for their overviews and secondly, what the original sources teach us about the situation. To cite Maxwell's conclusions, partly derived from Le Roy Froom, is not a complete treatment of the original sources of Justinian's time and a revisionist historiography like the current research here presented, may open-up new avenues not considered before by these men. Maxwell seems to confessionally describe the sixth century as adequate starting date and 1798 as adequate date for the end of the 1260 years and also claim to have demonstrated that, but a number of doubting points, probably not originating by himself, has been entertained as well (Maxwell, 101). He conflated "gradual" with exact terminus ad pro and found it slightly uneasy a mixture. In E. G. White, *Great Controversy* (1911), she stated about the 1260 years: "This period, as stated in preceding chapters, began with the supremacy of the papacy, A.D. 538, and terminated in 1798" (cited from Maxwell, 37 footnote 60). The question to Maxwell here is this: does the papacy need temporal political power to be supreme or can he be supreme when the temporal power allocates supremacy to him? With the first option pessimism in historicism creates anarchy.



In 1854 T. M. Preble wrote a manuscript which is a review of the argument to prove that the 1260 years started in 519 A.D.<sup>34</sup> A Millerite F. H. Berick (1853) wrote a research on 1260, 1290 and 1335.<sup>35</sup> An article appeared on the topic of the end of the 1260 years in 1843.<sup>36</sup> W. Digby, (1831), also wrote on the 1260 years.<sup>37</sup> K. van Wyk, (1992), presented a devotional on new aspects surrounding the historicity of 538 regarding numismatics and Justinian.<sup>38</sup> A.R. Timm, (1990), wrote on two dates: 508 and 538.<sup>39</sup> Another paper appeared later.<sup>40</sup>

In an article by Daniel A. Augsburg in 1952, he discussed the date 538 A.D. and its surroundings.<sup>41</sup> This date, Augsburg indicated, marks the era of predominance of the spiritual-temporal power which fell heir to Imperial Rome. He noted that the period before 538 A.D. was one of territorial divisions and a time of growing nationalism and during this time a spiritual, intellectual and political unity was centered on the Roman Catholic Church.<sup>42</sup> According to Augsburg the metamorphosis of this change of events was actually slow. The Papacy did not grow overnight, he maintains. He studied in the paper three aspects: the Gothic wars before 538, the political significance of 538 and lastly some religious currents at that time. E. Thiele and Olson were also present at this Berrien Springs, Michigan meeting. He went to two libraries before this paper, the National Library in Paris and the Library of the University of Geneva.

### Gothic wars

The significance of the Gothic wars was that they “swept away Ancient Rome and ushered in Medieval Rome”.<sup>43</sup>

### Last days of Rome

Cassiodorus said during the last days of Rome “everything you see is made for admiration”.

When Theodoric took over Rome he respected its dignity and what changed was only “the ring of Gothic spears”.<sup>44</sup> This is confirmed also by I. Newton.

### Belisarius

He and his soldiers were the last visitors to behold the city so full of monuments and memories.<sup>45</sup>

With the second option, no matter what emperor continues to be in power, as long as letters and documents prove that he recognized the papacy to be supreme as world religious leader, the papacy is supreme. Maxwell did say that the dragon ceded power to the beast prior to the terminus ad pro (Maxwell, 103).

<sup>33</sup> H. S. Prenier, (1919), “On the 1260 days” Andrews University, James White Library, Adventist Research Center lower floor at 006421. <http://www.andrews.edu/library/car/cardigital/digitized/documents/b14946798.pdf>.

<sup>34</sup> T. M. Preble, (1854). “A review of the argument adduced to prove that the 1260, 1290 and 1335 days, as given by Daniel and John, began in A.D. 519” Andrews University, James White Library, Adventist Research Center lower floor at ASC 000369.

<sup>35</sup> F. H. Berick (1853). An investigation of the 1260, 1290 and 1335 days: as given by Daniel and John. Andrews University, James White Library, Adventist Research Center lower floor at. Heritage M-Film 2 Sec. 3 Reel 2 Item 2.

<sup>36</sup> “The end of the 1260 days” *Signs of the Times*, (July 19 1843): 158-159.

<sup>37</sup> W. Digby (1831). A treatise on the 1260 days of Daniel and Saint John: being an attempt to establish the conclusion that they are years; and also to fix the date of their commencement and termination. Andrews University, James White Library, Adventist Research Center lower floor at 000735.

<sup>38</sup> K. van Wyk (1992). “New strength to Adventist interpretation: 538 A.D.” Andrews University, James White Library, Adventist Research Center lower floor at 0001421.

<sup>39</sup> A. R. Timm (1990). “A short historical background to A.D. 508 and 538 : as related to the establishment of the papal supremacy” Andrews University, James White Library, Adventist Research Center lower floor at 0007962.

<sup>40</sup> Alberto R. Timm (2007). “A short historical background to A.D. 508 & 538 as related to the establishment of Papal supremacy.” In *Prophetic principles: crucial exegetical, theological, historical & practical insights. Scripture Symposium 1* Editor R. du Preez (LithoTech Graphic Services: 2007). Andrews University, James White Library, Center for Adventist Research, Lower Floor BS647.3.P762007. These papers were presented at the Scriptural Symposium at a Ministerial Retreat of the Michigan Conference of Seventh-day Adventists in 2006.

<sup>41</sup> D. A. Augsburg (1952). “The Beginning of the 1260 Days of Prophecy.” Andrews University, James White Library, Center for Adventist Research, Lower Floor.

<sup>42</sup> Augsburg (1952): 1. It is of relevant importance that territorial divisions and the upsurge of nationalism as well as the increase in Roman Catholic political participation in global affairs are again prevalent in contemporary times, as this article is written.

<sup>43</sup> Augsburg (1952): 3.

<sup>44</sup> Augsburg (1952): 3.

<sup>45</sup> Augsburg (1952): 4.

For 20 years it was blood and ruins.<sup>46</sup> What Augsburger found about this time was also presented by I. Newton earlier.

### Gregory the Great

When Gregory the Great became great he lamented about Rome: "Where is the Senate, where are the people? . . . The city is crumbling upon itself" he asked after 580 A.D.<sup>47</sup> By 580 A.D. Imperial Rome was already history and Ecclesiastical Rome kicking in.<sup>48</sup>

### Devastated city taken over by monks

"Imagination may strive to depict the desolate aspect of the city after its momentous conquest by Totila, or in the early days of the Byzantine dominion, when the scanty remnant of the populace, scourged by famine and pestilence, and menaced by the sword of the Lombard, seemed lost in the vast capital of the Caesars, Power, however, is denied *us* to visualize a picture so dark and terrible. Rome suffered a metamorphosis and became transformed into a city of cloisters, The metropolis of the universe was converted into a spiritual city, in which priests and monks bore entire sway, and built churches and convents with untiring zeal"<sup>49</sup>

### Interest in Roman Antiquity seized during the sixth century A.D.

Ambrose was a Roman gentleman, Augustine an admirer of the classics and neo-Platonism, Jerome was told by the angel that he is not a Christian but a Cicerian.<sup>50</sup> By 580 A. D. Gregory the Great was purely patristic. Something happened in between? This is the date 538 A.D.

### Latin fell in disuse

Justinian the great legal scholar "had to write his new constitutions, the Novels, in Greek 'in order that it may be known to all'"<sup>51</sup>

Latin of this period was filled with loanwords and barbarisms and both in Gaul and in the West, Latin had these words.<sup>52</sup>

### Architecture

Architecture before and after 538 A.D. changed for example the mosaics before was still Roman but after 538 A.D. they were oriental.<sup>53</sup>

### Gothic arrival in 546 A.D. and devastation

When Totila arrived in 546 A.D. there were only about 500 000 people in the city but they were humiliated for 40 days begging for food. "For forty days Rome presented the spectacle of Niniveh and Babylon".<sup>54</sup>

### The last Senate meeting

The last Senate meeting was in 546 A.D.<sup>55</sup>

### Consulship

"The consulship came to its end at about the same time. Belisarius was consul in A. D. 535 and the two following years no consul was elected. In 538, Justinian limited greatly the activities of the consul, but it only postponed the doom of that office for a few years. Basilus was the last person to hold the office in A. D. 541."<sup>56</sup>

<sup>46</sup> Augsburger citing C. Diehl.

<sup>47</sup> Augsburger (1952): 4.

<sup>48</sup> H. von Schubert (1912), *Staat und Kirche in dem Arianischen Reich* (München), 76.

<sup>49</sup> Augsburger (1952): 4 citing from T. Hodgkin (1891). *Theodoric the Goth* (London), p. 181; read the graphic description of Vita, *Historia Persecutionis Africanae Provinciae*. I, ii, 5, 6.

<sup>50</sup> Augsburger (1952): 5. On this see Ibid., pp. 1-4. He says that for a more complete appraisal of the attitude of the church fathers towards paganism, see G. Boissier (1909). *La Fin du Paganisme* (Paris), I, 199-214.

<sup>51</sup> Augsburger (1952): 5 citing Lot, 272-275. 538 A.D. was thus a time of decadence of Latin and upsurge of Greek.

<sup>52</sup> Augsburger (1952): 6 citing from Diehl, op. cit. p. 605.

<sup>53</sup> Augsburger (1952): 6 citing Diehl, 606-608; cf. Moss, 107; Grisar, I, 235.

<sup>54</sup> Augsburger (1952): 7.

<sup>55</sup> Augsburger (1952): 7 citing. This may have been a real boon for the papacy. Lécivain, C-H.,(1888). *Le Senat Romain depuis Diocletien* (Paris), p. 203) shows that in its last days the senate concerned itself mostly with. checking upon the behavior of the papacy. Cf. C. Diehl, (1888). *Etudes Sur L'Administration Byzantine Dans L'Exarchat de Ravenne* (Paris), p. 124ff.

<sup>56</sup> Augsburger (1952): 7 citing J. B. Bury, (1931). *History of the Later Roman Empire* (London), II, 348.

### **Justinian changing the times on the coins**

“It was around 538-539 that the practice of dating by regnal years of the emperor was introduced and the practice of formally dating years by consuls was slowly discarded.”<sup>57</sup>

### **Cassiodorus found a Monastery in 538 A.D.**

The statesman of Theodoric, Cassiodorus found the Monasterium Vivariense in his native town Squillace in Calabria.<sup>58</sup>

### **Church fed the people during the disastrous years following 538 A.D.**

Augsburger (1952) indicated that it was the church who fed the people after 538 A.D. described as disastrous years.<sup>59</sup>

### **Gothic wars considered the end of Imperial Rome and beginning of Papal Rome**

C. Diehl wrote “In this hour which marks for her (Rome) the end of ancient times, she was taking on the aspect that she was to keep during the whole Middle Ages and upon the debris of the palaces of the Caesars was slowly rising the authority of the popes.”<sup>60</sup>

### **Papacy originated on the ruins of Rome**

Augsburger cited that F. Lot says: “The pontifical theocracy of the Middle Ages and of modern times germinated amongst the ruins of ancient Rome.”<sup>61</sup>

### **Gregory the Great described the rise of the church on the ruins of Rome of the Gothic wars**

Gregory described very eloquently the summary of the churches’ rise to power:

“Amid the frightful storms of the Gothic War classical civilization perished in Rome and throughout Italy. In cities burnt, desolated and mutilated, ruins remained the sole evidence of former splendor. The prophecy of the Sybil was fulfilled. The night of barbarism had descended on the Latin world, a darkness in which no light was visible other than of the tapers of the church and the lonely student lamp of the monk brooding in his cloister.”<sup>62</sup> George Butler in 1885, as a president of the Seventh Day Adventist church, cites a speech of a bishop at the Ecumenical Council in 1870 which said: “Pope Vigilius, A.D. 538, bought the papacy from Belisarius, agent of the Emperor Justinian; though to be sure he broke his promise, and paid nothing.”<sup>63</sup> Is this mode of gaining the tiara canonical?” (*Vatican Council 1870*: 189 cited in George Butler 1885: 42 from the *American Tract Society Pamphlet* with the title: “The Speech of a Bishop in the Vatican Council”). Butler listed many outside scholars who already understood the 1260 years prophecy, the fall in 1798 and the beginning in 538. It was not an invention by Seventh Day Adventists since it is historical and biblical, recognized earlier by many commentators and historians.

## **3. Method**

The importance of sources for historiography and historical perspectives cannot be stressed enough. This study will look at Justinian from various angles: environmental (as was done by Augsburger); numismatics; iconography; novella of Justinian; Procopius biography of Justinian; books and descriptions of aspects of Justinian; the papal tensions; interface between religion and politics.

### **Limitations**

The fragmentary aspect of information makes absolute certainty many times elusive. Since eschatological thinking was prohibited by Eusebius, Jerome and Augustine et al, it is difficult to construct the role of eschatological interpretation on the sequence of events in this period since those books were confiscated, burnt or locked behind secret doors. Access is still forbidden to these works.

<sup>57</sup> Augsburger (1952): 7. We now know that the year of this practice was exactly 538 or his XIIth year of his reign.

<sup>58</sup> Augsburger (1952): 7. Gregorovius, F. (1859) *Geschichte der Stadt Rom im Mittelalter vom V. bis zum XVI. Jahrhundert*. Volume II. Rome, Italy. Stuttgart, J.G. Cotta, 11-12.

<sup>59</sup> Augsburger (1952): 8 citing Diehl, Justinien. p. 627.

<sup>60</sup> Augsburger (1952): 8 citing C. Diehl Ibid., p. 608.

<sup>61</sup> Augsburger (1952): 8 citing Lot, 269.

<sup>62</sup> Augsburger (1952): 8 citing Gregory at Gregorovius, I, 481.

<sup>63</sup> Butler, G. I., (1885). *Facts for the Times: A Collection of Valuable Historical Extracts on a Great Variety of Subjects of special interest to the Bible student, from eminent authors, ancient and modern* (Battle Creek, Michigan: Review and Herald).



#### 4. Results and Discussion

In a doctoral dissertation by M. Grazianskij (2009) he set out to explain his findings on a study of the role of Justinian's politics mixed with religious objectives.<sup>64</sup> Grazianskij indicated that by 527 the monophysites may have been persecuted but that Justinian was working on an edict to prevent the persecution of heretics in the church.<sup>65</sup> The Edict of 531 permitted the return of monks to their monasteries and Theodora worked together to help this come true. They built them a palace in Constantinople or safe haven in 532.<sup>66</sup> (Grazianskij 2009: 57). Theodora brought nearly 500 famous clerics around her at that time. Justinian had political plans with the churches in their divided condition, namely to unify all the separate groups, and starting with the appeasement of the monophysites he had to play a balancing act with the pope by indicating in 533 that the decisions of Chalcedon Council, where things must first be consulted with the pope, is unchanged.<sup>67</sup>

The monophysites and the orthodox church of the papacy were not in the same camp at this time. A demonstration took place in November 533 in favor of the monophysites.<sup>68</sup> The palace of Hormisdas was given to them. Theodora used to visit them, talking to them in long conversations and wonder about their lifestyle and heavenly wisdom. They blessed her and advised her in religious questions. Justinian was aware of this. Egypt was the origin of the monophysitic doctrine and it was a zone to flee to until the year 537. The Syrian area was very harsh towards the monophysites.

It is found by Grazianskij that the Patriarch of Antioch, Ephraem, followed a strict anti-monophysitic politics.<sup>69</sup> When the Syriac father Mar came from Alexandria to Constantinople in 536, he apparently spoke very strongly to Justinian and Theodora apparently in rude remarks.

<sup>64</sup> M. Grazianskij, (2009). *Die Politik Kaiser Justinians I. gegenüber den Monophysiten* (Dr. Phil. At Friedrich-Schiller University, Jena). See also H. Alivisatos, (1913). *Die kirchliche Gesetzgebung des Kaiser Justinian I.* Berlin.

<sup>65</sup> "Sodann wurde bereits unter Justinian im Laufe weniger Jahre, von 527 bis 531, eine Reihe von Maßnahmen im Bereich der Gesetzgebung getroffen, die dazu bestimmt waren, dem Fortbestand zahlreicher Häresien und Überresten des Heidentums im Reich ein Ende zu bereiten," (Grazianskij 2009: 56). See also H. Leppin, (2006). "Zu den Anfängen der Kirchenpolitik Justinians," in: H. U. Wiemer (ed.), *Staatlichkeit und politisches Handeln in der römischen Kaiserzeit* (Millenium-Studien 10) (Berlin/New York), 187-208. L. Bréhier, (1945). "La politique religieuse de Justinien," in: Fliche-Martin, *Histoire de l'Église*, IV, Paris. M. Amelotti, "Giustiniano tra teologia e diritto. In: L'Imperatore Giustiniano. Storia e Mito," pp. 133-160. M. Amelotti, - Migliardi Zingale, L., (1977). "Scritti teologici ed ecclesiastici di Giustiniano." Subsidia III. Milano.

<sup>66</sup> J. Hillner, (2007). *Monastic Imprisonment in Justinian's Novels*, in *Journal of Early Christian Studies*, 15, pp. 205-237. The monks were forced to stay in the monastery and not to leave it. We know it is true since Justinian also made a forceful suggestion to Severus not to come to the cities any longer later, and to retire quietly somewhere outside cities. See also M. V. Anastos, (1979). "Justinian's Despotic Control over the Church as Illustrated by his Edicts on the Theopaschite Formula and his Letter to Pope John II in 533," in: M. V. Anastos, (1979). *Studies in Byzantine Intellectual History* (London). M. V. Anastos, (1964). "Justinian's Despotic Control over the Church as illustrated by His Edicts on the Theopaschite Formula and His Letter to Pope John II," *Zbornik Radova Vizantinoloskog Instituta* 8/2, pp. 1-11.

