

4-1-2011

Social Justice in Lactantius's *Divine Institutes*: An Exploration

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Published version. "Social Justice in Lactantius's *Divine Institutes*: An Exploration," in *Reading Patristic Texts on Social Ethics: Issues and Challenges for Twenty-First Century Christian Social Thought*. Eds. Johan Leemans, Brian J. Matz and Johan Verstraeten. Washington, D.C.: The Catholic University of America Press, 2011: 185-205. [Publisher Link](#). © 2011 The Catholic University of America Press. Used with permission.

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9. Social Justice in Lactantius's

Divine Institutes

An Exploration

This inquiry interprets a fourth-century Church Father's main work in reference to social justice, a characteristic theme in Catholic social thought and Catholic social teaching.¹ The overall perspective is postcritical in the sense of probing for a relation between an ancient text and a modern or post-modern context in Church and world. That approach does not derogate from critical study, on which it relies, though a postcritical purpose inherently assumes that readers from later contexts can bring new questions to the text as well as submit to its otherness. Moving from critical exegesis of a biblical passage to preaching an application would be parallel to this.² Because of different starting-points, the former ready to distance itself from the modern context, the latter not, different habits of mind are operative in critical and postcritical study of an ancient text.³ The tension between them is inevitable

1. "Catholic social thought" is roughly equivalent to another concept, "social Catholicism." They both encompass local, pastoral, grass-roots initiatives, and thinking throughout the Church in reciprocity with official Catholic social teaching. Catholic social thought and social Catholicism go beyond a purely top-down idea of Catholic social teaching.

2. Brian Daley upholds both historical-critical study of the Bible and the Church Fathers' theological, figural mode of biblical exegesis oriented to preaching, worship, and prayer. "Is Patristic Exegesis Still Usable? Some Reflections on Early Christian Interpretation of the Psalms," in *The Art of Reading Scripture*, ed. Ellen F. Davis and Richard B. Hays (Grand Rapids, Mich.: Eerdmans Publishing, 2003), 69–88.

3. This is clear in Hans-Georg Gadamer's distinction between a legal historian and a judge as they

and understandable. Critical analysis may have reason to correct or challenge factual matters in a postcritical interpretation. Postcritical application completes critical study by integrating application into interpretation—respect for each task is appropriate.

Admittedly, while hermeneutics shows the legitimacy of postcritical questions and offers some main orientations in seeking answers, neither questions nor answers have a controlled precision comparable to critical investigation into, for example, paleography or the date and authenticity of a text. So it may be most forthright to treat postcritical application as a hypothesis on an ancient text's meaningfulness today. But then, arguing for a hypothesis rather than establishing certainty after certainty belongs to critical study too.

The textual point of departure here is *From Irenaeus to Grotius: A Sourcebook of Christian Political Thought 100–1626*.⁴ Readers of this valuable anthology come across excerpts from books V and VI of Lactantius's *Divine Institutes* likely to intrigue anyone interested in Catholic social thought and social justice. The editors point out that Lactantius (ca. 250–325 CE) was “the first Christian thinker to subject the idea of *justice* to serious analysis.”⁵ More to the point, passages seem to present a Christian critique of the structure of imperial society, not just the vices, errors, and follies of individuals.

For instance, in the following excerpt Lactantius criticizes the greed of a whole sector of Roman society, the prosperous who multiply their possessions at the expense of others left poorer by this rapacity. And he situates this tendency within an overall picture of societal decline from the Golden Age of King Saturn to the more acquisitive Age of Jupiter reflected in Virgil's *Aeniad*, still a potent epic of Roman identity in late antiquity.

pore over legal history. The judge has an eye toward application and an exercise of *phronesis*, prudence, in making a legal decision on a case before him or her. For Gadamer and hermeneutics the judge represents the situation of all knowers while the legal historian prescind from application. Gadamer does not rule that out altogether but does not see it as exemplary, universal, and complete either. Hans-Georg Gadamer, *Truth and Method*, 2nd rev. ed., trans. Joel Weinsheimer and Donald G. Marshall (New York: Continuum Books, 1999), especially the section on “The Recovery of the Fundamental Hermeneutical Problem,” 307–41. This English edition is based on the revised, expanded 5th German edition of *Wahrheit und Methode*, in *Gesammelte Werke* 1 (Tübingen: Mohr, 1986); Mohr published the first German edition at Tübingen in 1960.

4. Oliver O'Donovan and Joan Lockwood O'Donovan, eds., *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought 100–1626* (Grand Rapids, Mich.: Eerdmans, 1999), 46–55. The editors translated excerpts from the *Divini Institutiones* in CSEL 19.

5. *Ibid.*, 46–47.

The source of all these evils is greed and greed presumably erupted out of contempt for the true superior power [God]. Not merely did people of any prosperity fail to share with others but they also seized the property of others, diverting everything to private gain, and what had previously been worked even by individuals for the benefit of everyone was now piled up in the houses of a few.⁶

This study asks, Does further analysis tend to substantiate, modify, or negate thinking about the *Divine Institutes* in reference to social justice and Catholic social thought? Or, to the contrary when it came to matters of social existence in late antiquity did Lactantius focus on justice as a practical matter of legitimate Christian self-interest seeking exemption from imperial coercion, so that as Peter Garnsey comments, "a good Emperor for Lactantius is above all one who leaves Christians undisturbed"?⁷ If the *Divine Institutes* have a broader interest in justice than this, did the *Divine Institutes* also carry a prospect of social change toward social justice?