<sup>67</sup> See *Chronicon paschale*, pp. 629,10-533,16; *Collectio Avellana*, I, n. 84 (op. cit. Grazianskij 2009: 58). The two pictures of Justinian, emperor and saint received attention in secondary literature: Asterios Gerostergios(1982). *Justinian the Great, the Emperor and Saint*. Belmont: Institute for Byzantine and Modern Greek Studies; H. Leppin (2011). *Justinian. Das christliche Experiment*, Stuttgart 2011;

<sup>68</sup> Ebenda, 34 (see Grazianskij 2009: 58 at footnote 190).

<sup>69</sup> Grazianskij (2009): 59 at footnote 210. "Wahrscheinlich hatte Prokop auch die Maßnahmen Ephraems gegen die Monophysiten im Sinn als er sagte (Historia arcana, XIII, 4): 'Zu Christus hatte er offenbar eine feste Einstellung, doch auch diese nur zum Verderben der Untertanen. Denn die Priester ließ er ungestraft ihren Mitmenschen Gewalt antun und freute sich noch, wenn sie den Besitz ihrer Nachbarn ausplünderten, alles im Glauben, damit ein Gott wohlgefälliges Werk zu tun'. Über Ephraem s. auch: *Zacharias Rhetor*, *Historia ecclesiastica*, VIII 4, IX 19, X 1, 5; *Ioannes Malalas*, *Chronographia*, pp. 423,22 – 424,3 (Thurn p. 352, 68-70); *Theophanes*, *Chronographia*, pp. 173,13-23; *Michel le Syrien*, *Chronique*, p. 181 (rechts)." The objectivity of this statement was not researched well enough. The study by S. J. Beggiani (1983). *Early Syriac Theology* (New York: University of America, gives another insight to the spiritual depth of Ephraem. Ephraem said about the hiddenness of God: "in the midst of silence is the enquiry into Him" (1); "Being in our likeness was made like us, that we may be made like Him" (3); "a tiny stream from your teaching, Lord, for us below makes a flood of interpretations" (4); "By Christ, the reflection of the substance of God. . . we await the full light which shall shine in the parousia" (8); "the Father commanded through his Voice, the Son carried out the work" (13); "Before the created things, the Father sealed the image of his Son, and formed him and showed him how he would shine among earthly beings. The Father looked at the image of his Son and formed Adam..." These are not thoughts of a persecutor. See also the study by V. L. Menze (2008). *Justinian and the making of the Syrian Orthodox Church*. (Oxford Early Christian Studies.) Oxford: Oxford University Press.

While he was speaking the scribe did not want to record the harsh words. At the end the couple just said: "Truly is this man a spiritual philosopher".<sup>70</sup> The imperial couple use to offer large sums of money to the Christian clerics when they came to complain to them.<sup>71</sup> Scholars are divided whether Theodora or Justinian was the primary cause of these benevolent actions towards the severian bishops.<sup>72</sup> Grazianskij also investigated the role of Theodora and Justinian for the years 532-536 in religious affairs to see if Theodora was the prime cause or whether Justinian played an equal role. For this investigation, Grazianskij studied the religious developments until the council of Constantinople in the year 536. He started the investigation with the severian bishop discussions with the imperial couple in 532 that resulted in the Edict of Justinian that the Monophysite clerics can return out of their exile. In this Edict Justinian spelled out what they are to do for their freedom had a price.<sup>73</sup> Justinian said that Diodor, Theodor, Theodoret, Ibas, Nestorius and Eutyches should be accepted as condemned and the twelve Anathemas of Cyril should also be accepted. They could continue preaching the one-nature of Christ but they are not allowed to curse those who preach the two-natures of Christ. They should accept the council of Chalcedon only insofar as it condemns Eutyches and Nestorius. They should also retract their condemnations of the Tomo Leo (statements made by pope Leo).<sup>74</sup>

<sup>70</sup> Grazianskij (2009): 63 at footnote 218. He also said to them that they ought not think of themselves that they own something that in fact belongs to a servant of God, without faith, when He is in them.

<sup>71</sup> Grazianskij (2009): 64 at footnotes 219-221. Johannes of Tellah was an example of a cleric who refused the donation from them.

<sup>72</sup> J. Speigl (1984). "Das Religionsgespräch mit den severianischen Bischöfen in Konstantinopel im Jahre 532," *AHC* 16, 264-285, 264 felt that researchers should not place all the blame just on Theodora and her monophysite project, however, A. M. Demicheli (1983). "La politica religiosa di Giustiniano in Egitto," *Aegyptus* 63, 217-257 indicated that from 532 Theodora was to be given the prime role (Demicheli 1983: 230) (see Grazianskij 2009: 64 at footnote 223, "Es handelt sich dabei um die Aussage eines monophysitischen Teilnehmers an diesem Gespräch, der in seinem Bericht die Zugeständnisse, zu denen Justinian bereit war, aufzählt."

<sup>73</sup> "Der Kaiser schlug vor, daß Diodor, Theodor, Theodoret, Ibas, Nestorios und Eutyches verurteilt sowie die zwölf Anantheismen von Kyrill angenommen werden sollten. Ferner dürften die Monophysiten die eine Natur Christi weiterhin verkündigen, sie sollten jedoch davon absehen, diejenigen, die sich zu zwei Naturen bekennen, zu verfluchen. Sie sollten das Konzil in Chalkedon nur insofern annehmen, als dieses Eutyches und Nestorios verurteilte; zuvor mußten sie jedoch ihr Anathema gegen den Tomos Leos zurücknehmen." (Grazianskij 2009: 65).

<sup>74</sup> George E. Demacopoulos (2013). *The Invention of Peter: Apostolic Discourse and Papal Authority in Late Antiquity*. Philadelphia: University of Pennsylvania Press. Project MUSE. Web. 16 Jan. 2016. <<https://muse.jhu.edu/>>. illustrated that from the time of Leo the Great through Gelasius to Gregory the Great there was the forceful assertion of a privileged position as heir of Peter the Apostle and this link strengthened, shifted, and evolved during many papacies and especially the roles of the above popes were taken into consideration. Demacopoulos claims that the growth is not a straight line up but rather an up-and-down-and-up event, moment by moment. "In contrast to earlier histories such as the works of Erich Caspar and Walter Ullman, Demacopoulos argues that the rise of the papacy is not an ascent from 'strength to strength'" (p. 8), see R. L. Wilken. Review: *The Invention of Peter: Apostolic Discourse and Papal Authority in Late Antiquity* by George E. Demacopoulos (Autumn 2014). *The Catholic Historical Review* 100(4): 801-803. Regarding Leo and Demacopoulos' view of him, Wilken summarized very well: "As is well known, Leo was the first bishop of Rome to identify himself with Peter. Demacopoulos calls this the 'single most important rhetorical development in the history of papal self-aggrandizement' (p. 42). Significantly, Leo was less likely to invoke the 'Petrine topos' when speaking to the laity or lesser clergy. In this pope's dealings with the East and Christological debates, the 'Petrine topos' appears most often when Leo's authority was in question. The Petrine topos was a 'marker of papal insecurity rather than ecclesiastical strength' (p. 71)." In reality, it does not matter whether the papacy has a minority complex or feeling stable. He insisted and maintained his ecclesiastical papal authority as *vicarius filii dei* in good times and in bad times. That is the constant and unchanged factor here. On the 22<sup>nd</sup> of December 2007, Pope Ratzinger said to Catholic NGO's that they will bear fruit if they are faithful to the Catholic magisterium (pope and cardinals) anchored in the Lord's Supper of transubstantiation where the bread becomes the real body of Christ and wine the real blood of Christ connected with their pastors or clerics that administer the Eucharist to them and above all, to the pope as the successor of Peter also administering this superstitious communion in a *vicarius filii dei* function and meeting in an attitude of openness for pluralism can meet the challenges of the present moment, among those, those who reject pluralism but suggest to be particularists in their faith. "When experienced in solidarity, legitimate pluralism and diversity will lead not to division and competition, but to ever greater effectiveness." The papacy's integration mode is no different than its disintegration mode in the time of Justinian. The dynamic plays both ways when so required as long as the authority of the pope as successor of Peter is kept.

The monophysites rejected the suggestion and said that their authority is Severus who is the only one that could decide for them on these matters.<sup>75</sup> Grazianskij indicated: "Die einzelnen Maßnahmen, die Justinian in der Folgezeit ergriff, waren im Grunde ein Versuch, und diese bereits 532 aufgestellten Prinzipien zu entwickeln und durchzusetzen." What Justinian said to the monophysites would become an agenda or template for Justinian to act upon for the next five or more years regarding religion. As Grazianskij found, Justinian had a new context with the papacy after 532.<sup>76</sup> Justinian did not want to upset the monophysites, the papacy, the Orthodox parties, or the heretics.<sup>77</sup> His main focus was for unification of the church in an ecumenical spirit.<sup>78</sup> Justinian's statements seemed to be the role of a self-appointed "peace-maker" during this time.

His peace-making process was not one that is just haphazardly but acting with a definite and well researched agenda,

<sup>75</sup> Grazianskij (2009): 65 at footnote 222 provides the bibliography on Justinian's discussion with the monophysites: "Über dieses Gespräch s. *Duchesne*, L'Église au VI<sup>e</sup> siècle, pp. 82-87; *Schwartz*, Zur Religionspolitik Justinians, S. 282-283 (Gesammelte Schriften, Bd. 4); *Haacke*, Die kaiserliche Politik in den Auseinandersetzungen um Chalkedon, SS. 156-157; *Speigl*, Das Religionsgespräch mit den severianischen Bischöfen in Konstantinopel im Jahre 532, SS. 264-285; *Brock*, The conversations with the Syrian Orthodox under Justinian, pp. 87-121; *Grillmeier*, Jesus der Christus, II/2, SS. 361-363; *Uthemann*, Kaiser Justinian als Kirchenpolitiker und Theologe, SS. 27-33. Die ausführlichste Analyse des Inhalts und des Verlaufs dieses Gesprächs bietet der oben zitierte Aufsatz von Speigl." See also E. Schwartz (1940). Die Kirchenpolitik Kaiser Justinians, in: *Sitzungsberichte der Bayrischen Akademie der Wissenschaften*. Phil.-Hist. Klasse 2, 32-8.

<sup>76</sup> "In der Zeit zwischen 532 und 536, also sofort nach der Beendigung des Religionsgesprächs von 532, treten die Beziehungen zwischen dem Kaiser und dem Papst wieder in den Vordergrund der religiösen Politik, und zwar in einem neuen Kontext" (Grazianskij 2009: 66). He says that immediately after 532 the events between Emperor and Pope took a new course continuing until 536.

<sup>77</sup> J. Meyendorff (1989). *Imperial Unity and Christian Divisions. The Church, 450-680 A.D.*, Crestwood; A.M. Demicheli (1983). *La politica religiosa di Giustiniano in Egitto. Riflessi sulla chiesa egiziana della politica giustiniana*, in *Aegyptus*, 63, 217-257.

<sup>78</sup> Constantine N. Tsirpanlis (1997). "Marriage, Family Values and 'Ecumenical Vision' in the Legislation of Justinian the Great (527-565)," *Patristic and Byzantine Review* 15.1-3, 59-69. See also *The Crisis of the Oikoumene. The Three Chapters and the Failed Quest for Unity in the Sixth Century Mediterranean*, ed. by C. Chazelle, C. Cubitt, Turnhout (2007); K.-H. Uthemann (1999). "Kaiser Justinian als Kirchenpolitiker und Theologe," in: *Augustinianum* 39,1, 5-83 (repr. in: K.-H. Uthemann [2005]. *Christus, Kosmos, Diatribe. Themen der frühen Kirche als Beitrag zu einer historischen Theologie* (Berlin/New York), 206-255); P. Maraval (1999). *La politique religieuse de Justinien*, (Paris), 389-426; J. Speigl (1995). *Formula Iustiniani. Kircheneinigung mit kaiserlichen Glaubensbekenntnissen (Codex Iustinianus I 1,5-8)*, in *Ostkirchliche Studien*, 44 (1995), 105-134. "In dieser Zeit geht es dem Kaiser mehr darum, mit dem Papst in den wichtigsten dogmatischen Fragen übereinzukommen als mit den Monophysiten eine Versöhnung zu erreichen. Ersteres, obwohl es anscheinend umfangreichere Bemühungen erforderte, ist jedoch nur als eine vorbereitende Phase für das Hauptanliegen Justinians einzuschätzen: unablässiges Ziel war die Befriedung des östlichen Monophysitentums. In dieser Phase seiner Religionspolitik war Justinian wahrscheinlich wie nie zuvor bemüht, Rom auf seiner Seite zu behalten" (Grazianskij 2009: 66). There is something to be said about the metamorphosis of the end of the Roman empire in 538 and the change of the Emperor from Pagan Rome Administrator to Rome Administrator-Theologian (see G. Dagron [1996]. *Empereur et prêtre. Étude sur le «césaropapisme» byzantin*, Paris). When peace is needed in multiple partisan disputes the role of Justinian as ecumenical factor simulates the role of the Papal See since Vatican II with the Administrator of the Vatican of Rome as Theologian reversing the role to bring peace both in ecumenical councils and World Council of Church projects as well as between secular governments and countries. In religious chaos Justinian saw himself as the theologian to solve their problem and to unify them and similarly the papal see in contemporary times 1964-2016 view itself as the theologian to solve the problems of the churches divisions and to unify them as well as bringing peace overtures to the chaos secular countries of the world experience on a global scale. P. Blaudeau (2013). "Giustiniano e le riforme religiose." *Enciclopedia Costantiniana*. [http://www.treccani.it/enciclopedia/giustiniano-e-le-riforme-religiose\\_\(Enciclopedia\\_Costantiniana\)/](http://www.treccani.it/enciclopedia/giustiniano-e-le-riforme-religiose_(Enciclopedia_Costantiniana)/), 165, accepts the siege of Constantinople of Rome as a supreme power as a struggle between doctrinal authority and political authority. Blaudeau viewed these two not just as two secular authorities who oppose each other, but two visions of the world or two universalities. There are those who wish to see more discussions on the ideological models that underly this opposition which was discussed by Christians: Eusebius, Rufinus of Aquileia and also by the pagan Themistios. However, the struggle became messy because political authority did not stay any longer political but transformed or diffused its role into theology. Similarly, did doctrinal authority no longer remain in its quarter but when opportunity permitted it crossed over to the political side. The role is no different with the papal seat in contemporary times and especially pope John II's multiple visits to many countries had political gain in mind as well.

step by step.<sup>79</sup>

There is no doubt that during this period between 532-536, Justinian started an ecclesiastical course in the domain of Christology in Systematic Theology.<sup>80</sup> Especially prior and during the Council of Constantinople, Justinian knew the positions of the different parties very well and he developed his own synthesis of the Christology problem yet within the covers of the mood of ecumenism and thus his methodology was one of eclecticism, a-pick-and-choose between various parties of the theological debate. He had his own view of the nature of Christ which was formulated apparently using the statement of Zeno but simulate it to form his own: unus ex Trinitate passus est carne.<sup>81</sup> This was the hobby statement of Justinian and he was determined that all parties should pay attention to it at the Council of Constantinople. The friendly attitude of the imperial couple must have upset the Orthodox positions of the papal see. Justinian knew it and was determined to now move to the phase of appeasing the pope. Since Justinian was highly convinced of his own view he wrote a kind of an Edict and sent it around with his statement of Christology dated to the 15<sup>th</sup> of March 533. In June of 533, Justinian took up the feather and wrote to the pope Johannes.<sup>82</sup> His main contention was the ecumenical reconciliation between all religious groups and the pope.<sup>83</sup>

The role of the papal power as king on Justinian's chess-board of this theological game was fully understood by him.<sup>84</sup> He is going to follow the protocol and please everyone. What Justinian did not realize, is that his prioritizing of the pope as party in the debate, and actually led to his eventual downfall since it was the recognition by the secular Emperor power of the prime authority on church matters of the papacy.<sup>85</sup> In later years, around 540, this

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<sup>80</sup> Grazianskij is very skeptical to place the scholarship of Justinian in himself and painted a picture of confusion: "Leider fehlen uns gänzlich Angaben darüber, wie das Schreiben an alexandrinische Mönche entstanden ist. Es wäre wahrscheinlich nicht ganz richtig, seine Verfassung allein der theologischen Kompetenz und dem Fleiß Justinians zuzuschreiben. Jedoch, wer ihm dabei geholfen haben könnte, darauf finden wir bedauerlicherweise keine Hinweise im Text selbst. Dennoch liegt die Vermutung nahe, daß dem Kaiser bei der Formulierung dieses Schreibens jemand zur Seite gestanden hatte. Doch es ist schwerlich vorstellbar, daß der Kaiser - während des Krieges mit den Persern und mit den Goten - die zahlreichen Belegstellen aus den Schriften der Kirchenväter, die er in seinem Schreiben anführt, selbst aufsuchen konnte. Darüber hinaus wäre es verwunderlich, wenn ein dogmatisch so wichtiges, ja sogar grundlegendes, Schreiben wie dieses, in der gesamten Kirche unbeachtet geblieben wäre. Weil es in der ersten Linie den Monophysiten zugedacht war, wäre es nächstliegend, in den monophysitischen Kreisen nach einer Bezugnahme auf seine Thesen zu suchen. Unzulänglicher Quellenbestand verhindert bedauerlicherweise eine ausführliche Analyse des Nachklangs dieses Schreibens in den kirchlichen Kreisen" (Grazianskij 2009: 104).

<sup>81</sup> "Wir besitzen von diesem Bekenntnis nur ein Bruchstück, das im Codex Iustinianus (I 1, 5) erhalten ist. Die theopaschitische Formel wird in dieses Glaubensbekenntnis aufgenommen in einer leicht abgewandelten Form (I 1, 5, 2): "σarkωθέντος τοῦ ἑνός τῆς τριάδος θεοῦ λόγου"(see Grazianskij 2009: 66 footnote 225). R. Haacke, Die kaiserliche Politik in den Auseinandersetzungen um Chalkedon (451-553). In D. A. Grillmeier und H. Bacht, *Das Konzil von Chalkedon. Geschichte und Gegenwart. Band II: Entscheidung um Chalkedon*, 95-177, 157. M. Amelotti, Giustiniano tra teologia e diritto. In: *L'Imperatore Giustiniano. Storia e Mito*, pp. 133-160, 143. J. Speigl (1995). Formula Iustiniani. Kircheneinigung mit kaiserlichen Glaubensbekenntnissen (Codex Iustinianus I 1,5-8). *OS* 44, 105-134, 111-114 (see Grazianskij 2009: 66 footnote 225).