Ancient and Modern Otherness

A complication immediately arises from the larger, contextual issue of whether Church Fathers in general had any idea of and interest in changing the imperial status quo. Both G. E. M. de Ste. Croix⁸ and Pauline Allen⁹ say in variant ways that the Church Fathers accepted the societal status quo as a given. Just the opposite has been the case, indeed the very purpose, for Cath-

6. Lactantius, *Divini Institutiones*, book V, 6.1, in *Lactantius: Divine Institutes*, Translated Texts for Historians 40, trans. Anthony Bowen and Peter Garnsey (Liverpool: Liverpool University Press, 2003), 292. In the Bowen and Garnsey translation book V follows the Latin text in Pierre Monat, *Sources Chrétiennes, Lactance: Institutions Divines, Livre V, Tome I*, Introduction, Texte critique, traduction par Pierre Monat (Paris: Éditions du Cerf, 1973). The translation of book VI follows the Latin text in *Opera Omnia, L. Caeli Firminiani Lactanti, in Pars I, Sectio I Divine Institutiones et Epitome Divinarum Institutionum*, ed. Samuel Brandt (Vienna: F. Tempsky, 1890).

7. Peter Garnsey, whom the Preface identifies as primary author of the Introduction to *Lactantius: Divine Institutes*, 43. This view of Lactantius's good emperor is more circumscribed than that of Elizabeth DePalma Digeser, in *The Making of a Christian Empire: Lactantius and Rome* (Ithaca, N.Y.: Cornell University Press, 2000). She argues convincingly that book V, 19–23, makes a case for religious toleration and/or concord as imperial policy.

8. G. E. M. de Ste. Croix, "Early Christian Attitudes to Property and Slavery," in *Church, Society, and Politics*, Papers Read at the Thirteenth Summer Meeting and the Fourteenth Winter Meeting of the Ecclesiastical History Society, ed. Derek Baker (Oxford: Blackwell, 1975), 1–38.

9. Pauline Allen, "Reading Patristic Socio-Ethical Texts," printed paper presented at the Catholic University of Leuven Expert Seminar on Patristics and Catholic Social Teaching, September 1–3, 2007, 1–8.

olic social thought and Catholic social teaching. The explanation of patristic indifference from de Ste. Croix is that, "precisely the exclusive concentration of the early Christians upon the personal relations between man and man, or man and God, and their complete indifference, as Christians, to the institutions of the world in which they lived, that prevented Christianity from even having much effect for good upon the relations between man and man."¹⁰ This individualism contrasted with Israel's prophets, with Plato and Aristotle too. They all, according to de Ste. Croix, held that a society had to "have good institutions" before people "could live the good life within it."¹¹ But the early Church, in this view, gave up on creating a good society with good institutions.

The early Christians settled instead for discovering how individuals can convert to the gospel and become holy in an indifferent or hostile society with rotten institutions they did not try to change. In a more nuanced way referring to patristic homilies and cautioning against "the anachronistic treatment of patristic social-ethical texts," Allen takes a position similar to de Ste. Croix's, stating outright that, "the Fathers . . . had no intention of changing the status quo."¹²

Before I support Allen's insistence on avoiding anachronism, I feel obliged to mention in a preliminary way why I cannot give unqualified assent to statement that "the Fathers . . . had no intention of changing the status quo" or to de Ste. Croix's conclusion that the early Church and by implication the Church Fathers had no interest in changing imperial institutions. To whatever extent that general position may be valid, it does not apply with completeness to Lacantius's *Divine Institutes*. It does not apply completely because this text is all about proposed change in the (declining unless reversed) status quo of the empire. The *Divine Institutes* advocated new knowledge of God, new practice of virtue, and new public law and policy touching religious tolerance.¹³

Still, patristic acceptance of the imperial status quo applies to some extent because in the *Divine Institutes*, Peter Garnsey remarks, "there is no programme of political and legal reforms put together for the benefit of Con-

10. *Ibid.*, 36.

11. *Ibid.*, 37.

12. Allen, 3-4.

13. Digeser also argues in her first chapter that the *Divine Institutes* proposed an end to the Diocletian "Dominate" (emperor as *deus et dominus*) by a return under Constantine to the principate (emperor as human *princeps* in the Senate) modeled on Augustus.

stantine."¹⁴ I will submit an argument for thinking that the *Divine Institutes* contained a definite plan if not a programme for implementing what Lactantius propounded. And in that light the theme of *aequitas* in Lactantius's text becomes a point of affinity and continuity with Catholic social thought on social justice.

Modern readers interested in Catholic social thought and social justice might be thought likely to be guilty of anachronistic treatment of patristic social-ethical texts. So, I wish to acknowledge at the outset the essential role for otherness and critical study. Emphasis on difference or otherness corrects a naïve impression of seamless sameness between a reader's reality and the era, culture, language, mentality, place in the course of history, social structures, and frame of reference in a text and the world behind the text. A leaving behind of preconceptions and expectations has to occur. That denial of universality in a reader's outlook opens the door to discovery of others in a past to which a text brings the reader. But the past doesn't fit into the personal and institutional patterns of the present.