<sup>82</sup> Collectio Avellana, I, n. 84, pp. 322,6 - 325,11; Codex Iustinianus I 1, 8, 7-24.

<sup>83</sup> "Sein Hauptanliegen stellte die Versöhnung aller orientalischen religiösen Gruppierungen mit dem Papst dar" (Grazianskij 2009: 66 footnote 230). Grazianskij used the word "Unionbestrebungen des Kaisers" (page 72).

<sup>84</sup> "In this enormous task monks played an important role as a factor for integration or disintegration. Through their ascetic authority they were of importance for society, the state, and the church. Monks not only embodied the regional Christendoms but also influenced and shaped them. Therefore Justinian had to deal with monks, on the one side using them e.g. as a theological source and as an instrument of integration, on the other side responding to their counterproductive and disintegrative pressure." Alexandra Hasse-Ungeheuer (June 3-6, 2010). Mönchtum und Integration in der Religionspolitik Kaiser Justinians I. (Monks and Integration in the Religious Policy of Justinian). Frankfurt: *UNA ECCLESIA*. [http://la-network.org/uploads/Frankfurt-Heidelberg%202010\\_Abstract\\_Hasse-Ungeheuer.pdf](http://la-network.org/uploads/Frankfurt-Heidelberg%202010_Abstract_Hasse-Ungeheuer.pdf)

<sup>85</sup> George E. Demacopoulos claims no strength for any pope in the time of Justinian: "Whatever Gelasius may have claimed with respect to the superiority of priestly authority to imperial authority, the sixth-century papacy rarely, if ever, enjoyed a position of privilege over the secular rulers of Italy or the empire" (Demacopoulos 2013: 102). This statement is actually falling short of the perspective that the imperial power shot itself in the leg by trading in chief of staff of the military for

issue of the authority of the pope and the papal see's power would be painted to Justinian very vividly by the pope in a letter at that time. He mentioned to the pope that those monks in Constantinople are restless and for them the main focus is to make all monks Nestorian as far as Christology is concerned.

Justinian entered the troubled waters between the two groups here and then formulates his own view to the pope that he thinks it is one hypostasis that is the uniting of two natures, a view that is fanning out the orthodox view of the pope as well. It was Justinian's conclusion from his own principle: unus de Trinitate passus EST carne. The letter took the form of an Edict and the pope agreed<sup>86</sup> only after some anger about it.<sup>87</sup> In fact, it took one year and ten days for the pope to agree to Justinian and he wrote about it to Justinian on the 25<sup>th</sup> of March 534. The ingredient for a powerplay between two domains of power was already present in the delay to answer. Then Justinian also sent this letter to the pope and to the Patriarch Epiphanius in Constantinople and the purpose seemed to be to demonstrate that the pope and the Eastern Church are also in this chess-game for unity between parties.<sup>88</sup> He supported the views of the previous Patriarch Proklos. In this letter of Justinian one can find the first time the formula that Jesus Christ is the Son of God and our God, one of the holy Trinity.<sup>89</sup> Justinian held out that all four general Councils decisions should be proclaimed. Justinian is also against the condemnation of heretics.<sup>90</sup> Pope Johannes wrote to the senators a letter.<sup>91</sup>

When the pope agreed to Justinian's position in 534, Justinian wrote to Severus the head of the heretics or monophysites in Egypt to come for union-meetings about the issues.<sup>92</sup> Severus died in 538 and was the main character in these disputes. After the death of Timotheos of Alexandria, Severus decided in February of 535 to go to Constantinople. On the 6<sup>th</sup> of August 536 Justinian made an Edict that the decisions of the Council of Constantinople have the power of a law.<sup>93</sup> Shortly after Anthimos became patriarch in Constantinople,<sup>94</sup> Severus met him. Also Theodosius of Alexandria met with them. There is indication that the relationship between Theodora and Anthimos were sour.<sup>95</sup>

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theologian. When the ruler of the hegemony adopted theological jargon as his language for communication, he was playing in the hands of the papacy and it was a matter of time to see who gained the upperhand.

<sup>86</sup> Chronicon Paschale, pp. 629,10 – 633,16; *Ioannes Malalas*, Chronographia, p. 478, 12-15 (Thurn p. 402, 35-37); *Alivisatos*, Die kirchliche Gesetzgebung, 23-25. *Ioannes Malalas*, Chronographia, ed. L. Dindorf, CSHB. Bonn 1831; *Ioannes Malalas* (2000). Chronographia, rec. I. Thurn. Berlin – New-York. H. Alivisatos (1913). Die kirchliche Gesetzgebung des Kaiser Justinian I. Berlin.

<sup>87</sup> "Der Papst indes stimmte diesem Schreiben, welches bereits die Form eines Ediktes angenommen hatte, erst nach einigem Zögern zu" (Grazianskij 2009: 66 footnote 230). The Edict is at Codex Justinianus, I I, 6 and was sent out on the 15<sup>th</sup> of March 533 to Antioch, Jerusalem, Ephese and other cities of Syria and Asia. (E. Stein [1949]. *Histoire de Bas Empire. T. II: De la disparition de l'empire d'Occident à la mort de Justinien (476-565)*. Paris-Bruxelles-Amsterdam, 379 note 1; Amelotti, 143-144; Speigl [1995]. Formula Justiniani, 117; Ebenda, 118-119; Uthemann, (1999): 34-37 [see Grazianskij 2009: 67-69]). The letter to the pope in June of 533 is a highlight of the Edict, Cod.Iustinianis I I, 7, 1. The letter is in Collectio Avellana, I, n. 94 (see Collectio Avellana, ed. O. Guenther [1895-1898]. CSEL vol. XXXV, 1-2. Praga).

<sup>88</sup> Codex Iustinianus, I I, 7 (see Grazianskij 2009: 70 citing Speigl for this view). According to the Formula Iustiniani, 119-120, the emperor wished to show to the pope that the Eastern churches do also consider the formula "daß Justinian damit dem Papst die Einigung der östlichen Orthodoxen hinsichtlich der theopaschitischen Formel unbedingt demonstrieren wollte," (Grazianskij 2009: 70).

<sup>89</sup> Grazianskij (2009): 70 at footnote 241.

<sup>90</sup> Ebenda, I I, 7, 18-19.

<sup>91</sup> *Ioannis papae II epistula*, p. 206: "Iustinianus siquidem imperator filius noster, ut ex eius epistolae tenore cognovistis, de his tribus quaestionibus orta certamina fuisse significavit, utrum unus ex Trinitate Christus dici possit, hoc est una de tribus personis sanctae trinitatis sancta persona; an deus Christus carne pertulerit impassibilis deitate; an proprie et veraciter dei genitrix materque dei verbi ex ea incarnati mater Domini Nostri Iesu Christi Maria semper virgo debeat appellari. probavimus in his catholicam imperatoris fidem ...". John II wrote to Justinian (F. Maassen [1870]: 790, at 291 at note 1); Agapetus wrote to Justinian (see F. Maassen [1870]: 790, at 292 under note 7) and Vigilius wrote to Justinian (see F. Maassen [1870]: 790, at 293 at note 19).

<sup>92</sup> *Zacharias Rhetor*, *Historia ecclesiastica*, IX, 15. For a translation of Ms. Add. 17202 in the British Museum, see Hamilton, F. J., Brooks (1899). E. W. *The Syriac chronicle known as that of Zachariah of Mitylene*. London: Methuen & Co. Retrieved online on 8<sup>th</sup> of February 2017 at <https://archive.org/details/cu31924027994726>.

<sup>93</sup> Iustiniani Novella, 42.

<sup>94</sup> See Grazianskij (2009): 82 at footnote 276.

<sup>95</sup> Ibid. "Anthimos erkennt die drei allgemeinen Konzilien an (also alle außer dem Chalcedonense), die zwölf Anathematismen von Kyrill gegen Nestorios und das Henotikon des Kaisers Zeno. Ferner enthält das Glaubensbekenntnis

An antimo was asked to step down by pope Agapet and this process had the sanctioning by Justinian and Theodora as pope Agapet indicated.<sup>96</sup> Pope Agapet also condemned Severus, Petros of Apameia and the Syriac Monk Zooras, that was working restlessness in Constantinople. In a letter to Justinian, pope Agapitus indicated that “by your [Justinian] holy interest, by which you wish the Catholic Church to be amplified.”<sup>97</sup> At the end of April 536, pope Agapet died. Ten days later the Council of Constantinople took place.<sup>98</sup> The purpose of the Council was only to give the papacy legitimacy on his decisions. On the 6<sup>th</sup> of August 536, Justinian pronounced an Edict to order the condemnation of Severus who was revered by many bishops and monks. He told him that he could not come to any big city and that he should pursue a quiet life in a remote area.

Justinian developed his own view during the debates and discussions with theologians between 535-536. After Severus died in 538, he was not finished with his work. Grazianskij indicated that Justinian wanted to use the theological arguments of Severus to his own favor. He apparently wanted to get the Severus teams on his side since they had a very similar view of Christology.<sup>99</sup> Justinian wanted to demonstrate that there is a unity of thought between the monophysites and the Christological position of the Imperial church. There was already a link between the imperial theology of Christology and Severus’ view as the Synod writings of Severus to Theodosios of Alexandria illustrates. The subject is discussed and analyzed at length by Grazianskij so that a repetition of this is not necessary. Justinian wrote to pope Vigilius,<sup>100</sup> probably in 538, about this afterglow of reflections.<sup>101</sup>

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von Anthimos die theopaschitische Formel. Darüber hinaus verflucht Anthimos in diesem Schreiben die Häretiker, unter denen sich Nestorios, Theodor, Theodoret und Ibas befinden. Abschließend wird auch das Konzil in Chalkedon und der Tomos Leos unter den Verfluchten genannt. Anthimos verdammt ebenfalls diejenigen, die Jesus Christus nicht in einer Natur nach der Vereinigung verkünden, ebensowenig wie in einer Hypostase.” His cursing of the Letter of Pope Leo brought him in serious trouble. It must have been because this issue of Anthimos’ negative view of Pope Leo resurfaced later between pope Vigilius and Justinian.

<sup>96</sup> Victor Tonnennensis (Chronica, s.a. 540, p. 199) apparently indicated (Grazianskij 2009: 91 at footnote 310), that Anthimos excommunicated Theodora. Victor Tonnennensis, Chronica. MGH AA t. XI, v. II, ed. Th. Mommsen (1894). Berolini, 178-206. Grazianskij is skeptical about this possibility but if Mar could say that Theodora is a strong woman that does not allow anyone to go against her will (see Grazianskij 2009: 63 at footnote 218) then it is possible for him to say this. Mar said strong things against the imperial couple in their presence. The imperial couple intended to go for ecumenism and union of the church and functioning in a modern “secretary-general of the United Nations” function, they were to listen to anyone regardless their negative content.

<sup>97</sup> H. Heiks (2010): 119 which is a letter of Agapitus to Justinian 15th October 535.

<sup>98</sup> “Zehn Tage nach seinem Tod begann das Konzil von Konstantinopel, das im Prinzip nur dazu zusammengerufen wurde, daß es den päpstlichen Beschlüssen eine allgemeine kirchliche Gültigkeit verleihe” (Grazianskij 2009: 91 at footnote 311). The prehistory and process of the Council of Constantinople is well treated by secondary literature: J. Speigl (1994). *Die Synode von 536 in Konstantinopel*. OS 43, 105-153; 104-153 (especially 121-142); E. Schwartz (1940). Zur Kirchenpolitik Justinians. Sitzungsber. der bayer. Akad. der Wiss. zu München, Philos.-hist. Abt., Heft 2 (= Gesammelte Schriften. B. IV, Berlin 1960, 276-328, especially 285-289; Stein (1949): 381-382; W. H. C. Frend (1972). *The Rise of the Monophysite Movement: Chapters in the History of the Church in the fifth and sixth centuries*. London, 271-273; A. Grillmeier (1991). *Jesus der Christus im Glauben der Kirche*. Band II/1: Das Konzil von Chalkedon. Rezeption und Widerspruch (451-518). Freiburg-Basel-Wien; A. Grillmeier (1989). Band II/2: *Die Kirche von Konstantinopel im 6. Jahrhundert*. Freiburg-Basel-Wien; A. Grillmeier (2002). Band II/3: *Die Kirchen von Jerusalem und Antiochien nach 451 bis 600*. Freiburg-Basel-Wien; A. Grillmeier (1990). Band II/4: *Die Kirche von Alexandrien mit Nubien und Äthiopien*. Freiburg-Basel-Wien, especially II/2, 365-372.

<sup>99</sup> Grazianskij (2009): 106.

<sup>100</sup> There are two pictures of Vigilius, the one favorable and the other not. The reason is that sources are divided about him but then revision of historiography is part of objectivity, since he did suffer under Justinian despite the claims that he was just a puppet in the hands of Justinian. If he was a puppet, he definitely was not a willing puppet since he crossed the emperor in some of his views, especially the rejection of Tome Leo as a diffusion of the authority of the pope as vicarius filii dei, (see George Every [1979]. “Was Vigilius a Victim or an Ally of Justinian?” *Heythrop Journal* 20.3, 257-266). See also Cl. Sotinel (1992). “Autorité pontificale et pouvoir impérial sous le règne de Justinien: le pape Vigile,” in *Mélanges de l’École Française de Rome Antiquité*, 104, pp. 439-463. See also H. Leppin (2009). “Power from Humility: Justinian and the Religious Authority of Monks,” in: A. Cain/N Lenski (eds.), *The Power of Religion in Late Antiquity* (Ashgate), 155-164. P. Brown (1995). *Authority and the Sacred. Aspects of Christianisation of the Roman World* (Cambridge/New York/Melbourne); R. L. Wilken (Autumn 2014). “Review: *The Invention of Peter: Apostolic Discourse and Papal Authority in Late Antiquity* by George E. Demacopoulos,” *The Catholic Historical Review* 100(4), 801-803. W. Enßlin (1950). “Papst Agapet I. und Kaiser Justinian I.” *HJ* 77, 459-466. P. Hildebrandt (1922). Die Absetzung des Papstes Silverius (537). *HJ* 42, 213-249. 209; J. Hofmann (1991). “Der heilige Papst Agapit I. und die Kirche von Byzanz.” *OS* 40, 113-132. L. Magi (1972).



He still had his ecumenical dream and saw himself as the “Secretary General” of the United Churches, probably. Vigilius did not answer Justinian immediately and according to scholars, his answer is given different dates but it seems more plausible to accept the conclusion of Grazianskij, that the answer and rebuttal to Justinian took place in 540. Pope Vigilius is furious that Justinian wants to set aside the Tome Leo of pope Leo, since this touched upon the authority of the pope as the *vicarius filii dei* on earth and related to it, the infallibility of the papacy.<sup>102</sup> Vigilius’ statement to Justinian is a very strong rebuttal of theological enthusiasm of the emperor by a pope. Justinian in fact left already the Chiefs of Staff position at the military in 538 since he was more involved in the synods and seminaries than in the army barracks. This is the diffusion of the Roman Empire and the final fall of the Roman Empire. When politics took up theology, power of that entity shifted to the most trained in theology, the papacy, although he was not going to receive this honored space for some time.

We must remember that the theological emperor will spend great parts of his day to discuss at work with the senators, even if just table-talks, about Christology as a branch of Systematic Theology. Vigilius asked the emperor to read the decisions of Pope Leo one more time to remove his own doubts. If the emperor would do that, he would see that faithful correct spiritual people cannot be asked to throw away their own points of teaching. Vigilius is not only pleading the case of pope Leo but also those like Theodorus of Cyrus and Theodor of Mopsuestia. Despite the Council of Chalcedon he was not condemned, claimed Vigilius. When Vigilius was elected as pope, he was asked to condemn the Three Chapters since Justinian felt that the monophysites would be upset by the situation and that Justinian will not be able to unify the church as his dream is. Vigilius was not satisfied with the letter from Justinian.<sup>103</sup> Vigilius felt that the revisionist approach to the Council of Chalcedon affected also the authority of the papacy since they have to be critical of the Tome of Leo.<sup>104</sup> Grazianskij thought that the papacy was under pressure for a long time about this issue or he tolerated it for a long period.<sup>105</sup>

### **Anno-mens-dies counting systems**

Maassen indicated that from the time of pope Johannes I, they discontinued the practice of adding a month and day and thus only gave the year.<sup>106</sup> However, he cited the example of a Manuscript from Köln, the Codice Colon (Darmstadt 2326).<sup>107</sup> In folio 168 and 169 is a papal catalogue. It dates to the 6<sup>th</sup> century. The header reads: Incipiunt

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*La sede romana nella corrispondenza degli imperatori e patriarchi bizantini (VI-VII sec.)*, Louvain. W. Pewesin (1937). Imperium, Ecclesia universalis, Rom. FKGG 11: *Geistige Grundlagen römischer Kirchenpolitik III*. Stuttgart, 1-162. J. Speigl (1970). “Der Autor der Schrift De Sectis über die Konzilien und die Religionspolitik Justinians.” *AHC* 2, 207-230. J. Straub (1970). “Die Verurteilung der Drei Kapitel durch Vigilius (Vigilii Epistula II ad Eutychium).” *Kleronomia* 2, 347-375.

<sup>101</sup> L. Magi (1972). *La sede romana nella corrispondenza degli imperatori e patriarchi bizantini (VI-VII sec.)*, Louvain.

<sup>102</sup> “Vigilius entschuldigte sich außerdem für sein langes Schweigen und bat Justinian nichts zu unternehmen, was die Privilegien und den Ruf des apostolischen Stuhles beeinträchtigen könnte. Es geht dabei offensichtlich um nichts anderes als die Autorität Roms in Glaubensfragen,” (Grazianskij 2009: 116 at footnote 396). Ebenda, p. 352, 18-22: “suppliciter spirantes, ut nullius subripientis insidiis privilegia sedis beati Petri apostoli Christianissimis temporibus vestris in aliquo permittatis imminui, quae si turbentur, quod non credimus, aut minuantur in aliquo, violatae fidei instar ostendunt”.

<sup>103</sup> Ebenda, p. 353, 18-22.

<sup>104</sup> Grazianskij (2009): 117 “Ihr Hauptargument war offensichtlich, daß die Revision des Konzils von Chalkedon die Autorität Papst Leos in Frage stellen würde und damit die des apostolischen Stuhles.” The main argument was that the revision of the Council of Chalcedon placed the authority of Pope Leo in question and with that also the authority of the “apostolic chair/seat”.

<sup>105</sup> “Der Papst blieb lange Zeit unentschlossen oder muß über lange Zeit den Druck seiner Umgebung ertragen haben, der ihn gegen die Verurteilung der Drei Kapitel einstellte,” (Grazianskij [2009]: 117. See for example the defense party for the Three Chapters in *Facundus Hermianensis*, Pro defensione trium capitulorum, IV, III, 5-7. Facundus d'Hermiane, Défense des trois chapitres (à Justinien). Introduction, traduction et notes par A. Fraïsse-Bétoullières (2002). T. I, Paris; A. Fraïsse-Bétoullières (2003). T. II.1, Paris; A. Fraïsse-Bétoullières (2003). T. II. 2, Paris. Sources Chrétiennes, nn. 471, 478, 479. Facundus Hermianensis, Pro defensione trium capitulorum libri XII. In: Facundi episcopi ecclesiae Hermianensis opera omnia. Sebastianum Cramoisy. (1529). CCL 90. Retrieved online on 8th of February 2017 at [https://archive.org/details/bub\\_gb\\_DrkCKG0cHBcC](https://archive.org/details/bub_gb_DrkCKG0cHBcC). Facundus of Hermiane (1450). *Pro Defensione Trium Capitulorum Books I-XII. Liber Contra Mocianum Scholasticum*. 401-434. Available at [http://dla.library.upenn.edu/dla/schoenberg/record.html?sort=id\\_sort%20desc&fq=folios\\_facet%3A%22158%22&id=SCHOENBERG\\_70958](http://dla.library.upenn.edu/dla/schoenberg/record.html?sort=id_sort%20desc&fq=folios_facet%3A%22158%22&id=SCHOENBERG_70958).

<sup>106</sup> “Von Johann I. (523-526) an wird die Zahl der Monate und Tage nicht mehr angegeben. Das Verzeichniss schliesst mit Vigilius (537-555): Vigilius sedit annos XIII,” (see Maassen 1870: 556 paragraph 663).

<sup>107</sup> Maassen 1870: 575.

nomina sanctorum episcoporum, qui sedem beati Petri sedere meruerunt. The first hand ended with the words: Dom Johannis sedet anni II mens III dies VI. Here is still a case where in the days of pope John I all three time indicators are used. Even in the case of Dom Agapetus sedet anni \_\_\_\_\_ mens XI dies XVIII. It is still the same hand.

Another hand then wrote: Sclerius -----Gregorius (I). Silverius reigned until 537. We have absolute proof here that the custom to add the year and date of reign to documents was used by the papacy. Year two for Pope John would be 471/72. When Justinian decided to announce that he is no longer to be seen as a soldier but rather as a theologian, the one thing he added to his coins that were not there before, is to simulate the papacy and adding the number of his year, Anno XII from 538. On 6<sup>th</sup> of March, 538, pope Vigilius wrote to Bishop Caesarius of Arles<sup>108</sup> concerning the penance of the Austrasian King Theodobert on account of his marriage with his brother's widow. Later on the 29th of June, 538, he sent a decretal to Bishop Profuturus of Braga<sup>109</sup> containing decisions on various questions of church discipline. Bishop Auxanius and his successor, Aurelian of Arles,<sup>110</sup> wrote letters back and forth with the pope respecting the granting of the pallium (cloak) as a mark of the dignity and powers of a papal legate in Gaul. As a result the pope sent favorable letters to the two bishops. Justinian did not give up his dream as a self-appointed Secretary-General of the (future) United Churches, so one finds him and Theodora involved in building flashy churches<sup>111</sup> left right and center.<sup>112</sup> Justinian was involved with the building of the church at Ravenna. Theodora was involved with the building of the *Hagia Sophia* in Constantinople. Throughout all these religious projects of the imperial couple, they knew exactly what the chess-board of the church was all about. One can say, that if the church has carried out their task faithfully, doing what Christ asked her to do centuries before, and not embark upon politics by theology, and then Justinian would not have started studying theology and would not have traded his task of Chief of Staffs for the more interesting arena of church-politics.

### ***Justinian persecution done with legal backing***

Justinian's laws of 534 actually provided jurisprudence as backbone for his persecutions.<sup>113</sup> Sources of Procopius are important to consider.<sup>114</sup> Emperor Justinian wanted to reform the jurisprudence of the Roman Empire. He said former emperors made errors but did not correct it and now he wished to do it "with the assistance of Almighty God" namely, to revise the many constitutions, as well as codes after them, plus those they added themselves and "to combine them in a single Code, under our auspicious name".<sup>115</sup> About the laws itself one has to make some points. Any rape action against a deaconess of the church is punishable by death. Justinian said: "ravishers of virgins, widows, or deaconesses, consecrated to God, shall suffer the penalty of death, as having committed the worst of crimes. They shall, without granting them the right to plead an exception, subject them to the most severe penalties,

<sup>108</sup> Si pro observatione. See F. Maassen (1870, 2nd ed. 1956). *Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande bis zum Ausgange des Mittelalters*, vol. 1, (Graz), pp. 604-611, online on [google books](https://www.google.com/books).

<sup>109</sup> *Directas ad nos* (See F. Maassen, 1870). Should we translate it as "Directions unto us"?

<sup>110</sup> To Auxanius Vigilius wrote, *Scripta de ordinatione*; to Auxanius he wrote, *Sicut nos pro tuae*. To the bishops of Gaul Vigilius wrote, *Quantum nos divinae*; to Auxanius he wrote: *Licet fraternitati*; to Aurelianus he wrote: *Administrationem vicum*; and again to the bishops of Gaul, Vigilius wrote: *Admonet nos*.

<sup>111</sup> Procopius in his book *About Buildings* in Book A' Part B' said at paragraph 4.18 τὰ δὲ δὴ ἄλλα ἱερὰ ζῦμπαντα, ὅσα τῷ Χριστῷ ὁ βασιλεὺς οὗτος ἀνέθηκε, τοσαῦτα τὸ πλῆθος καὶ τοιαῦτα τὸ μέγεθος ἐστίν, ὥστε λεπτολογεῖσθαι μὲν ἀμφ' αὐτοῖς ἀμήχανα εἶναι. Translated it reads: "All the other shrines which this Emperor dedicated to Christ are so numerous and so great in size, that it is impossible to write about them in detail." The 1685 French translation reads: "Il a élevé un grand nombre d'autres Eglises en l'honneur du divin Sauveur, qu'il est presque impossible de les décrire en particulier." These were the buildings that must have come after 538 from Justinian I.

<sup>112</sup> Nahman Avigad (1977). "A Building Inscription of Justinian and the 'Nea' Church in Jerusalem," *Qadmoniot* 10.2/3, 80-83. This is archaeological proof that Justinian built the Nea Church in Jerusalem. G. Downey (1950), "Justinian as Builder," *Art Bulletin* 32, 262-66.

<sup>113</sup> W. S. Thurman (1968). "How Justinian I Sought to Handle the Problem of Religious Dissidents," *GOTR* 13, 15-40. Evans, *op. cit.*, 65-71; Polymnia Athanassiadi (1993). "Persecution and Response in Late Paganism," *JHS* 113, 1-29; Michael Maas, *op. cit.* 67-82. A. P. Kazhdan, A-M. Talbot et al. (1991). *The Oxford Dictionary of Byzantium* Vol. 2 (New York: Oxford University Press), 1083 citing SH 8.12 "an approachable and gentle man who never showed his anger and who, in a quiet voice, would order the death of thousands of innocent men".

<sup>114</sup> J. A. S. Evans (1968). "Procopius and the Emperor Justinian," *Historical Papers, The Canadian Historical Association*, 126-39; *ibid* (1996). "The dates of Procopius' works: a Recapitulation of the Evidence," *GRBS* 37, 301-13; *ibid*, *Procopius*. (1972). New York.

<sup>115</sup> An online version in English of the Justinian Code is S. P. Scott (1832). *The Justinian Code from the Corpus Juris Civilis* (Cincinnati: The Central Trust Company). The preface to the Code.

and condemn them to the punishment of death.”<sup>116</sup> No judge may make the punishment lighter.<sup>117</sup>

At the end of Title III he claims that no Jew should hold a slave who is a Christian. Justinian concluded Title III with “Violators of this law shall not only be punished with a pecuniary fine, but also with the penalty of death.” In this requirement, if a pagan slave suddenly becomes Christianized, the Jew lost all his rights if the slave just leaves instantly. One cannot miss the discriminatory aspects in this law. It is the ecclesiastical teeth of the Code. When politics and religion mix, the jurisprudence bites. In the section on Heretics, Justinian invented his bite of the law as well. He held that heretics may not bring witnesses to the court so he favored the Christians above the heretics as far as jurisprudence is concerned. He said: “We therefore order that the right to be a witness, along with all other lawful acts, shall be forbidden to the Manicheans, the Borborites, and the Pagans, as well as to the Samaritans, the Montanists, the Tascodrogites, and the Ophytes.

We desire that the privileges of giving testimony in court against orthodox persons shall only be forbidden to other heretics, in accordance with what has been already decided.”<sup>118</sup> Acceptance of the errors of heretics is forbidden in the law of Inheritance as Justinian said at Title V paragraph 12: “that no one who accepts the error of heretics can receive an estate, a legacy, or a trust.” Severe punishments were not necessarily designed by Justinian to the Jews because of circumcising a Christian slave in Title X but Justinian was the one who scooped up the imperial decrees regarding this matter with previous emperors and one can conclude that he, without revising it, agreed with it.<sup>119</sup> The punishment is death. The same with the next Title XI on the illegality of pagan sacrifice at pagan temples. On the 18<sup>th</sup> of October 530 Justinian said in Codex I.3.44 “Whatever the holy canons prohibit, these also we by our own laws forbid.”<sup>120</sup>

### ***Persecution of private gatherings for worship besides state sanctioned worship***

The *Novella* LXVII spelled out a number of rules for clerics regarding alienation of immovable property of the church and other related matters, dating to 538 and the implications must have been a difficult situation for the papacy since the papacy had to flee at times for his life and Justinian made it illegal of anyone to leave their churches. They had to reside in the church and could not take long trips and ask members to send them money. Justinian prohibited anyone to start a house-church and one can see this as the beginning of persecution of private worship movements or small groups outside the domain of the public church. This law could have served the Holy Roman Empire very well, if one thinks what happened to the Waldensians later.

More evidence of Justinian and the persecution of heretics are the following. In *Novella* CIX of 541 Justinian outlined the state’s intolerance with heretics. He explained his epistemology behind his methodology that permanency of his reign can only be achieved if he found favor with God. Therefore the laws of the state should be based upon finding favor with God like Leo and Justin did, forbidding all heretics to have a share in public employments or offices so that they cannot use that office against the church. This rule they have built into the

<sup>116</sup> TITLE III. CONCERNING BISHOPS AND OTHER MEMBERS OF THE CLERGY, SUPERINTENDENTS OR ORPHAN ASYLUMS, OF HOSPITALS AND OF CHARITABLE FOUNDATIONS, MONASTERIES OF ASCETICS AND MONKS AND THEIR PRIVILEGES; CASTRENSE PECULIUM; THE REDEMPTION OF CAPTIVES; AND FORBIDDEN OR PERMITTED MARRIAGES OF ECCLESIASTICS, at paragraph 41.

<sup>117</sup> “No judge or any other person whosoever shall dare to violate this law. The penalties which We have mentioned above, that is to say, death and confiscation, We establish not only against the ravishers themselves, but also against those who accompanied them in the attack and rape. We also subject to capital punishment any others who may be convicted of having guilty knowledge of, and of acting as accomplices in this crime, whether they concealed the culprits, or gave them any assistance, no matter whether they are male or female, or what may be their condition, rank, or dignity, in order that all may undergo this penalty whether the consecrated virgin or other women above mentioned did or did not consent to the perpetration of such an atrocious deed.”

<sup>118</sup> TITLE V. CONCERNING HERETICS, MANICHEANS, AND SAMARITANS, at paragraph 11.

<sup>119</sup> “We desire that all those things which are included in Our compilation shall have the same force as if they had been written in the time of the ancients, and any contradictions which may be found therein shall be attributed not to those who wrote the laws, but to Our own choice.” TITLE XVII at 7. He continued: “We do not permit those matters provided by the Sacred Constitutions which We have inserted in Our Code to be placed there as derived from the ancient law, for the sanction of the Divine Constitutions is sufficient to establish their authority, unless this should happen to be done either for the purpose of making a division, or to render the work more complete, or to obtain greater exactness; this, however, should occur very seldom, lest, by such repetition, thorns may appear in this meadow.” From this one can assume that what went in, had Justinian’s authentication.

<sup>120</sup> H. Heiks 2010: 118.

constitution. Heretics are defined as “those who are the members of different heterodox sects”; “insane Hebrew doctrines of Nestorius”; “evil dogmas”; “impiety”; “all such as are not affiliated with the Catholic and Apostolic Church of God” which “preach the true faith and ecclesiastical tradition”.

A heretic is one who does not receive the sacraments from a cleric of the Catholic Church even though they call themselves “Christians”. Those who hold and embrace the doctrines of the Catholic Church shall have greater privileges than those who do not.

If females are not a member of the church and do not receive sacraments they “shall be deprived of all the advantages of Our Constitution”. The persecution teeth in the laws of Justinian cannot be missed here. Justinian merely wants the ecclesiastical administration to “publish” his already designed church laws, an action that is rendering the papacy “unemployed”. The papacy was not happy with Justinian. In *Novella* CXXIII of 541 Justinian described aspects that one would expect to find in a church manual as part of civil law. Evidence Justinian and Seventh-day Sabbath-keeping persecution are the following. In *Novella* CXLIV there is an example of Sabbath persecution. About the Samaritans Justinian said (undated): “And if any Samaritan, after having proved himself worthy to receive baptism, should return to his former error and be detected in observing the Sabbath, or in doing anything else which proves that he was only baptized through simulated conversion, We order that he shall be proscribed, and sentenced to exile for life.”

Justinian changed the attitude towards Sabbath keeping in 538. In his diary of 1847, Hiram Edson said: “The council of Orleans, held 538, prohibited the country to labor on Sunday, which Constantine, by his laws, permitted. This council also declared, “That to hold it unlawful to travel with horses, cattle and carriages, to prepare food, or to do anything necessary to the cleanliness and decency of houses or persons, savors more of Judaism than Christianity”.<sup>121</sup> Justinian and persecution of heretics is dealt with in his sources. In *Novella* XXXVII the fate of heretics are given by Justinian as follows: “A heretic shall not confer the rite of baptism, or discharge the duties of a public office, and a catechumen shall not circumcise anyone. No heretic shall, under any circumstances, have a house of worship, or a place of prayer.” The civil law has teeth on ecclesiastical matters here. It is undated. *Novella* XLV from 535 is ruling over heretics, Jews and Samaritans that they shall not be able to testify against an orthodox Christian or the government who is considered to be favoring orthodox Christians. The persecuting power of the state is seen in these laws.

### ***The Self-perception of Justinian***

Justinian’s self-perception: Lawyer, Emperor, Chief of Staffs, Ecumenical Agent, Police for the Papacy, Theologian, Builder of 37 churches, caesaro-papist. Justinian saw himself as sacred as he said on the 6<sup>th</sup> November 529: “For what is greater or more sacred than the Imperial Majesty?” He actually wanted to come to the aspect of himself as the only correct interpretation of the law and its ultimate center and concluded with others: “We hold that every interpretation of the laws by the Emperor, whether in answer to requests made to him, or whether given in judgment, or in any other way whatsoever, shall be considered valid, and free from all ambiguity; for if, by the present enactment, the Emperor alone can make laws, it should also be the province of the Imperial Dignity alone to interpret them.”<sup>122</sup> On the 18<sup>th</sup> of 530, Justinian wrote that the ultimate power of the Romans is not the army but God Almighty.<sup>123</sup> About his Code Justinian said on completion of it: “We have given thanks to Almighty God who has offered us the opportunity to fortunately carry on war, as well as to enjoy an honorable peace, and to formulate a most excellent system of laws, not only for the use of the present age but for that of those which shall come hereafter,

<sup>121</sup> *Chambers’ Encyclopaedia* “Sunday” cited in H. Edson (1847). Diary, 26). A fuller citation of the council’s decrees is presented by H. Heiks 2010: 269-271. “28. It is a Jewish superstition that it is unlawful to ride or drive on Sunday or do anything for the decoration of house or person. But field labors are forbidden, so that people may be able to come to church and worship. If anyone acts otherwise, he is to be punished, not by the laity, but by the bishop” (Heiks [2010]: 270 citing the paraphrase of C. J. Hefele [1895]. *A History of the Councils of the Church* [Edinburgh: T. and T., 4: 209]).

<sup>122</sup> TITLE XIV. CONCERNING THE LAWS AND CONSTITUTIONS OF THE EMPERORS, AND EDICTS, paragraph 11.