This is true for Lactantius and the *Divine Institutes*. His was a very different era in which Christianity underwent a sudden reversal from persecution to excellent public standing and a new condition of power and responsibility. Originally from North Africa, he studied with fellow North African Arnobius, converted from paganism to Christian faith as an adult, gained renown as the premier rhetorician in the Roman empire of his time, and was appointed to a prestigious academic post in Nicomedia. During Diocletian's Great Persecution (303–305 CE) he lost the position. Soon after, Lactantius composed the *Divine Institutes* to rebut ideas that had justified a policy of torture and death for professing Christians on behalf of imperial polytheism, which was supposed to insure imperial unity and security. With Constantine's accession he reascended to the upper echelon of imperial society, arriving at the western court in Trier where he instructed Crispus, the ill-fated son of Constantine, possibly starting in 310 CE.¹⁵ The *Divine Institutes* may have been published as early as 310 CE, with a second edition coming later. The exact dates of both are not certain to the year. The date of the second edition remains a matter of controversy.¹⁶

14. Garnsey and Bowen, *Divine Institutes*, 36.

15. Constantine had Crispus executed in 326 CE for reasons unknown.

16. This is the dating given by Digeser, 12, based on the work of Eberhard Heck that Digeser foot-

Catholic social thought and Catholic social teaching never have tolerated slavery. Lacantius's text did not support slavery but abolishing it was not its chief objective either. Slavery, despite Christian misgivings and some measures by a few bishops, was an institution accepted in practice within a Roman empire absorbing the influence of Christianity very slowly. Disciplinary killing of a slave was legally permissible if it did not follow a long train of cruelty and abuse.¹⁷ A Constantinian innovation in law granted legal status to the practice of an owner emancipating a slave within the walls of a church.¹⁸ However, "slavery remained a structural element in the Roman economy throughout late antiquity," although "it seems to have lost the role it had played in early imperial Italy as a dominant mode of production."¹⁹ The Church became a landholder and so had slaves working on its properties. Constantine did outlaw tattooing the face of a slave, because the face reflected the image of God.²⁰ It is fair to say that Paul's Letter to Philemon rather than abolition of slavery represented a common Christian view.

De Ste. Croix concludes that Christian thinking did not place the institution of slavery in doubt, because it was an "absolute necessity for the dominant classes of the greco-roman world to maintain those social institutions upon which their whole privileged position depended, and which they were not willing, or even able, to forego."²¹ Asking why Christianity produced no important change for the better in Graeco-Roman society, de Ste. Croix discounts the completeness of a standard answer that Jesus and the early Church had no interest in "social, economic, or political institutions" but only in relations between humans and God and interpersonal relations among human beings.²² De Ste. Croix notes that Paul in Romans 13:1–10 advised compliance with imperial authorities and this sufficed for New Testament advice on how Christians should relate to political institutions.²³

notes as 21, on 147. The outside parameters for composition have to be the end of the Great Persecution in 305 CE and 324 CE, when Constantine's letter to the eastern provinces contained ideas from the *Divine Institutes*. For the second edition, 307 CE–ca. 312 CE seems the likeliest period.

17. Caroline Humfress, "Civil Law and Social Life," in *The Cambridge Companion to the Age of Constantine*, ed. Noel Lenski (Cambridge University Press, 2006), 205–23.

18. *Ibid.*, 220.

19. George Depeyrot, "Economy and Society," trans. Noel Lenski, in *The Cambridge Companion to the Age of Constantine*, ed., Noel Lenski, 226–52, at 231.

20. *Ibid.*

21. De Ste. Croix, 24.

22. *Ibid.*, 36.

23. Romans 13 by itself is not the key to how Paul or the early Church saw the relation between

So I do want to agree with de Ste. Croix and Allen as well as others who insist on not reading the Church Fathers as if they proceeded from the same context and framework of assumptions as do modern readers concerned about social justice. Mountainous differences in context and content divide the *Divine Institutes* from modern Catholic social thought. Critical study remains a sine qua non. Precritical incorporation of patristic quotations into Catholic social teaching is regrettable.²⁴ At the same time there are reasons to open up space for postcritical application of patristic texts in contemporary Church life and thought. The hermeneutical essay by Reimund Bieringer is a premise for exploring whether or not anything with an affinity to social justice can be found in the *Divine Institutes*.²⁵

Social Change and Social Justice in a Patristic Text?

What is social justice in Catholic social thought and Catholic social teaching? Social justice is about the common good of a society. What is the common good? According to *Gaudium et spes*, the common good “embraces the sum of those conditions of social life by which individuals, families, and groups can achieve their own fulfillment in a relatively thorough and ready way.”²⁶ In more detail, the common good includes the major institutions (political, economic, social, cultural, religious) of the society, and the basic structure of the society.

Christianity and the empire. See Walter Pilgrim, *Uneasy Neighbors: Church and State in the New Testament* (Minneapolis: Fortress, 1999).

24. Brian Matz with Johan Leemans and Johan Verstraeten, “Position Paper: The Church Fathers and Catholic Social Thought,” printed paper read at the Seminar on the Church Fathers and Catholic Social Thought, Catholic University of Leuven, September 1–3, 2007, 1–28. See also Brian Matz, “Problematic Uses of Patristic Sources in the Documents of Catholic Social Thought,” *Journal of Catholic Social Thought* 4 (2007): 2:459–85.

25. Reimund Bieringer, “Texts That Create a Future: The Function of Ancient Texts for Theology Today,” printed paper read during the Seminar on Church Fathers and Catholic Social Thought, 1–16 at 2–9; Francois X. Amherdt, “The Utility of Paul Ricouer’s Hermeneutical Theory for Reading Theological and Patristic Texts: Distanciation of a Text and Hermeneutical Arc,” printed paper read during the Seminar on Church Fathers and Catholic Social Thought, September 3–5, 2007, 1–15.

26. Vatican Council II, *The Pastoral Constitution on the Church in the Modern World (Gaudium et spes)*, in *The Documents of Vatican II*, ed. Walter M. Abbott, S.J., trans. ed. Joseph Gallagher (New York: Guild Press, 1966), 199–316 at 284. The *Compendium of the Social Doctrine of the Church* states that, “Social justice concerns . . . the social, political, and economic aspects and, above all, the structural dimensions of problems and their respective solutions,” Pontifical Council on Justice and Peace; English trans. Libreria Editrice Vaticana (2005), 201, nn 89–90.

Major institutions are the specific mode of governance (monarchy, parliamentary democracy, democratic republic, democracy, or dictatorship), the type of economy (minimally regulated free market, highly regulated free market, state-run, centralized economy, or state capitalism), family structure (primacy of extended family, or of the nuclear family), common cultural meanings, and whatever religion(s) animates the culture. The basic structure is the overall, combined, net effect of the operations of the major institutions.²⁷ Commitment to social justice involves comparing these structural aspects and their effects with requirements of human dignity, human rights, and the common good.²⁸

Social justice, as part of the virtue of justice, is other-directed.²⁹ Social justice is the successor to general justice. Orientation beyond an individual, family, or group to the common good can be immanent in all manner of virtuous acts, including distributive and commutative justice.³⁰ "The virtue of a good citizen is general justice, whereby the person is directed to the common good."³¹ Social justice has a first and defining aspect of as a person's and a group's active contribution to the common good of society. A second aspect is a responsibility on the part of society to put conditions in place, as far as possible, that enable people to fulfill their duty to the common good.³² This

27. John Rawls's influential *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971, rev. ed. 1999) conceives social justice as an attribute of what he calls a society's "basic structure." The basic structure is the combined, operational effects of the major political, economic, cultural, and social institutions as potential for people's life-opportunities. I am taking from Rawls his analytic distinction between major institutions and basic structure, but not his arguments or whole position.

28. In Duane Alwin's analysis, "Justice sentiments derive from a comparison . . . of the real with the ideal in a particular context," "Social Justice," in *Encyclopedia of Sociology* 4, ed. Edgar F. Borgatta and Rhonda J. V. Montgomery (New York: Macmillan, 2000), 2695-711 at 2696.

29. Aquinas remarks that, "the rightness of other moral virtues is not determined apart from the frame of mind of the person acting," adding that justice has its rightness "even abstracting from the temper in which it is done" (*qualiter ab agente fiat*), *Summa Theologiae* 37, 2a2ae, Q. 57, art. 1.

30. Jean-Yves Calvez, S.J., "Social Justice," in *The New Catholic Encyclopedia* 13 (Palatine, Ill.: Jack Heraghty, repr. 1981), 318-21 at 319.

31. Thomas Aquinas translated and quoted by David Hollenbach in *The Common Good and Christian Ethics* (Cambridge: Cambridge University Press, 2002), 195. See the translation, introduction, notes, and glossary by Thomas Gilby, O.P., *Justice*, vol. 37, in the Blackfriars' *Summa Theologiae* (2a2ae. 57-62) (New York: McGraw Hill, 1975), Q. 58, art. 6. Hollenbach's translation is clearer than Gilby's ("this last [virtue . . . of a good citizen] is general justice, which governs our acts for the common good"), 35.

32. Hollenbach explains and applies general or social justice to the split between affluent American suburbs and struggling inner cities in "Poverty, Justice, and the Good of the City," in *The Common Good and Christian Ethics*, 173-211, esp. 190-200.

does not put entitlements into first place but demands certain kinds in second place if they would be necessary means to factual conditions enabling all to contribute to and participate in the major institutions of society.

Consequently, an interest in social justice leads immediately to seeking to analyze how in fact the basic structure affects people, how it succeeds or not in enabling people, especially the poor, vulnerable, and marginalized, to participate in the basic institutions.

Bryan Hehir observes that social justice continues the classic focus on the common good but also incorporates new insight into "the structured organization of society" with emphasis on "the need to shape the institutional patterns of social life in accord with the demands of justice so that commutative and distributive justice may be more easily fulfilled."³³ Social justice in Catholic social thought and Catholic social teaching implies readiness to reshape the institutional patterns of social life in accord with justice, especially for the poor and marginalized. If readiness for social change were altogether missing from the *Divine Institutes*, there would be less continuity with Catholic social thought and Catholic social teaching. Did the *Divine Institutes*, then, instantiate a general patristic indifference to changing the status quo? The following section explains why the answer is no.

The Emperor as Agent of Transformation

Book V of the *Divine Institutes* proposes *aequitas* (equity) as a basic form of justice in human relationships that is due to God creating all human beings as *imago Dei* equal in humanity. The opposite of *aequitas*, varying types of inequity, were rife throughout the empire, dividing rich from poor, elite from the hoi polloi, citizens from noncitizens, slaves from owners, powerful from powerless. Book V presents a manifesto for reform of the empire under the law of God now clearly known from Christian sources. It drew, Monat says, "*de la sagesse classique et de la révélation chrétienne*," on the topic of justice.³⁴ I think it accurate to conceive these two sources not only as a confluence but as in an ordered relationship in which the biblical revelation (*révélation chrétienne*) is pri-

33. Bryan Hehir, "Social Justice," in *HarperCollins Encyclopedia of Catholicism*, ed. Richard McBein (San Francisco: HarperSanFrancisco, 1995), 1203-4 at 1204.

34. Monat, *Institutions Divines, Livre V, Tome I*, 19.

mary yet mediated through the classical heritage (*sagesse classique*). Christian revelation including the whole Bible was that in whose light Lactantius interpreted, corrected, criticized, and also appreciated the classical heritage.

The most influential classical source, according to Monat, was the work of Cicero, above all *De republica*, *De legibus*, and *De officiis*.³⁵ In the *Divine Institutes*, justice was the chief virtue and comprised piety (*pietas*) as duties in relation to God, and equality or equity (*aequitas*) as duties in human relationships. Book V concentrated on *aequitas*, equity, applying it across a broad range of meaning, relations, and conduct. Book V proposed a change in imperial mores in the direction of respect for human dignity (*imago Dei*) and consequent justice as equity (*aequitas*).