<sup>123</sup> “Under the protection of God, by whose Celestial Majesty Our Empire has been delivered to Us, We have been fortunate in war, have adorned peace, and maintained the welfare of the State; and We have committed Our soul to the care of Almighty God to such an extent that We do not confide in Our arms, Our soldiers, Our leaders, or Our own genius, but place all Our hopes in the wisdom of the Holy Trinity alone, from which the elements of the entire world have been derived, and their distribution made throughout the globe.” In TITLE XVII. CONCERNING THE EXPLANATIONS OF THE ANCIENT LAW AND THE AUTHORITY OF THE JURISTS WHO ARE MENTIONED IN THE DIGEST.

and with pious mind, We have offered this work for the benefit of man.”<sup>124</sup>

This Code was intended by Justinian to unify his whole empire ecumenically and ecclesiastically under the Catholic Church with the Papacy as primary authority. He saw himself as the great unifier or religious civilization architect. His relation with the papacy and the papacy with him is well illustrated in the letter of Justinian to Pope Johannes and vice versa. The Code is actually a law with discriminating biting teeth. It provided a definition for church in a monotone only. Any other color was not accepted and condemned, and in fact, discriminated against and even persecuted or killed. Justinian created the glove that was to become the backbone of the Middle Ages Catholic Churches Holy Roman Empire and the persecutions that happened during this period can all be tract back to this legal system that Justinian installed throughout his empire.

### ***Justinian upholding the supremacy of the papacy as head of the Church***

A letter of Justinian to Pope Johannes is also presented in the work of Scott 1832. It reads “The following is the text of the letter of the Emperor Justinian, Victorious, Pious, Happy, Renowned, Triumphant, always Augustus,” which gives one the view of the emperor about himself. He express *his ecumenism ideal* as follows to the pope: “as We have always had the greatest desire to preserve the unity of your Apostolic See, and the condition of the Holy Churches of God, as they exist at the present time, that they may remain without disturbance or opposition. Therefore, we have exerted ourselves to unite all the priests of the East and subject them to the See of Your Holiness.” “We have always had the greatest desire to preserve the unity of your Apostolic See.” There is a *necessity to inform the pope* and he express himself as follows: “we do not suffer anything which has reference to the state of the Church, even though what causes the difficulty may be clear and free from doubt, to be discussed without being brought to the notice of Your Holiness.” He *recognized the headship of the papacy role in the church* as follows:

“because you are the head of all the Holy Churches.” Justinian in this letter to the pope Johannes said that he *will do his best to give power to the pope and make a good image for him* as follows: “We shall exert Ourselves in every way (as has already been stated), to increase the honor and authority of your See.” Justinian mentioned that *Infidels are Jews, apostates, disputing theologians* who do not belong to the Holy Catholic and Apostolic Church of God and that their problem is they “dared to dispute matters which are properly accepted, glorified, and preached by all priests in accordance with your doctrines.” He *emphasized the focus on the Holy See* in the following way: “All the priests of the Holy Catholic and Apostolic Church and the most Reverend Abbots of the Holy Monasteries, acknowledging Your Holiness, and solicitous for the prosperity and unity of the Holy Churches of God, which they receive from the Apostolic See of Your Holiness, making no changes in the ecclesiastical condition which has existed up to this time, and still exists; with one voice.” Justinian recognized the four councils “we recognize four Sacred Councils . . . all priests who follow the doctrine of your Apostolic See believe, confess, and preach these things.”

The real purpose of the letter is to get the papacy on board his ecumenical train that is part of his agenda of his reign, so he *wished to report what the spies told them (there are snakes in the papacy's grass)* in the following way: “We have hastened to bring to the notice of Your Holiness, through the most blessed Bishops Hypatius and Demetrius (so it may not be concealed from Your Holiness), that these tenets are denied by some few wicked and judaizing monks, who have adopted the perfidious doctrines of Nestor.” He then petitioned the papacy *to agree with the spy report and condemn the jewish-like apostacy* “that Your Holiness acknowledges all the matters which have been set forth above, and condemns the perfidy of those who, in the manner of Jews, have dared to deny the true Faith.” He used honey to lure the papacy into his scheme by adding the *benefits of participation in the revamping project: love for pope, papal authority increase, unity preserved* in the following way: “For in this way the love of all persons for you, and the authority of your See will increase, and the unity of the Holy Church will be preserved unimpaired.”

He ended the letter by calling pope Johannes not only “Holy Father” but “Most Holy and Religious Father”.<sup>125</sup> Then followed the letter of Pope Johannes to Justinian, also published in Scott 1832. The papacy agreed that *Justinian studied Systematic Theology and the area of Christology* in the following way: “that you have devoted yourself to the study of apostolic learning, as you are familiar with, have written, proposed and published to believers among

<sup>124</sup> TITLE XVII at paragraph 12.

<sup>125</sup> He also used *παπα, παπα* Ῥωμης, Papa with and without urbis Romae, primus archipontifex et papa urbis Romae, beatissimus atque apostolicus pater, papa urbis Romae, sanctissimus archiepiscopus almae urbis Romae et patriarcha, sanctitas, beatitudo, apostolatus (see op. cit. H. Heiks [2010]: 165).

the people.” The pope preached for him and then asked Justinian to keep venerating the Papacy in the following words: “Moreover, we pray God and Our Saviour Jesus Christ, that he may preserve you long in peace in this true religion and in the unity and veneration of the Apostolic See.”

Pope Johannes called Justinian’s empire a Christian and pious Empire as follows: “your most Christian and pious Empire.” This is very interesting since these words can be seen as the preamble to the fall of the Roman Empire and the beginning of the Holy Roman Empire. The year is 533 on the 8<sup>th</sup> of April and more evidence would soon give us the exact date for this transition of the Empires. In his final blessing to Justinian he called him “the Holy Spirit, remain forever with you, Most Pious son. Amen.” One has to weigh the words of an outsider to the court (pope Johannes) with those of an insider to the court (biographer Procopius) in this case.

Procopius may not have all dates or things always in place but he seems factual and the data do correspond to the process of developments in Justinian’s life. Justinian’s letter to Pope Johannes on the 15<sup>th</sup> of April 533 is an admission of the authority of the papacy “that you uphold the mentioned letter with your authority...Therefore should anyone have presumed to speak against the confession, as it was mentioned earlier, and to this faith, he would have known himself alien from the Catholic communion.”<sup>126</sup> Justinian’s change of view of the importance of the papacy and his multiple Rome view is also clear from other sources. In Novella CXXXI of 541 Justinian decided to accept the dogmas of the four councils Nicea, Constantinople, Ephesus and Chalcedon “as sacred writings, and observe their rules as legally effective” (Chapter I). The supremacy of the Papacy is now honored, which is a major transformation from Justinian’s view of the papacy in 535 and 536 where he merely ordered the papacy to follow what he has dictated. Here in 541 in Chapter II, Justinian said “We order that the Most Holy Pope of ancient Rome shall hold the first rank of all the Pontiffs, but the Most Blessed Archbishop of Constantinople, or New Rome, shall occupy the second place after the Holy Apostolic See of ancient Rome, which shall take precedence over all other sees.” Notice the two Romes or multiple Rome perspective of Justinian.

Justinian and papacy recognition come strongly to the fore in other sources as well. In Novella LVII of 538 Justinian indicated that if a builder of a church wish to appoint someone for office he must consult with the high officials of the church including the papacy and when the papacy consider it fine, according to the Holy Scriptures (in Justinian’s view) it will be revered and appropriate. Justinian was willing to point to the decision of the papacy in this ruling.<sup>127</sup> That perspective, regarding papal supremacy which Justinian I also endorsed, goes back more than 80 years. The preamble theoretical design of papal supremacy between Pope Leo I<sup>128</sup> and pope Hormisdas (514-525)<sup>129</sup>

<sup>126</sup> H. Heiks (2010): 124. Op cit. Otto Geunther (1895). *Epistulae Imperatorum Pontificum Aliorum, Avelana Quae Dicitur Collectio*, 2 pts. In *Corpus Scriptorum Ecclesiasticorum Latinorum*, vol. 35. Prague: F. Tempsky, 344, 347 March 14, 536.

<sup>127</sup> A concept that brought Justinian in trouble with the papacy is his habit of recognizing the papacy by writings and text but not by attitude as one can see the attitude coming to the fore in a number of places in the Novellae. Scholars thus investigated his attitude of caesero-papism. A. W. Ziegler (1953). “Die byzantinische Religionspolitik und der sogenannte Caesaropapismus,” *Munchener Beiträge zur Slavenkunde, Festgabe für Paul Diels*. München, pp. 81-97. W. Enßlin (1955). *Gottkaiser und Kaiser von Gottes Gnaden*. Sitzungsberichte der Bayerischen Akademie der Wissenschaften Philosophisch-historische Klasse, Heft 6, München, Verlag der Bayerischen Akademie der Wissenschaften in Kommission by Beck. C. Bauer studied the beginning of caesero-papism: C. Baur (1931). “Die Anfänge des byzantinische Caesaropapismus.” *Archiv für katholisches Kirchenrecht* III, 99-113. D. J. Geanakoplos noted that scholars have created the term *caesaropapism* to speak of the attitude of the emperor to treat the church as a department of the state (D. J. Geanakoplos [1965]. *Church and State in the Byzantine Empire: A Reconsideration of the Problem of Caesaropapism*. *Church History* 24. Pp. 381-403, especially page 381). In the work of G. D. Agron, the problem with caesaropapism is “il faut que l’empereur appartienne d’une certaine manière à l’ordre des prêtres, avec un danger, l’Antéchrist à venir sera aussi empereur (G. D. Agron [1996]. *Empereur et prêtre. Étude sur le “césaropapisme” byzantine* (Bibliothèque des Histoires). Gallimard, Paris). As A. Carile (2004) indicated about this concept in the days of Constantine: “The king, as the true representative of the divine, enjoys the wisdom, symbolised by the church of Hagia Sophia and by the throne of Solomon, which connected the world order of the empire to the cosmic order, as being both created together with all things by the Wisdom of God; Hagia Sophia was not far from the omphalos of the city the true connecting point between heaven and earth. The empire was the kingdom of heaven brought to earth through the renewal of Constantine, so that it was the orthodox empire, in a supernatural polity, a *corpus politicum mysticum*, as Otto Treitinger named it, in a Christian reshaping of an ancient Pagan belief” (A. Carile [2004]: 53-85 at footnote 14).

<sup>128</sup> P. Stockmeier (1959). *Leo I des Grossen Beurteilung der kaiserlichen Religionpolitik*. *Munchener Theologische Studien I. Historische Abteilung*. Band 14. München. M. Heuer.



became the backdrop of the actions of emperors regarding their relationship with the church.

Since this theology of *vicarius filii dei* or papal supremacy in church affairs was firmly grounded among the clerics for over eighty years, many scholars<sup>130</sup> have singled out pope Leo; Gelasius<sup>131</sup> and Hormisdas for this protocol design. As Anastos indicated, “they had to approve all of Pope Leo I’s letters on Christian dogma (including, of course, Leo’s famous Tome to Flavian, which the monophysites and the supporters of the Henoticon rejected as Nestorian), confirm all of the previous decrees of the Roman see, and promise in the future not to commemorate in the liturgy those whom Rome had condemned.”<sup>132</sup>

### ***The ecclesiastical policy of Justinian***

The ecclesiastical policy of Justinian is summarized by Vasiliev in 1928 as: Restoration duty; ‘one state, one law, one church’.<sup>133</sup> Everything should be submissive to the absolute power of the emperor. “Fully aware of the fact that the church might serve as a powerful weapon in the hands of the government, he used every effort to bring it into subjection.”<sup>134</sup> Motifs for Justinian’s ecclesiastical policy were studied by historians and their conclusion is that religion is the servant of politics.<sup>135</sup> This is not totally correct. If politics was his main concern the army would have been paid properly before he would build 37 churches. The economy was also not so much in trouble than that he and his wife did what Procopius said they did, spending, grabbing, stealing and utilizing the money for the self-appointed missionary projects. The empire was in problems and Justinian was not successful but he tried to do things his own way.

Other scholars put it in the following way that Justinian was a “second Constantine the Great was ready to forget his direct administrative duties wherever church matters were concerned.”<sup>136</sup> He wanted to keep his involvement with the administration and fate of the church, to the highest rank, and also studied himself into theological issues to participate in dogma debates. This is before 538 A.D. He had the right to regulate the life of the clergy, to fill the papacy seat, to be a mediator and judge of their ecclesiastical affairs. But to do this successfully, he had to be pious himself. Protection of clergy and church-building projects were part of his empire chess-game.<sup>137</sup> He did a lot to

<sup>129</sup> See the letter of Pope Hormisdas in February 519 to Justinian in H. Heiks (2010): 40-41 “For it is necessary that the falsehood not be just partly improved but torn out by the root...” It is saddling the horse of imperial persecution by papal design.

<sup>130</sup> W. Kissling (1920). *Das Verhältnis zwischen Sacerdotium und Imperium nach den Anschauungen der Papste von Leo d. Gr. bis Gelasius I (440-496)*. Paderbon, F. Schoningh. F. Hofmann (1956). “Der Kampf der Papste um Konzil und Dogma Chalkedon von Leo den Grossen bis Hormisdas (451-519).” In *Das Konzil von Chalkedon, Geschichte und Gegenwart*. Vol. II: *Entscheidung um Chalchedon*. Editor A. Grillmeier and H. Bacht. Würzburg: Echter Verlag, pp. 13-95. R. Haacke in the same volume: “Die Kaiserliche Politik in den Auseinandersetzungen um Chalkedon (451-553).” Pp. 95-177. The concept was so strongly accepted by the church that the emperors considered it as part of what a true church should be. See also F. Heiler (1941). *Altkirchliche Autonomie und papstlicher Zentralismus*. München: E. Reinhardt. F. Dvornik included more persons that played a part in the evolution of the papal see to its universal powerful role. He mentioned pope Leo I and the Libellus Hormisdas of pope Hormisdas which gave supremacy to Rome for questions on doctrine; the *Novella* 131,2 of Justinian that gave to Rome superiority over Constantinople who is considered inferior. There is a line of development here in self-aggrandizing as one can see in the detail provided by Dvornik since a later pope just before Gregory the Great 590, complained incorrectly (so Dvornik 1961) that the Patriarch of Constantinople calls himself by the title of Ecumenical Patriarch. Even until pope Boniface III, after Gregory, complained to the emperor about the same issue. Pop-ups were not allowed when the see of Peter was to have supremacy. The complaint of Boniface III paid off since emperor Phocas proclaimed what they wanted to hear in 607: “And the Apostolic See of the blessed Apostle Peter is the head of all the churches” = *sedes apostolica beati Petri apostoli caput esset omnium ecclesiarum* (*Liber Pontificalis*, ed. L. Duchesne, Vol. 1 page 316) (see Dvornik [1961] at footnote 26).

<sup>131</sup> See some strong points by pope Gelasius I in H. Heiks (2010): 226-227. “What the Roman church didn’t acknowledge would have no validity and would be ineffective.”

<sup>132</sup> M. Anastos, (2001). *Aspects of the Mind of Byzantium* (Political Theory, Theology, and Ecclesiastical Relations with the See of Rome), Ashgate Publications. Variorum Collected Studies Series.

<sup>133</sup> A. A. Vasiliev (1928). *History of the Byzantine Empire* (Vol. 1-2). In University of Wisconsin studies in the social sciences and history, 13, 14, pages between footnotes 57-76. <http://www.intratext.com/IXT/ENG0832/>

<sup>134</sup> Vasiliev (1928).

<sup>135</sup> Vasiliev (1928).

<sup>136</sup> Vasiliev (1928): footnote 59.

<sup>137</sup> Vasiliev (1928).

instill faith among his subjects and to “evangelize” them. One can see it in his letter to one of his subjects before 538 A.D. saying the army is ultimately in the hand of God the Almighty. Since the emperor crossed over the border between state and church and assumes functions that were considered to be the papal role, he is called caesaro-papist.<sup>138</sup> An Orthodox Church or Vatican historian would say that Justinian had a ‘caesaro-papistic tendency’.<sup>139</sup>

As Vasiliev puts it: “In his conception the ruler of the state was to be both Caesar and pope; he was to combine in his person all temporal and spiritual power.” It may be possible that Justinian crossed this line of power innocently due to his over-enthusiasm with faith but that it would bring him into serious trouble with the Vatican and Holy See of his time, is not maybe but definitely. Political focused historians claim that Justinian just did this to secure his political power and to strengthen the government and to find religious support for the throne.<sup>140</sup> This is impossible. The offices of the government were switched off one by one. The army reduced.

Money displaced for mission church building projects (37 of them) and the iconography (art theory) of Justinian art in these churches like the Vitale Church in Ravenna and the Hagia Sophia present one with a true picture of Justinian after 538 A.D. 50% of the representatives in the Ravenna church next to Justinian in the center are soldiers or statesmen and 50% of them are clergy. In the church of the Hagia Sophia in 537 A.D. Justinian stand on the left next to Mary with Jesus with a church model in his hand and on the right Constantine is standing with a model in his hand as well. It appears that Constantine and Justinian built the church for the “Mother of God” as the abbreviation in Greek gave it. Since this date was shortly before 538 A.D. and all other churches built after this period, one cannot say that he did church-work just for his political welfare. Vasiliev cited a scholar that said that Justinian had a double face policy in church affairs looking to the east for truth and to the west at Rome asking for direction.<sup>141</sup> As to the supremacy of the pope of Rome Vasiliev had no doubt: “During Justinian’s reign the see of Rome enjoyed supreme church authority. In his letters to the bishop of Rome, Justinian addressed him as ‘Pope,’ ‘Pope of Rome,’ ‘Apostolic Father,’ ‘Pope and Patriarch,’ etc., and the title of pope was applied exclusively to the bishop of Rome.