The *Divine Institutes* did not lack a plan for the transformation of imperial society toward equity by political means. The plan was the formation of a Christian conscience in Emperor Constantine, whom the additions made the first and most important auditor and reader of Lactantius's *Divine Institutes*. The essential political means for transformation was first of all the thinking, deciding, and acting of the emperor. After Constantine defeated Licinius in 324 CE he had supreme civil power in the empire and was the one who could bring about change. The emperor was the law in person, not under the law. Constantine was in a position to make and enforce laws better respecting the law of God, starting with *aequitas*, known in Christianity. Without a changed emperor there could be little expectation of a changed empire.

A Constantine educated by the *Divine Institutes* in the political implications of Christian faith would be in a position to set about some steps to reform the major institutions of the empire. The Senate was a weakened institution. The army was not capable of a spiritually based reform of imperial policies. Ordinary citizens and the many noncitizens, not to mention slaves, were not a force to be reckoned with politically. True, this was not a set of measures and a programme of reforms, as Garnsey rightly notes, but it was a plan to make reform effective and in that sense was intended as a source of change in the status quo by the indispensable means of imperial authority and policy.

The validity of this proposal depends on according a high level of significance to dedicatory additions to the text of the *Divine Institutes*, originally

35. *Ibid.*, 21–24.

composed without the prospect of a Christian emperor and so without the goal of forming an emperor in his conscience. Lactantius did not revise the text in a wholesale way after Constantine's conversion, usually dated to 312 CE. He introduced minor additions that changed large sections from indirect to discourse directed to Constantine.³⁶ This can only mean that the modified text had the emperor as first, in the sense of most important, reader. Lactantius did not adjust the arguments or content. The advent of a Christian emperor apparently did not so reconstitute the empire as to make Lactantius's criticisms and proposals inapplicable. He did not forbear bringing the text's socio-religious critique to bear upon polytheistic worship, on pervasive injustice, on greed, and on error about the meaning of life just because Constantine's rule replaced that of Diocletian and the tetrarchs.

Lactantius's quantitatively minor additions (e.g., bk I 1.13–14, bk II 1.2, bk III 1.1, bk IV 1.1, bk V 1.1, bk VI 3.1, bk VII 26.10–16) can be understood not as honorific and obsequious platitudes but as an implied charge of responsibility. Positioned at or near the heads of six chapters and near the end of the work, they frame the whole *Divine Institutes* as a dialogue between Lactantius's text and a "you."³⁷ Constantine is the identified singular "you" to whom Lactantius dedicates the work as a whole. Sometimes, when the text uses a plural "you," not a singular in reference to the emperor as a definite, named, anticipated auditor,³⁸ that plural "you" (e.g., book II 18 "*ad cuius spectaculum vos excitavit ille artifex vester deus*") addresses a generic, indefinite plurality of readers and hearers.³⁹ They are the usual suspects identified as the original audience for the *Divine Institutes*: educated non-Christian monotheists and educated Christians irresolute under government pressure.

Adding direct discourse to Constantine and appealing to his sense of Christian duty alters that original readership. It becomes as if Constantine was the very one for whom and to whom the *Divine Institutes*, with book V's heavy emphasis on equity, was written. Most of it was composed before his conversion, so he could not have been the original audience. Constantine be-

36. See Bowen, *Lactantius: Divine Institutes*, xi.

37. This excludes use of the figure of speech, apostrophe, that conducts a dialogue with a figure in the text as a singular "you," as happens with Cicero in book II 3.4; Bowen and Garnsey, 123; Brandt, 104.

38. Digeser, 12–13, refers to Constantine as among the "first auditors" of the *Divine Institutes* delivered as a series of lectures by Lactantius between 310 and 313 CE.

39. Brandt, 102.

came the primary audience or readership by means of the revisions that added direct address to him. A dialogical linguistic structure organizes the whole final text, which returns again and again to first person discourse, sometimes in the singular number, I, and sometimes as the plural, "we." The grammatical structure of first person discourse necessarily involves a "you," singular or plural. The grammar of speech and writing allows no alternative to an implied or explicit "you" when words come from an "I" or "we." Even a soliloquy has an imaginary audience, and the *Divine Institutes* is no soliloquy. Constantine was the privileged hearer and reader, though not by that fact the only one. The dialogical structure already directed the text to the plural, anonymous "you" of readers or hearers. The additions focused the dialogical structure on Constantine.

Dedicating and directing it to Constantine did not turn the work into a meditation for Constantine's private spirituality. The revised text spoke to Constantine precisely as emperor uniquely under God and with God. The vista opened by the seven books is empire-wide not local, and was not restricted to Christians. Book VII 26.10b tells the emperor that "The providence of the most high godhead has promoted you to supreme power so that you can in the trueness of your piety rescind the wicked decrees of others, correct error, provide for the safety of men in your fatherly kindness, and finally remove from public life such evil men."⁴⁰ The "wicked decrees of others" probably referred to previous policies by Diocletian and other emperors, along with lesser civil authorities complying with and carrying out imperial commands.

The dialogical structure and the imperial focus in the text substantiate the idea that Constantine was not only the most highly placed, most august reader but the principal agent, providentially raised up, for the imperial transformation put forward by the *Divine Institutes*. Now, because the substance of Lacantius's text antedated Constantine's accession, it could be objected that the content was originally an idealistic utopia without too much chance of practical implementation. In regard to the unrevised text Allen, Garnsey, and to some extent Young are correct in doubting or denying that it had anything like a practical plan for implementation. The argument here, however, is about

40. Bowen and Garnsey, book VII 26.10b. This belongs to one (10a-10g) of several passages in MSS S and G that Brandt did not incorporate into the Latin text, putting it into a footnote instead, 668.

the text after its quantitatively minor but qualitatively major revisions once Constantine has become emperor.

The education of Constantine in the duties of a Christian emperor was the plan for the transformation of imperial society.⁴¹ How well that plan worked is another matter. The proposal here is only that the *Divine Institutes* had a practical plan by which, especially, *aequitas* could be put in place in imperial society. The emperor had a unique capacity, and as Lactantius saw it, a singular responsibility to transform the empire according to the law of God and *aequitas* was a large part of that. Constantine's conversion was a golden, providential opportunity for Lactantius.

Garnsey comments that Lactantius did not present Constantine with a series of detailed public policy measures and legal reforms. This is true. And yet a plausible reason was that Constantine as emperor was himself source of policy. Others might be deputed to draft the legal formulae but the emperor's authority and power were the principal means for initiating and effectively installing reformed policies. In the imperial court there were those who devised legal measures for presentation to the emperor but Lactantius was not among them.

Likewise, considering the emperor as agent of transformation answers a question raised by Frances Young about *aequitas* in book V.⁴² Young first observes that Lactantius's claim that Christians, rich and poor, slave and master, think of themselves as equal "might seem to have political implications, but it turns out that Christians measure things 'not by the body but by the spirit'—in lowliness of mind, in humility, Christians are on an equality (V 15)." Equity among Christians in possessing virtues would not be public equity in society. So she puts a question, "Is equity merely spiritual then?"⁴³

Answering in the negative, she finds evidence for equity in concrete action in book VI's description of Christian virtue practiced in almsgiving, care for widows and orphans, and hospitality to strangers. Moreover, equity is a

41. In this, perhaps the *Divine Institutes* anticipated medieval and early modern treatises designed for the education of kings and princes in their duties in light of Christian faith and justice, in hopes of enlightening and influencing their decisions away from tyranny (rule for the benefit of the ruler) and toward just governance (rule for the sake of the ruled).

42. Frances Young, "Christianity," in *The Cambridge History of Greek and Roman Political Thought*, ed. Christopher Rowe and Malcolm Schofield (Cambridge: Cambridge University Press, 2000), 636–60 at 657.

43. *Ibid.*

chief part or stream of justice that comes to perfection in actions such as generosity to the blind, lame, and destitute (VI 11). So equity in the *Divine Institutes* is not "merely spiritual" because it becomes active, visible, and concrete in practice.

Young's question springs from wondering whether or not equity has "political implications." She refers to visible Christian conduct governed by the universal divine law in contrast to following a multitude of civil laws designed out of utility in various countries. Can anything else be said to clarify the positive content of the political implications of the *Divine Institutes* on equity? Yes, there is Young's other idea, that the *Divine Institutes* offers a vision for the transformation of imperial society. This is true. But she leaves the kind of transformation undefined. It could be that this transformation was to be a moral conversion of individuals one by one. That would not be political in the strong sense of involving governance and law but eventually could become political in the weak sense of morally reformed individuals entering civil service and influencing the administration of law. Does equity have political implications in the strong sense of involving governance and public policy? Lactantius' plan for implementation by means of a reformed emperor educated in the duties of Christian faith was political in that sense. And that makes the *Divine Institutes* an exception to patristic indifference toward changing the social status quo.

The *Divine Institutes* and Catholic Social Thought

The public scope in the exercise of Christian virtue adverted to by Young, together with the public nature of justice drawn from Cicero and Scripture pointed out by Monat, and the dedicating of the *Divine Institutes* to Emperor Constantine permit a conclusion contrary to de Ste. Croix's and Allen's idea of an early Church indifferent to imperial society in its structural aspects. To the contrary, in the *Divine Institutes* a Church Father presented the vision of a revised basic structure of early fourth-century imperial society as well as of its major political institution, the emperor, with special attention to the plight of the poor and powerless.⁴⁴ Lactantius, that is, had done social analysis, pre-

44. On reforming the major institution that is mode of governance, see also Digeser's discussion of Lactantius's influence on Constantine's religious policy, 121-43.

sented contrary monotheistic and Christian ideals for a more just social order, and aimed this at the number one reader and most powerful-decision-maker, Emperor Constantine. That allows a conclusion that the *Divine Institutes* has some affinity with social justice in Catholic social thought.

Book V presents equity as a norm and virtue with a political dimension in its exercise, in the sense that equity challenged Constantine and imperial government to move in the direction of protecting the poor from exploitation by the wealthy and powerful. Equity, like social justice, was not only a virtue in persons but also a desired societal goal. It must be conceded to de Ste. Croix, Allen, and Garnsey that book V treats equity less as a restructuring of society law by law and more as a matter of an instruction in a value that can change consciences. The key conscience, nonetheless, was Constantine's. Identifying the primary decision-makers has been a cardinal principle in modern community organizing that has enjoyed the support of regional Catholic social thought in the Campaign for Human Development under the auspices of the United States Conference of Catholic Bishops. Lactantius certainly had no difficulty pinpointing who had the capacity to make binding decisions for the Roman empire.

Book V taught what approximates the principle of equality in dignity due to all humans being created by God. Although fiercely opposed to the rich or poor division that results from greed and pride, the text does not present a contrary ideal of uniformity in concrete circumstances and power. In fact book III rejected a Platonic ideal of common property,⁴⁵ while book V decries not private property but unbridled greed in acquiring and using it.⁴⁶ Lactantius distinguished between private property as an absolute, and private property subordinate to the Creator's purpose that the goods of the earth benefit all people. Later, in Aquinas, and then in Catholic social thought this is called the universal destination of goods that should govern the use of private property. But like the later Catholic social thought, the *Divine Institutes* opposed a solution to exploitation of the poor by the rich by means of collectivism that eliminated personal decision and dignity.