In one epistle the Emperor addressed the Pope as the ‘head of all holy churches’ (*caput omnium sanctarum ecclesiarum*), and in one of his Novels he definitely stated that “the most blessed see of the archbishop of Constantinople, the New Rome, ranks second after the most holy apostolic see of Old Rome.”<sup>142</sup> Justinian had a self-image problem with pagans, heretics and Jews. The pagans were looking for Athens so he closed the Athenian school in 529. The heretics he corresponded to the pope about and tried to ban them. The Jews he took care of in his legal system in 534. Vasiliev 1928 said about the Jews and Samaritans: “The Jews and their religious kinsmen, the Samaritans of Palestine, unable to be reconciled to the government persecutions rose in rebellion but were soon quelled by cruel violence. Many synagogues were destroyed, while in those which remained intact it was forbidden to read the Old Testament from the Hebrew text, which had to be replaced by the Greek version of seventy translators (the so-called ‘Septuagint’).” So-called is a very good word to use by Vasiliev. Nevertheless, Justinian was a favoritist and a persecutor. His legal system was not objective designed for all humanity but partisan and eclectic in cultures. When there was a struggle between pope Agapetus and Justinian the following conversation is said to have taken place between them: “I shall either force you to agree with us, or else I shall send you into exile,” said Justinian, to which Agapetus answered, “I wished to come to the most Christian of all emperors, Justinian, and I have found now a Diocletian; however, I fear not your threats”.<sup>143</sup> Vasiliev indicated that when Theodora died pope Vigilius ordered the clergy to pray for the prince Justinian and princess Theodora: “Upon the invitation of Vigilius, the priests of western Europe had to put up incessant prayers for ‘the most clement princes, Justinian and Theodora.’” In later times in Justinian’s life at the 5<sup>th</sup> Ecumenical Council of Constantinople in 553 he ordered the decisions to be decreed and if clergy do not agree, they would be persecuted.<sup>144</sup> Justinian is seen as a great missionary by some scholars: “But in speaking of Justinian’s religious policy we must not disregard his missionary activities.

As a Christian emperor he considered it his duty to spread Christianity beyond the boundaries of his empire. The conversion of the Heruli on the Danube, and of some Caucasian tribes, as well as of the native tribes of Northern

<sup>138</sup> Vasiliev (1928), at footnote 60.

<sup>139</sup> Term also used by Vasiliev (1928), at footnote 60.

<sup>140</sup> Vasiliev (1928).

<sup>141</sup> Vasiliev (1928): footnote 61.

<sup>142</sup> Vasiliev (1928) at footnotes 62-63.

<sup>143</sup> Vasiliev (1928) at footnote 70.

<sup>144</sup> Vasiliev (1928).

Africa and the Middle Nile occurred in Justinian's time."<sup>145</sup>

### ***Iconography notes on art in Justinian's time***

Just when one gets the impression that Justinian and Theodora became interested in Christianity in 536, the year 538 pop-up as the strongest evidence that Justinian is now a Christian. Before this year, Justinian was depicted on his coins as a soldier with a lance, riding a horse. The sample from below does not depict any date on the coin but scholars indicated that it was before 538.<sup>146</sup>



### ***Justinian I the Soldier is a Theologian***

In the year 538, Justinian I asked the minters of his coins, not to issue any coins in future displaying him as a soldier any longer. Instead, from 538, he was to be with a cross in his hand on a globe of the world in his hand, since he considered himself rather as a theologian and not a soldier.



There is another change that Justinian I wished to introduce on his coins. No date was placed on the coins prior to this year but from 538 they were to put his regnal year on the coin. The 12<sup>th</sup> year of Justinian I or XII as one sees it on this coin, was exactly 538.



(For the drawings, see W. Smith 1849. Also see for the photo [http://en.wikipedia.org/wiki/Justinian\\_I](http://en.wikipedia.org/wiki/Justinian_I))

<sup>145</sup> Vasiliev (1928) at footnote 76.

<sup>146</sup> William Smith (1849). *Dictionary of Greek and Roman Biography and Mythology II* (Boston: Charles C. Little, and James Brown), 666, 675 and *Novella*, 47. Smith says that Justinian "who carried on his wars by means of generals, and who was more interested personally in legislation, theological disputes, and public buildings, caused himself to be represented with the imperial globe and no longer as a warrior". The XIIth year on the coin is exactly 538 CE.

Ask any reliable historian, when the fall of Rome was, and they will all point to the year 457, or close enough. Even though that date is accepted, the emperors came and go, wars came and go. The imperial power did not seem to stop existing at 457. Not then and not soon afterwards.

### ***Justinian the law collector and jurist***

Justinian I was known to be the greatest law collector in the Roman history.<sup>147</sup> He systematized law to such an extent that the Catholic Church in their 1983 Code of Laws is proud to announce that the laws of Justinian I forms an integral part of their legal system. They are very thankful for what he did.<sup>148</sup> This all happened around 538, before and shortly after. Justinian I and his wife Theodora sat at the same table to dine but they were all the time trying to deceive each other, according to his biographer Procopius. He collected laws, he fought wars in the south in North Africa and then suddenly a change came in his life. Justinian I became interested in theology and church ecumenical councils and in 538 he made a very startling announcement: “Do not call me a soldier any more but a theologian.” This radical shift in his thinking, this major change in his image portrayal can be found in numismatics of that time. The coins before 538, that is, from his first year to his eleventh year, all indicate that he was portrayed as a soldier, holding a lance in his hand. In his twelve year, Justinian ordered that from now on they should not portray him with the image as a soldier on the coins, but holding the cross in his left hand and the earth or globe in the other with the cross on top of it. It was nearly the same motif that one had of Constantine the Great, also holding a globe with a cross on it in his right hand, from the period of his so-called conversion. Not only did the lawyer emperor asked that his image should not be one of a theologian, he also changed the time reference of the coin. From now on, the date or year of his reign had to be printed on the coins. The beginning of this system of time-addition to the coin, this change in time reckoning, namely from no time indication to regnal year indication, was in 538. The 12<sup>th</sup> year in Roman letters are XII with X = 10 and I = 1 thus 12 and this time appeared for the first time on the coins of Justinian I in 538. He was thinking of changing time indicators on coins. Justinian I who was more interested in legal matters and legislation as well as ecumenical disputes in the church started to show more interest in theological matters. In fact, the fifth ecumenical council was organized by him.

As a result of the chaos that existed in the Roman legal system, Justinian decided that the aim of “his policy was to create a strong empire, based on a unified administrative system and a single creed, encompassing the whole Mediterranean and ostensibly brilliant. To this end he promulgated the *Corpus Iuris Civilis*.”<sup>149</sup> He attempted to reform law through a process of codification (selecting, ordering and recording of the adaptation of written law, and the giving of legal power to this recording. He ordered a panel of legal scholars to assemble the *Constitutiones* (edicts of emperors with legal power) of previous centuries, to sift it and to accommodate it to the needs and practices of his own time. The result was twelve books, entitled *Codex*. The writings of Classical Jurists were to be assembled with “convenient speed”. It was suppose to take ten years but was completed in three. It received imperial sanction on the 30<sup>th</sup> of December 533. It was called *Digesta* and the *Pandectae*, in fifty books.

Critics of Justinian’s editorship said: “Tribonian, [the leader of the Reform Commission] and his associates, regarding rather practical utility than the curiosity of the archaeologists, did not scruple at times so to adulterate the extracts they made, that a theorizer in legal history might easily be misled if he trusted implicitly their accuracy”.<sup>150</sup> Justinian made also text books for students and they were called *Institutiones Iustiniani* (four books). On the 29<sup>th</sup> of December 534 the *Code of Justinian* came out with legal force and it “superseded and carefully suppressed” the former law.<sup>151</sup> Justinian supplemented it later and that was collected in the *Novellae Constitutiones*.<sup>152</sup> Says Smith

<sup>147</sup> “Justinian though fond of legal unity, was fond of lawmaking” (W. Smith [1849]. *Dictionary of Greek and Roman Biographies and Mythology* II [Boston: Charles C. Little, and James Brown], page 670).

<sup>148</sup> When the New Canon Law of the Catholic Church came out on the 25th of January 1983 it was given full action by Pope John Paul II. It is said: “Finally, it should be recalled that canon law [Catholic Law] and Roman civil law were at times intermingled. Many imperial constitutions, particularly under the emperor Justinian, dealt with ecclesiastical matters, and bishops were often called upon to serve as arbiters of disputes or in other secular capacities. Some of the early church laws on subjects such as marriage can be found in the Roman law collection entitled *Corpus Iuris Civilis*” (Coriden, J., Green, T. J., Heintschel, D. E. [1985]. *The Code of Canon Law: a text and commentary* [New York: Paulist Press], page 2).

<sup>149</sup> Kazhdan, Talbot et al (1991): 1083.

<sup>150</sup> Smith (1849): 667-670.

<sup>151</sup> Smith (1849): 670.

<sup>152</sup> Ibid.

about Justinian's shifting from his own legal code of 534, that the greater part of his "legal changes" or "legal reforms" were promulgated "in the first five years after the publication of the new Code" (thus between 535-539).<sup>153</sup> About Justinian's desire to change law, Smith said that soon afterwards [534] Justinian "contemplated the necessity of a supplement to it, and promised that any legislative reforms which he might afterwards make should be formed into a collection of *Novellae Constitutiones*".<sup>154</sup> He is not only a lawyer but also someone who thinks or desire changing his own laws. And the date he was doing it includes 538, between 535-539.

### **Iconography of the Statue of Justinian**



### **Drawing of a Statue of Justinian I on a Horse from the 15<sup>th</sup> century+**

Dating of this statue is post-538 for we have evidence in the numismatics that it is only in that year that they should no longer depict him as a soldier but as a theologian. This Equestrian Statue of Justinian in the Augustaeum was described in full by Procopius in his book, *Buildings of the Emperor* LII 5-12. A drawing of this statue was made at the request of the traveller and antiquary Cyriacus of Ancona when the monument still existed in the early fifteenth century. The drawing is preserved in Budapest and it has been published and discussed by G.<sup>155</sup> Just like the coins, in this statue there is no lance but only a globe with a cross on it to signify Justinian's decision to be depicted as a theologian after 538 CE.<sup>156</sup> After this time, Justinian devoted himself to uncountable building projects for churches.

### **Iconography of the Church of in Ravenna**

<sup>153</sup> Ibid. Smith (1849) further indicated that when the first one came out on the first of January 535 it was called in Greek νεαραι διαταξεις = "new edicts" or new laws. One of the qualifications of the starting period of the Antichrist is that the Little Horn of Daniel 7:25 will change times = *zamîn* (plural) and laws and since the persecution was going to be 1260 years it had to be someone kicking off this period with these attributes.

<sup>154</sup> Ibid.

<sup>155</sup> G. Rodenwaldt (1931) in the *Archäologischer Anzeiger*, 331-334.

<sup>156</sup> "Il tient un globe à la main gauche, pour faire connaître qu'il possède l'Empire de la terre, & de la mer. Il n'a ni lance, ni épée. Il n'a que la croix qui est sur le globe, & qui sert d'ornement à sa couronne, & d'instrument à ses conquêtes" (French translation by M. Cousin [1685]. *Histoire de Constantinople depuis le règne de L'Ancien Justin jusqu'à la fin de l'Empire* Vol. II (Paris: Chez Damien Foucalt). <http://remacle.org/bloodwolf/historiens/procope/edifices1.htm>

Original: Procopius *Buildings of the Emperor* Book A Part B'

καὶ φέρει μὲν χειρὶ τῇ λαίᾳ πόλον, παραδηλῶν ὁ πλάστης ὅτι γῆ τε αὐτοῦ καὶ θάλασσα δεδούλωται πᾶσα, ἔχει δὲ οὔτε ξίφος οὔτε δοράτιον οὔτε ἄλλο τῶν ὅπλων οὐδέν, ἀλλὰ σταυρὸς αὐτῷ ἐπὶ τοῦ πόλου ἐπίκειται, δι' οὗ δὴ μόνου τήν τε βασιλείαν καὶ τὸ τοῦ πολέμου πεπóρισται κράτος. [http://penelope.uchicago.edu/Thayer/H/Roman/Texts/Procopius/Buildings/1B\\*.html](http://penelope.uchicago.edu/Thayer/H/Roman/Texts/Procopius/Buildings/1B*.html)  
Croke, Brian, "Justinian's Constantinople", in Michael Maas (ed), (2005). *The Cambridge Companion to the Age of Justinian* (Cambridge), 60-86, especially page 66 provides very useful information about this Statue.



In an online source by Patrick Hunt (2006), he described how Justinian used the art as propaganda.<sup>157</sup> Hunt indicated that Belisarius conquered Ravenna for Justinian in 539-540. They then planned the building of the church which was completed in 548.



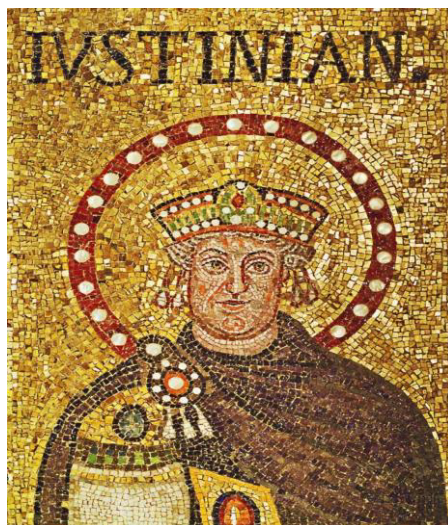
San Vitale Ravenna Italy Window Apse of Justinian

<sup>157</sup>Patrick Hunt, (2006), "Byzantine Art as Propaganda: Justinian and Theodora at Ravenna." <http://traumwerk.stanford.edu/philolog/Justinian.jpgJustinian.jpg>



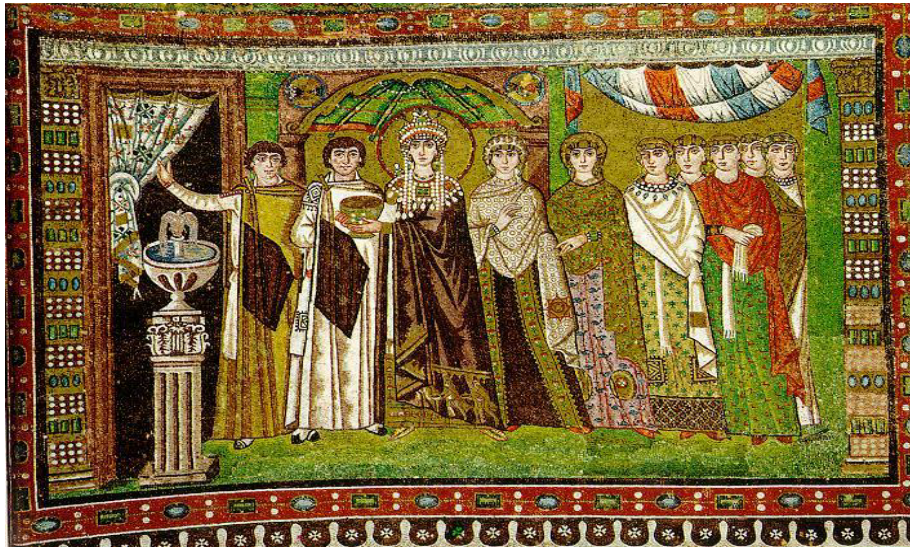


In 547 was completed the Ravenna church (started in 540) with Justinian and six clerics and six soldiers simulating Christ<sup>158</sup> with His 12 disciples and with a halo around his head. It is said that Justinian underlines the fact that he is emperor of politics and religion, the state and the church. This desire of Justinian brought him in conflict with the papacy that had the self-impression that the papacy is Christ's *vicarius filii dei* on earth, not the emperor. The word MAXIMIANVS means "the greatest" or "chief" and is over the one holding the cross. However, Justinian is in the center of the picture. Hunt indicated that Maximianus was archbishop of this church from 545-553 (Hunt 2006). Justinian is carrying the "bread of life" basket for the Eucharist while his wife has the chalice of wine. Justinian fulfills the highpriestly role here (Hunt 2006). Before Maximianus, Victor was bishop between 538-545 and his name monogram appears on capitals in the Ravenna church.



**Justinian in the st. Apolinare Church**

<sup>158</sup> Some pointed out that this kind of icon is called κυριωτισσα = simulating Christ. S. Zucker, B. Harris, San Vitale, Ravenna. Online accessed at <https://www.khanacademy.org/humanities/medieval-world/byzantine-1/venice-ravenna/v/justinian-and-his-attendants-6th-century-ravenna>. It is said that the halo is never put during the person's life but one should doubt whether the above example was added later after Justinian's death. It seems more likely that it was incorporated while he was still alive.



Theodora as Mary in the church of Ravenna (540-547). As Hunt (2006) indicated, she is holding the “blood of Christ” which is only to be officiated by a highpriest and they hold open for her the veil so that she can enter the Holy of Holies. She has a halo resembling Maria and there is also Venus, whom she adored. She is wearing many jewelry. Procopius described her as a circus performer and a whore who then later married Justinian in 525 and had herself crowned in 527 with Justinian as empress (Hunt 2006).

#### ***Iconography of the Equestrian Sculpture of Justinian***



**Ivory in the Louvre Museum**

#### **Legal Supplementations in the Novellae of Justinian (Changing the laws or his laws)**

In an article by K. Ross, he indicated that the dates of the consuls in the Novellae of Justinian can be calculated as follows: Belisarius from 535 is the consul and the datings are provided:

- 535 Fl. Belisarius (East)
- 536 Post consulatum Belisarii
- 537 II post consulatum Belisarii
- 538 Fl. Johannes Orientalis (East)
- 539 Fl. Strategius Apion Strategius Apion (East)
- 540 Fl. Petrus Theodorus Valentinus Rusticius Boraides Germanus Justinus (East)



541 Anicius Faustus Albinus Basilius Junior (East)<sup>159</sup>

Ross indicated that “When we see Belisarius, Justinian's great general, as Consul for 535, even as he was actually in Italy at the time, taking Rome, the institution of the Western Consulate has now lapsed -- both because the legitimacy of the Ostrogothic government is denied by Justinian and because the Roman aristocracy, their status and wealth shaken by the war, are no longer in a position to sustain the financial requirements of the Consulship. When Justinian begin dating in Regal Years in 537, the very mechanism of dating by Consuls received a death-blow. Contrary to Bickerman's statement, no one really “held the consulship” after 541 in its ancient meaning of office, powers, and obligations.”