Equality in dignity, a meaning of *aequitas* in book V, became the practical and theoretical ground on which modern Catholic social thought has taught

45. Bowen and Garnsey, book III 21.1-22.1, 209-11; Brandt, 248-52.

46. Bowen and Garnsey, book V 5.1-6.1, 290-94; Monat, 150-60.

an inclusive participation in the major institutions of a society and on which it espouses human rights.⁴⁷ Affirmation of universal equality in human dignity is a significant point of continuity between the *Divine Institutes* and Catholic social thought. So is the general danger of a certain lack of practical efficacy and historical success with a social vision consonant with if not derived from Christian faith.

The *Divine Institutes* and Two Orientations in Political Theology

The *Divine Institutes*, despite firmly embracing the Roman empire and notwithstanding theological critiques of all manner of empire, can be put in (postcritical) reference to two orientations in political theology. Political theology is a broad genre that encompasses continental European political theology, Latin American, and other liberation theologies, and public theology developing in the U.S. and U.K. The two orientations are roughly speaking Augustinian and Thomist, or in biblical concepts, the prophetic and the kingly. The former concentrates on being socially critical on behalf of human emancipation and excels in a critique of the status quo. The latter, on the basis of a more definite acceptance of liberal democracy and a humanized capitalism, devotes more attention to practical improvement in these major institutions.

Both orientations run through all three types of theology mentioned above but European political with Latin American and other liberation theologies tend more toward the prophetic while public theology tends more toward the kingly. Black liberation theology often accepts both liberal democracy and a humane capitalism while promoting emancipation from exclusion from just and respectful participation in them.

In line with the prophetic orientation, a significant aspect in the *Divine Institutes* to consider in relation to a way-of-being-in-the-world open to commitment to social justice is Lacantius's systematic placing of the basic structure and fundamental cultural themes of imperial society on trial before the Christian faith, the classical heritage, and human reason. This is an analytic and pro-

47. See George Newlands, *Christ and Human Rights: The Transformative Engagement* (Aldershot, England: Ashgate, 2006), for human rights in reference to the center of Christian faith, Jesus the Christ.

phetic orientation in the *Divine Institutes* that encourages a similarly prophetic way-of-being-social today. On this point, despite condoning the Roman empire, Lactantius's text could be put into dialogue with continental European political theology and public theology. Nor need public theology assume that contemporary liberal democracy is either an absolutely perfect product of political reason or the "end of history." In its actual operations and deeds, it too stands accountable before the bar of human hope and divine judgment. Unlike liberation theology the central emancipation in the *Divine Institutes* is primarily from false religion, false wisdom, and false worship that caused persecution of true religion, wisdom and worship, not primarily from a type of Christianity accommodated to socio-economic oppression.

In addition, Lactantius's honoring of the reality and memory of victims of Diocletian's persecution could be put in reference to political and liberation theology's lifting up of the oppressive underside of modernity. However, in the *Divine Institutes* the victims are not the poor of many religions in poorer parts of the world run over by the economic engines of wealthy nations, many of them populated by Christians, but Christians who suffered cruel physical torments at the hands of pagan authorities. Lactantius's work, nonetheless, supports a posture in Catholic social thought tilted toward learning from European political theology on listening to victims, from liberation theologies on their well-known hermeneutical privilege of the poor, and from the lesser-known theme of marginalization in public theology.⁴⁸ The *Divine Institutes*, that is, preserves a memory of Christianity as a persecuted minority from an era before the Wars of Religion with their Christian victims of other Christians. Such memories support Catholic social thought in unequivocally opposing Christian tolerance for the abuse of law and torture by anyone or any state.

Consequently, in criticizing the mores and laws of the empire the *Divine Institutes* represents a prophetic exercise of theoretical and practical reason. Prophetic, because it interprets the Roman empire in light of God's existence, unity, plan, and judgment, instructed both by the Bible and by the heritage of classical wisdom and philosophical reason. Theoretical, because works in the genre of "Institutes" expound the basic principles and full substance of a topic. The "Institutes" of civil law by Gaius, Ulpian, and Julius Paulus "set

48. See John Atherton, *Marginalization* (London: SCM Press, 2003).

out systematic, theoretical expositions of legal principles.”⁴⁹ Garnsey advises, “The work is nothing less than the first attempt at a summary of Christian thought.”⁵⁰ Public, because it addresses the practice of witness unto public death for not performing the public deed of venerating Diocletian and other Roman gods. And reason, because there is consistent appeal to arguments, reasoning, and substantiation of conclusions. As prophetic the *Divine Institutes* stands in a line of Christian social critique later evident in Augustine’s *City of God*, and more recently in political and liberation theologies.

There are contextual applications. In the United States prophetic engagement with “American exceptionalism” by political theology, liberation theology, Black liberation theology, and public theology is crucial. American exceptionalism takes for granted that the original colonists on the shores of what became the United States were “an almost chosen people,” that “God is on our side,” that in God’s providence the U.S. has a national purpose beyond its borders, almost has received a divine mission to the rest of humanity on behalf of liberty and democracy. Simultaneously, however, some theological negation of American exceptionalism often seems to overlook the validity of the major political institution that is constitutional democracy, to ignore intimations of the sacred in American art, philosophy, and in physical nature, the land, and wilderness. Others are content with prophetic critiques of capitalism.