The following dates can be attached to the *Novellae*:

III (535); V (?); VI (?); VII (535); IX (535); XI (535); XVI (536); XXI (536); XXXVII (?); XL (535); XLV (535); XLVI (537); XLVII (537); LV (537); LVI (537); LVII (538); LVIII (536); LXV (538); LXVII (538); LXXIX (539); LXXXI (539); LXXXIII (539); CV (536); CIX (541); CXI (541); CXXIII (541); CXXIX (552); CXXXI (541); CXXXII (541); CXXXIII (539); CXXXVII (541); CXLIV (?); CXLVI (552); CXLVII (552); CXLIX (545); All the *Novellae* dealing with the ecclesiastical matters, sometimes with a papal role or function are dating between 535-541 with four dating to later, three in 552 and one in 545. 35: 535 = 6; 536 = 4; 537 = 4; 538 = 3; 539 = 4; 540 = 0; 541 = 6; 545 = 1; 552 = 3 uncertain 4. Justinian had the possible reprimand from the papacy Vigilius in 540, the year he did not write novellae. Since Justinian disagreed with the papacy he wrote 6 in the following year, but the standoff between him and the papacy might have led to only one in 545 and then nothing until 552. The content indicated the following trends in Justinian's interest.

Most of the *Novellae* dealt with “church-manual” issues, namely 22 of them between the years 535-539.<sup>160</sup> 8 cases are in 535; 6 cases in 537 and 4 in 539. After 539 there are only 5 and they are summarizing *Novellae*, those between 539 and the death of Theodora are the most of these 5: 111 in 541; 120 in 544; 131 in 545; 137 in 565. The three cases that were important for Justinian are: de rebus sacris; de personis sacris and de episcopali audientia.<sup>161</sup> In 538 he dealt with the salaries of clerics because he had to save money since state-debt was a crucial issue as one can see in *Novella* 65. After the death of Theodora, only three *Novellae* seem to have been issued, all three in 552: 129; 146 and 147. On the 10<sup>th</sup> of March 539 in *Novella* 79, Justinian decided that monks and nuns need to appear in front of a civil judge, only in front of a bishop. The Patriarch Mennas pleaded with Justinian to extend this privilege to all clerics and on the 19<sup>th</sup> of May 539 in *Novella* 83, Justinian decided to exempt clerics also from civilian judges.<sup>162</sup>

### ***Justinian and the ‘Changing of Times and Laws’***

The changing of regnal indications on documents and coins is symbolic act that is perceived as starting a new era.<sup>163</sup> Justinian ordered in *Novellae* XLVI: “Wherefore We order that all those officials employed in drawing up documents or decisions, no matter where this may be, and that the notaries who, in compliance with certain rules, draw up various instruments in this great city, or in other parts of the Empire, over which God has given Us the right to preside, shall begin as follows: “The year of the reign of the Most Holy and August Emperor,” and, afterwards insert the name of the Consul for that year, and then the indiction, month, and day; in order that the date may be entirely preserved by the mention of the reigning sovereign and the order of the consulate, and the other formalities be observed, as is customary, and when this has been done no changes should be made.

<sup>159</sup> K. L. Ross (2005; 2010; 2013). “Consuls of the Roman Empire,” (2005; 2010; 2013) <http://droitromain.upmf-grenoble.fr/Corpus/Nov01.htm>. R. S. Bagnall, A. Cameron, S. R. Schwartz, K. A. Worp (1987). *Consuls of the Later Roman Empire* (Atlanta, Georgia: The American Philological Association, the Scholars Press).

<sup>160</sup> G. Pfannmüller (1902). *Die kirchliche gesetzgebung Justinians hauptsächlich auf grund der Novellen* (Berlin: Schwetschke), p. 3.

<sup>161</sup> Pfannmüller (1902):4-5.

<sup>162</sup> Pfannmüller (1902): 80-81.

<sup>163</sup> “And the king is the concentrate of communal theophany with the monopoly of the divine origin, as the embodiment of the theophanic microcosm, which puts him in a special relation to God, becoming the link between earth and heaven. The custom of dating with regnal years is the expression of the new era which brings about a new springtime” (A. Carile [2004]. “Political Thought in Byzantium as Seen by 20th Century Historians” in *Melammu Symposia* 4. Edited by A. Panaino and A. Piras. Schools of Oriental Studies and The Development of Modern Historiography. Proceedings of the Fourth Annual Symposium of the Assyrian and Babylonian Intellectual Heritage Project. Held in Ravenna, Italy, October 13-17, 2001 [Milan: Università di Bologna & IsIao], pp. 53-85. Online accessed at <http://www.mimesisedizioni.it/> on 12<sup>th</sup> of June 2016.

Where, however, the inhabitants of the East, or any other nations, are accustomed to state in their public documents the date of the foundation of their cities, We do not prohibit them from doing so, but We desire that the year of the reign shall first be written, and that (as We have already said) the name of the Consul, the indiction, the month and the day when the transaction took place, and was committed to writing shall follow, and that afterwards the year of the foundation of the city shall be inserted; for We do not abolish any of these former customs, but merely add the Imperial designation. From the date of the preceding indiction, documents shall be begun in the name of God, for instance:

"The eleventh year of the reign of the Most Holy Emperor Justinian, the second year after the Consulate of that most illustrious man, Flavius Belisarius, on the .... day of the Kalends of ....." Thus in all public documents, the year of the Empire, that of Our reign — so far as God may be pleased to prolong it — and, in the future, the names of succeeding Emperors, will be mentioned. This is perfectly clear, because at present the eleventh year of Our reign is written; but from the beginning of next April, the day upon which God invested Us with the government of the Empire, the twelfth year shall be stated; and so on, as long as God may permit Us to reign, so that this name may survive the laws, and the mention of the latter may remain immortal, while the commemoration of the Empire shall be introduced in all transactions for all time.

### **Chapter I I. Dates Written In Latin Shall Be Plain And Legible.**

We also add that those who insert the date in judicial decisions, and who now use for that purpose ancient and uncertain characters, shall hereafter, in every judicial decision, be obliged to write after the ancient characters, others which are familiar to all, and can be easily read; and which will intelligibly indicate the date of the documents, and not embarrass those who wish to know it, and compel them to seek someone who is able to understand the characters which have been used.

When, however, the body of these documents which follows the date written in characters that cannot easily be deciphered is in the Greek language, the date shall be inserted in Greek letters underneath just as where all the document is in Latin, the date also shall be in that language. When letters which are easily read are employed in this way, their meaning will readily be intelligible, and all persons who are not absolutely ignorant of Latin will be able to understand them.

### **Epilogue**

Your Highness will cause the regulations which We have been pleased to lay down in this Imperial Law to be published in this great city and in all the provinces subject thereto, in order that no one may presume to reckon the time in a different manner, or to do anything else in violation of what We have recently decreed. Given at Constantinople, on the Kalends, during the eleventh year of the reign of Justinian, ever Augustus, and the second year after the Consulate of Belisarius."<sup>164</sup> (Year 537).

### ***Justinian ordering the change of times in documents [and numismatics]***

This order of Justinian in 537 or his 11<sup>th</sup> year started on Numismatics in the 12<sup>th</sup> year 538 and the XII was used to indicate that year. In Novellae LV in 537, Justinian spoke very strongly to the ecclesiastical power to keep or obey what he Justinian ordered. Previously they have exchanged land and property from the church to the state and the state to the church but so many misused this law that in this year, Justinian wanted to bring a stop to this practice and ordered that it is forbidden to transfer. The stepping out of his domain is seen in the words: "Therefore Your Holiness will observe these matters which have been ordered by Us, and communicate them to those who occupy Metropolitan Sees in Your jurisdiction, so that they may become familiar with what We have been pleased to enact, and will not venture to evade any provisions of these laws; for if they should either do this themselves, or permit others to do so, they will become liable to the judgment of Heaven, as well as to severe penalties." He uses the words "will become liable to the judgment of Heaven" which is an issue the earthly emperors cannot decide on and was exclusively the prerogative of the papacy who is supposedly the *vicarius fili dei* on earth. Evoking spiritual dimensions in his administrative function means Justinian is fusing politics and religion, introducing a manner that was to become a useful tool in the hands of the paradigm shift from Roman Empire to Holy Roman Empire.

<sup>164</sup> S. P. Scott (1931). The Civil Law, XVI, Cincinnati. THE NOVELS XLVII: THE NAME OF THE EMPEROR SHALL BE PLACED AT THE HEAD OF ALL PUBLIC DOCUMENTS, AND THE DATE SHALL BE WRITTEN PLAINLY IN LATIN CHARACTERS.

### ***Justinian and the Eschatological milieu of the sixth century***

The sixth century eschatological frame included for some of the Eastern Christians an actualization obligation to self-create by resistance an expectation that one day a righteous emperor will rise that will be helpful to their cause.<sup>165</sup> Chiliasm was seemingly a self-help process where activities are expected to be self-generated on earth and not from heaven. Eusebius already had the idea that the millennium started with Constantine in 333 CE. Justinian is seen as the product of his times operating amidst wars, inner struggles, weird lifestyles, sleeplessness, 'End of Times' concepts, evangelism by force, reforms, war-debts and pests in and after 537-540, all that played a role in the transformation of Justinian from emperor to theologian.<sup>166</sup> It is sometimes said that the papacy in contemporary times wishes he could be the next head of the United Nations but with Justinian changing his coin from emperor to theologian one wonders what he wanted to communicate to the ends of his reign to the world in 538?

Is the spreading of the "theological-emperor" coin in 538 and the extensive church-building projects at Constantinople and elsewhere since then an attempt to actualize eschatology understood by the emperor in contrast to eschatology understood by the Eastern Church and western church at that time? Procopius for example also placed Justinian in eschatological frame but as Antichrist. Syriac eschatology of this time was in opposition to the role of the emperor.

After Justinian the eschatology of Pope Gregory and his understanding that the "Last Days have arrived" played a great role after 590. These concepts are not invented overnight and had a long history. Meier indicated for the sixth century and the time of Justinian "Für Mich war es dabei u.a. aufgrund diverser Vorarbeiten naheliegend, mich zunächst auf die Endzeiterwartungen im 6. Jahrhundert zu konzentrieren. Denn eschatologische Spekulationen und Naherwartungen gehören seit dem irdischen Wirken Jesu zu den zentralen Elementen christianisierte Gesellschaften in Ost und West vorausgesetzt werden, die insofern von diesem Denken geprägt sein mussten."<sup>167</sup> The role of eschatology in the imperial house is best illustrated by a text that related that a certain church was built in the time of emperor Anastasios I (491-518) as the beginning of the millennium of Revelation 20 or in the frame of eschatology.<sup>168</sup> It is thus a factor that is not touched upon by scholars, namely that sandwiched between the eastern and western eschatologies was the self-perceived "imperial-turned theologian" eschatology of Justinian as explanation for his actions in 538.

### ***Western church deflation attempts of eschatological fever in the 4-6<sup>th</sup> centuries***

R. Landes explained that historians perceived that Jerome and Augustine meant to tone down eschatological expectations especially the millennium fever of the end of the fifth century.<sup>169</sup> "Sicherlich ist es u.a. ein Verdienst des

<sup>165</sup> D. L. Schwartz (Winter 2011). "Religious Violence and Eschatology in the Syriac *Julian Romance*." *Journal of Early Christian Studies* Vol. 19/4, 565-587. See also M. Meier (2002). "Zur Neukonzeption chronologisch-eschatologischer Modelle im oströmischen Reich des 6. Jh. n. Chr. Ein Beitrag zur Mentalitätsgeschichte der Spätantike," in: W. Geerlings (Hg.), *Der Kalender. Aspekte einer Geschichte*, Paderborn u.a., 151-181.

<sup>166</sup> M. Meier, (2004). "Justinian." In *Herrschaft, Reich und Religion*. C.H.Beck Wissen; 2332. Meier treated the "End of Times" impact on Justinian in chapter 3 before 535 (chapter 5) and his change from emperor to theologian after the war-debts and pests problems of 540 discussed in chapter 9. That transformation is seen in this research as the year 538 with the change his image on the numismatics. A summary for eschatological expectation in Scandinavia, Greek and Latin areas during the fourth-sixth centuries is presented by K. Nielsen (2015). "Endzeiterwartung – expecting the End of the World," in Ruhmann, C., and Brieske, V. (eds). *Dying Gods – Religious beliefs in northern and eastern Europe in the time of Christianisation*. In *Neue Studien zur Sachsenforschung* 5, BWH GmbH – Die Publishing Company, D-30457 Hannover, 23-50, especially 41-44. Retrieved online on 8<sup>th</sup> of February 2017 at [https://www.academia.edu/19564103/Endzeiterwartung\\_expecting\\_the\\_End\\_of\\_the\\_World\\_in\\_Neue\\_Studien\\_zur\\_Sachsenforschung\\_5\\_2015](https://www.academia.edu/19564103/Endzeiterwartung_expecting_the_End_of_the_World_in_Neue_Studien_zur_Sachsenforschung_5_2015).

<sup>167</sup> M. Meier, (2008). "Eschatologie und Kommunikation im 6. Jahrhundert n. Chr. – oder: Wie Osten und Westen beständig aneinander vorbei redeten." In *Endzeiten: Eschatologie in den monotheistischen Weltreligionen*. Editors W. Brandes and F. Schmieder. W. de Gruyter. Pp. 41-74, especially page 45.

<sup>168</sup> In the *Notiz Patria* III, 40 it reads: "Die Platonkirche erbaute Anastasios Dikoros am Anfang des siebten Jahrtausends" and the intention is to portray the emperor in the frame of eschatology of that century. (W. Brandes, [1997]. *Anastasios ó δίκαιος: Endzeiterwartung und Kaiserkritik*. *BZ* 90: 24-63).

<sup>169</sup> R. Landes (1988). *Lest the Millennium be Fulfilled: Apocalyptic Expectations and the Pattern of Western Chronography 100-800 CE*, in W. Verbeke, D. Verhelst, A. Welkenhuysen eds., *The Use and Abuse of Eschatology in the Middle Ages*, Leuven University Press, 137-156, especially page 161. Online accessed 16<sup>th</sup> June 2016 at

Eusebios, wenn wir um 500 keinerlei Weltuntergangstimmung feststellen".<sup>170</sup> "Indeed, by 500 CE we have no document recognizing the arrival of the year 6000, no history dating by AM I, and no particular evidence of apocalyptic panic".<sup>171</sup> He ascribed this success to the attitude of Jerome and Augustine to the matters of eschatology.

Augustine had an impact on millenarianism. Augustine negative stance against eschatological discussions found a place in the Gelasian decretals (490 CE) "which condemned almost every identifiable millenarian work or passage from the patristic period that had not already undergone 'ablation'".<sup>172</sup> "Given this dual attack on such texts past and present, an undisciplined cleric giving vent to his overactive apocalyptic imagination would stand little chance of having his work copied and preserved by later ecclesiastics".<sup>173</sup> Landes felt that we cannot use the absence of proof for eschatological interest as a reality of an absence of the phenomenon itself. In fact, he found that certain documents indicated that AM I had a continuous stream of interest throughout the fifth century. In the time of Zeno (474-491) someone announced the end of the world in the year 6000.<sup>174</sup>

Landes argues this way for the sixth century: since we have the Eastern Church developing eschatology was the Western church silent due to the success of the deflating attempts by Eusebius, Jerome and Augustine or is it a distortion of the reality of phenomena by ecclesiastical historians?<sup>175</sup> Berger's citation of the Notiz indicating millenarianism is not discussed by Landes but is an important piece of evidence that some did understand that the End of Time was near in 491/2 or that the millennium or year 6000 has started. There are two ways of pruning eschatological hermeneutics of the prophecies: decrees as heretics and insisting on a Preteristic model rather than a Historicistic model of interpretation.<sup>176</sup> The "pruned or conflated eschatology" of Oecumenius is worth looking at in

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[http://www.academia.edu/4773281/Lest\\_the\\_Millennium\\_be\\_Fulfilled\\_Apocalyptic\\_Expectations\\_and\\_the\\_Pattern\\_of\\_Western\\_Chronography\\_100-800\\_CE](http://www.academia.edu/4773281/Lest_the_Millennium_be_Fulfilled_Apocalyptic_Expectations_and_the_Pattern_of_Western_Chronography_100-800_CE)

<sup>170</sup> Von den Brincken, A. D. (1957). *Studien zur lateinischen Weltchronistik bis in das Zeitalter Ottos von Freising*.

Düsseldorf: Martin Triltsch, 145 at note 4; see also Landes (1988): 161 at footnote 96.

<sup>171</sup> Landes (1988): 161.

<sup>172</sup> Kötting, B. (1957). "Endzeitprognosen zwischen Lactantius und Augustinus." *Historisches Jahrbuch* 77, 1957, 125–139, especially, 139 that the Gelasian decretals (490) are based upon earlier pagan hostilities against apocalyptic texts (see Landes 1988: 161 at footnote 97).

<sup>173</sup> Discussed by R. Landes in another work: R. Landes, (February 1982). "Millenarismus absconditus: Quelques réflexions méthodologiques sur le millénarisme au Haut Moyen Age," *Colloque du CNRS: Prophétie et prédication au Moyen Age*. Paris. Landes indicated that to be apocalyptic minded is politically dangerous and therefore church-fathers rejected apocalyptic-eschatological thinking or thoughts (Landes 1988: 207).

<sup>174</sup> Landes 1988: 164.

<sup>175</sup> Ibid.

<sup>176</sup> A South African scholar who has worked with the Preteristic tradition in the Middle Ages and surrounding 538 during the time of Justinian, is P. de Villiers (see Van Eck, E. [2015], 'P.G.R. de Villiers Dedication – A tribute', *HTS Theologiese Studies/Theological Studies* 71(1), Art. #3171, 11 pages. <http://dx.doi.org/10.4102/hts.v71i1.3171>). Some essays are useful here. De Villiers, P., 2007, 'History, mysticism and ethics in Oecumenius: A hermeneutical perspective on the earliest extant Greek commentary on Revelation', *Studia Historiae Ecclesiasticae* 33, 315–336. De Villiers must be placed in context since he honors Spinoza as a contributor to Biblical Studies (see De Villiers, P., [2008], 'Freedom to understand and serve: The contribution of Spinoza to Biblical Research', *Studia Historiae Ecclesiasticae* 34, 23–53; De Villiers, P., [2007], 'Rethinking the contribution of Spinoza to theology and Biblical Studies', *Studia Historiae Ecclesiasticae* 33, 251–271). There is no contribution of Benedict Spinoza positively to the Christian faith because he denied himself the knowledge of the Scriptures in Letter 3421-[1] "...if you are convinced that God speaks more clearly and effectually through Holy Scripture than through the natural understanding, which He also has bestowed upon us, and with His divine wisdom keeps continually stable and uncorrupted, you have valid reasons for making your understanding bow before the opinions which you attribute to Holy Scripture; I myself could adopt no different course." Contrary to Spinoza is the experience of Isaac Newton who studied Scriptures with joy between the age of 12 and 83. Newton's Revelation commentary is with the conviction of historicism but De Villiers, as Preterist, is clinging to Oecumenius also a Preterist who in the Spirit of "pruning the eschatological tree of the prophecies of the Bible" came in line with the Roman Catholic Church and Emperor Justinian's attempts to root out heresies. There is also the work of Meier, M. (2008). *Eschatologie und Kommunikation im 6. Jahrhundert n. Chr. – oder: Wie Osten und Westen beständig aneinander vorbei redeten*, in: Wolfram Brandes/Felicitas Schmieder (Ed.): *Endzeiten. Eschatologie in den monotheistischen Weltreligionen* (Millennium-Studien zu Kultur und Geschichte des ersten Jahrhunderts n. Chr.16), Berlin/New York. Oecumenius did not use the creation week calculation for the expected Endtime eschatology because he wanted to challenge any idea "that the End would be taking place 500 years after Revelation" (De Villiers, P. M., (2014). "Numerical symbolism in Oecumenius's commentary on Revelation", in K. Huber, R. Klotz & C. Winterer (eds.), *Tot*



the sixth century surrounding 538.<sup>177</sup>

### **Justinian forbade the reading of the Holy Scripture**

“For consequently the reading of the Holy Scripture would have to be forbidden, since it is constantly misused by the heretics.”<sup>178</sup>

### **Justinian and ‘church-manual’ laws**

In Novella VI Justinian entered the pastoral domain of the church-administration. He is involved in what one may call “setting up of a church manual for discipline” of the clerics. That he would have been in trouble with the papacy is natural. He testifies in the preface that if he takes care of the priests then God will bless him and his rulership and all the people of the domain. If priests are more faithful and obeying then it would be good for his state. The noble intention that he may have had is to be appreciated but the manner in which he conducted this “noble action” is autocratic, without consulting the church leaders or papacy, and the rules are pressed upon the clerics and made binding just on the basis of his own ideology regarding his duty as emperor in matters of religion. It is down-talking out of his domain of function for the state entering into specifics of a church-manual that may have repercussions among clerics. It is not clear what the date of the Novella was but probably 535 may be suggested.

### **Justinian and Deacon Agapetus**

At Justinian’s coronation, his teacher deacon Agapetus gave him an Ekthesis kephalaion parainetikon which is in 72 short chapters an exposition of what it is to be a Christian prince. A. Carile summarized it as: “Among the moral counsels are the following: respect laws, reprove the sinner, avoid bad company, do not employ dishonest persons in the administration of the state, resist anger toward enemies, don’t be swayed by the praise of friends and be of fixed

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*Sacramenta quot verba: Zur kommentierung der Apokalypse des Johannes von den Anfängen bis ins 12. Jahrhundert*, pp. 135–152, Aschendorf Verlag, Münster, especially page 152. There were natural disasters after 500 and the eschatological hope enlightened with End-time expecting ones, as De Villiers indicated: “Despite what is often stated and despite the apparent lack of references to eschatological fervour in Byzantine times in Oecumenius’s text, the Byzantine era also had its time of such high expectations. The eschatological fervour at the turn of the half millennium was intensified by serious natural disasters and unusual phenomena in 500” (idem). For a list of disasters around 500-560 see Nielsen (2015), 41-44.

<sup>177</sup> Suggit, J. N. (2006). “Oecumenius, Bishop of Tricca. [Oecumenii commentaries in Apocalypsin. English] Commentary on the Apocalypse / Oecumenius.” In *The Fathers of the Church: a New Translation*. Editorial Director T. P. Halton et al. (The Catholic University of America Press), page 12 where Origen’s eschatology is outlined. He was the most controversial figure on eschatology from a Catholic perspective. Origen expected that all things will return to an Eden situation and even the Devil will be converted (Halton [2006]: 12). Origen expressed doubt in a bodily resurrection, see his *De Principis* 3.6.2. Justinian’s eschatology was that “in the resurrection the bodies of men rise spherical” and Oecumenius in his commentary on Revelation 8.25.5 alluded to this that one of the primal elements are “circular” (Halton [2006]: 12). Oecumenius indicated that the 144000 in Revelation 14 is not the same group as that in Revelation 7 while Origen argued that they are the same (Halton [2006]: 13). The opening and shutting of Revelation 3:7 is understood by Origen as methods of interpreting Scripture but Oecumenius differed and saw it as acquitting and condemning (Halton 2006: 13). Oecumenius in his eagerness to prune eschatological fever, resorted in hermeneutical method to spiritualizing the meaning of the text in the wake of 538 CE. He resorts to allegorizing the symbols and in Revelation 1:7 the clouds are holy angels and in Revelation 14:14 he thought the cloud referred to the Virgin Mary the Θεοτοκος (Oecumenius 1.15.2 and 8.7.1-2). In Revelation 7:16 the sun is temptation (Oecumenius 5.3.10). In Revelation 8:7 the burning is temptation (Oecumenius 5.9.3). He is confused how to understand Revelation 13:3 and feels only John knew. “As it appears to me, it indicates something of this sort: the mortal blow that the Devil received in one of his heads through the pity of Israel was healed through the idolatry of the same people” (Oecumenius 7.11.11 in Halton [2006]: 13-14). In Revelation 19:1 the great crowd of angels in heaven is linked to the ninety-nine sheep in the parable of Jesus (Oecumenius 10.7.1). In Revelation 13:8 Oecumenius felt in these years of Justinian that the regular use of gematria existing in those days, used by Preterism should be used but he does not applied it explicitly to Nero (Oecumenius 8.5.6, see Halton [2006]: 14). De Villiers resorted to honoring the humanist B. Spinoza supporting his own stance rather than the theist I. Newton since De Villiers is already utilizing para-biblical hermeneutics, which was popular for Catholic Fathers prior to the sixth century (helping the Roman Empire including Justinian) and Oecumenius a contemporary of Justinian. Hippolytus (160-240) expected the end of the world in 500 A.D. Jerome expected it to be when the fourth empire of Daniel, the Roman Empire collapsed and it almost brought him in trouble (Nielsen [2015]: 42). Augustine made fun of the time prophecies and considered them to be dangerous since people can use it for power tricks (Kötting [1958]: 130, also in Nielsen [2015]: 43). When the Holy Roman Empire was in full swing, Pope Gregory the Great (540-604) took up eschatology as an interesting hobby (Nielsen [2015]: 43).

<sup>178</sup> J. P. Migne, *Patrologie Graeca*, 86, I. 1136 A – 1137 B. Ibid. 106. See H. Heiks 2010: 174.

purpose in every action 27-35. Agapetus also offers typically Christian counsels: the emperor has received the scepter from God, needs only God and is the friend and servant of God; he must bear well in mind the passing nature of this world and persevere in the ascent to the good, so as to enjoy the eternal kingdom 61-72.”<sup>179</sup>

### ***Justinian changing law and times***

If one is looking for an emperor that changes the *law* as well as *time* then Justinian is a perfect example. Before they used only the consul years to date documents but now in 537 he indicated that from April, when 538 started they would include the 12<sup>th</sup> year of his reign in the document all over the empire. In his own local domain they started already in the 11<sup>th</sup> year with this practice and on numismatics in the 12<sup>th</sup> year. He thus changed the aspect of time. He also changed laws since property were alienated before 538 but in that year he ruled that he changed the law since there were irregularities noted and alienation of church property is deemed illegal. Novella III is Justinian trying to put a ceiling on the budget of the clergy's salaries in 535. People and clerics were living above their means and it created debt problems. If anyone accepted money that belonged to the church they are to pay back the money and an equal amount of their property to the church as punishment for the deed that they did.

### ***Justinian unilaterally fusing civil and religious functions***

Novella IX from 535 explained that a case against the church can only be done 100 years later. The preamble to this rule has interesting notes: “The Emperor Justinian to John, Most blessed and Holy Archbishop and Patriarch of Ancient Rome. No one is ignorant of the fact that, in ancient Rome, legislation originally emanated from the head of the Pontificate. Hence We now deem it necessary to impose upon Ourselves the duty of showing that We are the source of both secular and ecclesiastical jurisprudence by promulgating a law consecrated to the honor of God, which shall be applicable not only to this city but to all Catholic Churches everywhere, and exert its salutary vigor over them as far as the Ocean, so that the entire West as well as the East, where possessions belonging to Our churches are to be found, or may hereafter be acquired by them, shall enjoy its advantages.”

This enlarging agenda to include ecclesiastical affairs within secular affairs got Justinian in trouble since he spells out that what was the function of the papacy, he will take on himself in future. Novela XVI in 536 indicated that Justinian was trying to save money by ruling that limits should be placed on clergy that could be ordained for each church and that the limit cannot be enlarged.

### ***Justinian above the law***

In CV of 536 Justinian explained that the Consuls are responsible for seven actions of liberation to the people. The law is not applicable to him and he explains why: “The Emperor, however, is not subject to the rules which We have just formulated, for God has made the laws themselves subject to his control by giving him to men as an incarnate law; the Consulate belongs to him in perpetuity.” The Emperor is above the law.

### ***Justinian giving homiletical advice to bishop preachers***

In *Novella* CXXXVII Chapter VI from 541, Justinian gave with the help of texts from Paul in Corinthians and Romans, advice to Bishops about their manner of speaking and requires more volume in their presentation so that the audience can hear. He does not want them to mumble.

### ***Justinian and Text-Critical advise to Jews and punishment for doctrinal deviations***

By the time of the end of his reign in 552, Justinian was acquainted with textual criticism of the Scriptures and he attempted by law to advise Jews about their choice of scriptures and hermeneutical principles. In *Novella* CXLVI He wanted them from getting away of being too literal in the prophets so that they can see the Messianic prophecies. Corporal punishment, loss of property, banning, expelling from the country are reserved for Jews or those who do not believe in the last Judgment or the Resurrection and who does not believe in the birth of God or that angels are creatures of God. Persecution of divergent opinions was part of the package deal of Justinian's jurisprudence. He was designing the glove for the Holy Roman Empire that was to be their instrument of persecution for 1260 years.

## ***6. Conclusions and Implications***

When the Empire of the Ancient World or the World Order of that time decides to lay down Military Power and take on Theology as profession, we may conclude that a major transition has taken place and in no other year as clear as this coin's date: 538. Justinian represents the actual fall of the Roman empire since he publicly announced his

<sup>179</sup> A. Carile (2004): 53-85.

“resignation” for one function and the “taking on” of theology as his future function. That happened in 538. The political fall of Rome is thus contested for the middle of the fifth century since the imperial system was still running the show until a co-power, the papacy entered the arena and as theologian Justinian had no choice but to recognize who the greatest of the theologians were. He basically conceded his credentials to the papacy starting in 538. There was no way he as a theological emperor in Constantine or the “new Rome” could compete with the theological papacy in the “ancient” Rome.

Church-building projects of Constantine and Justinian are placed by Justinian side by side as remarkable. Changing of times by Constantine and Justinian were important since Constantine officiate the papal wish to have Sunday replacing Saturday as day of worship (time change) and Justinian insisted that his regnal years be placed on coins and documents from 538 (time change), thus adding up to two time changes or changing times (plural) as Daniel 7:25 predicted the Little Horn would do. Justinian was also involved with changing his own laws since the 1<sup>st</sup> of January 535 as emperor-jurist. It is said by Daniel that the Little Horn will change times (plural) and law. Many of these changes were theological in nature and given teeth of persecution for punishment. The Little Horn was to persecute for 1260 years [taking the biblical principle that one day in prophecy is equal to one year, a year of 360 economic days, thus ‘time’ is one year, ‘times’ refers to two years, calculated together is equal to 3 and a half economic years of 360 days = 1260 days becoming 1260 years] as Daniel 7:25 indicated. The primacy of the papacy from the time of Constantine to Justinian in various works by popes Leo, Gelasius and Hormisdas all served as backbone for the metamorphosis that took place in the Roman Empire around 538 and Justinian’s legacy was taken over by the Catholic Holy Empire to follow as is indicated in the 1983 New Canon Law of the Catholic Church.

Is it just coincidence that the starting of theological “political power” in 538 ended after 1260 years in 1798 with the arrest of the papacy by Napoleon’s general ushering in a new secular paradigm?

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## 이교 로마에서 신성로마제국으로의 변천과 기원 538년의 상관 관계: 유스티니안의 총사령관에서 신학자로의 변신

안금영; 제라드 담스틱; 에드윈 드 콕; 김숙영; 권정행; 이면주; 니콜라스 밀러; 남대극; 트레버 오레기오; 윌리엄 H. 웨이; 알베르토 R. 트라이어; 쿤 판 베익

정치적, 행정적, 경제적 양상이 이미 복합적으로 쇠퇴의 기로에 들어선 상태였던 기원 538년은 로마제국의 역사에서 하나의 전환점이 되었으며 이 해에 유스티니안 황제가 자신을 더 이상 군인이 아닌 신학자로 선언하였을 때 이전의 콘스탄틴 황제가 그러했듯이 그는 국가와 종교적 의무간의 경계를 침입하여 교황의 직임과 경쟁관계에 들어서게 되었으며 이는 유스티니안이 계속 황제-교황(*caesaro-papism*)으로서의 역할을 유지하였던 한 증거이다. 교회를 통일함으로써 제국의 통일을 추구한 점, 그의 아내 데오도라와 함께 교회 건축에 열정을 보인 점, 교회의 원수들과 이단자들을 박해한 점, 그의 중간 이름이 사바티니(*Sabbatini*) 였음에도 안식일(*Sabbath*)을 경멸했던 점, 교부들과 오에쿠메니우스와 함께 종말론적 열정을 억제하려고 시도하면서도 지상에 “하나님의 왕국”을 건설하려 했던 점, 이 모두는 538년의 문제가 로마 제국과 가톨릭 교회를 위해 발생한 것이었음을 보여준다. 유스티니안 본인, 당대의 교황들, 유스티니안의 전기작가, 계시록 주석가였던 오에쿠메니우스 등과 관련된 고고학적, 역사적 원전의 기록을 통해 로마 제국에 속하였던 사항들이 기원 538년부터 교회와 교황의 기능으로 이동되었던 당시의 상황을 엿볼 수 있다. 유스티니안 법전은 박해의 도구로 사용되었으며 유스티니안은 교황의 지상권을 확정하였다. 그는 오를레앙 회의를 통해, 콘스탄틴이 금지하였던 여행, 음식 준비 및 집안 청소 등을 일요일에 행할 수 있도록 허락하였다. 유스티니안은 노벨레 문서 144호(*Novellae CXLIV*)를 통해 제7일 안식일에 대한 박해를 시작하였으며 노벨레 문서 46호(*Novelle XLVI*)와 기원 538년(그의 통치 제12년)에 주조된 동전에 나타난 바와 같이 그는 특정한 때와 법을 변경하는 한 편 교회요람법을 제정하기도 하였다. 그는 그리스도의 본성에 관한 조직신학을 연구하고 설교자들을 위한 설교 규칙을 만들었으며 유대인들에게 문서비평학적 권면을 주는가 하면 그들의 교리적 일탈을 정죄하였다. 한때

강력했던 로마제국 통치자의 이러한 신학적 취미는 신학적으로 보다 적격한 세력에게로 인수되었으며 이는 마침내 제왕적 교황권(*papal-caesarism*)으로 계승되어 이 새롭게 확장한 패러다임은 1798년 나폴레옹에 의해 그 권세가 흔들릴 때까지 지속되었다. 다니엘 7장과 계시록 12장의 1260일 예언 기간은 “1260년(年)”의 예언으로 해석되어 기원 538년에 시작된 것이 확실하며 이는 역사주의 해석의 역사상 W. 스파이서(Spicer, 1918)가 533년 또는 538년 둘 중 하나일 것이라고 제안한 것이나 또 다른 날짜를 제시한 그 외 학자들의 주장과는 대조를 이룬다. 이는 단순히 해석학 역사상의 한 사례라기 보다는 고고학과 도상학(圖像學), 그리고 역사적 원전에 의해 확고히 입증된 자료라 할 수 있으며 이들 자료는 연구중인 구절의 자세한 주석 뿐아니라 다니엘과 계시록 나머지 부분의 주석으로 밝혀진 요소들과도 일치한다. 하나님께서 미래를 예언하실 수 있으며 하나님께서 실제로 그렇게 하셨고 또한 제시된 데이터 뿐아니라 성경본문의 예언이 그를 증거함을 믿는 믿음은 역사 연구자로서 반드시 갖추어야 할 요소라 하겠다.