For example, through incisive prophetic insights more in the tradition of Augustine than Aquinas, critiques like those of Stanley Hauerwas, Michael Baxter, and William Cavanaugh clarify much that is misguided and destructive in the political culture and the operations of American democracy, somewhat like Lactantius placed imperial culture under the judgment of Christian revelation. But do they provide much in the way of feasible ideas and a practical agenda for the hard political and legal work of step-by-step reforming of democratic practices and institutions? In answer it could be said that, like Lactantius focusing on Constantine as agent of transformation and seeking to form his conscience as the means, they too focus on the agent(s) of transformation, Christian citizens, and again like Lactantius seek to form consciences in a reforming direction.

The *Divine Institutes* recognized the need for legal and socio-economic reform. Modern Catholic social thought offers general principles for such re-

49. Digeser, 57.

50. Garnsey, 13.

form. But the writings of John Courtney Murray (1904–1967) are exceptional in engaging many of those principles in constructive dialogue with the public life of American democracy. He has been criticized for over-assimilating Catholicism to American political culture. He grounded unreserved assent to liberal democratic institutions under the Constitution in a Catholic tradition of natural law ethics. This befits the “kingly” dimension of faith and Christianity not limited to monarchic governance. However he also had a continual orientation to the “primacy of the spiritual” as a critical principle that refused to accede to any subordinating of the spiritual to the temporal. This prophetic principle offers common ground with the Augustinian tendency yet situates the prophetic within a kingly reform.

In the context of Europe there is a phenomenon that permits a question about the kingly aspect of Catholic social thought.⁵¹ In 2004 the European nations ranking highest in an aggregate index of social justice with four elements (poverty, labour market, family life, education) were Norway (1), Sweden (2), Denmark (3), and Finland (4). They obviously do not have a tradition of Catholic social thought. Belgium, which does, is listed at 10, tied with Great Britain. Catholic social thought also presumably would have made some difference in Austria (5), Ireland (5), and Luxembourg (6). Why not in countries with traditionally Catholic populations, such as Poland (16), Spain (17, tied with Greece), Malta (18), and Italy (19)? Poland is a special case, admittedly, because of recent emergence from the Soviet bloc. How can Catholic social thought gain a better hearing among Catholics in “Catholic countries”?

Do social democracies exemplify values and institutions taught by Catholic social thought? Are conditions for their success found or producible outside Scandinavia? Or will conditions vanish under the impact of cultural heterogeneity present in much of the rest of Europe, the United States, some nations in Latin America, and Australia, for example? Do Denmark, Norway, and Sweden exemplify a Scandinavian version of the European social model that has some universal features?⁵² Are Scandinavian commitments to social

51. See an online research report from Berlinopolis, a Berlin-based think tank, translated online from “Wie gerecht ist Europa?” to “Social Justice in Europe—How Successful Are the Member States?” that ranks achievement of social justice in European Union member-countries for 2003–4, available at <http://66.102.9.104/search?q=cache:mTn56Oe04CYJ:www.berlinopolis.net/download.php%3Ffile%3> (accessed April 15, 2008).

52. See “The European Social Model,” from the European Trade Union Confederation online, available at <http://www.etuc.org/a/2771> (accessed April 15, 2008).

justice due in some significant way to an historic, underlying Lutheran heritage?⁵³ What theoretical traditions inspire and guide their social democracies? What has Scandinavia along with Ireland and Austria to teach Catholic social thought about social justice? The foregoing questions have to do with the efficacy and communication of Catholic social thought among Catholic populations. They touch on the kingly dimension insofar as they look at what actually works or does not, why, and how.

In regard to the U.S. and Europe the *Divine Institutes*, along with its clear prophetic content, can be read as a message on an essential role for a kingly, constructive strand in Christian social thought that conceives the reform of public and political institutions, neither standing pat on the validity of prophetic denunciation nor proceeding with precritical, unexamined, patriotic support for a status quo. The *Divine Institutes* conducted a searching criticism of the public heritage, values, mores, institutions, outlooks, and conduct of the emperor and classical culture in order to communicate and initiate a positive alternative for the empire, not simply to stand in prophetic distance or to teach Christian withdrawal to a sectarian enclave apart from public life, a privatized Christianity. It also sought efficacy in reform with a Christian inspiration.

Conclusion

Benefiting from critical studies of the *Divine Institutes*, this study explored a postcritical theme, whether an affinity to social justice exists in this opus. Concluding that it does, a short further step infers that the affinity amounts to continuity between the *Divine Institutes* in late antiquity and social justice in modern Catholic social thought.

Specific threads in continuity are 1) a socio-critical analysis of the basic structure of major institutions from a perspective animated by Christian faith but incorporating knowledge from sources other than biblical revelation;

53. See Bernd Wegener and Stefan Liebig, "Dominant Ideologies and the Variation of Distributive Justice Norms: A Comparison of East and West Germany, and the United States," in *Social Justice and Political Change: Public Opinion in Capitalist and Post-Communist States*, ed. James R. Kluegel, David S. Mason, and Bernd Wegener (New York: de Gruyter, 1995), 239–62. The International Social Justice Project found differences in social justice between cultures imprinted by Calvinist and by Lutheran influence.

2) affirmation of the intrinsic equality in dignity of all human beings because of creation by God in the image of God; 3) a prospect on public life geared to social changes that express equity or equality in dignity; 4) attention to the lot of the poor and powerless; and 5) a focus on agency for social change.

An affinity, interpretable as continuity, between Lactantius and Catholic social thought on these points supports the fruitful interpretation of Catholic social thought advanced first by Johan Verstraeten and then developed by Judith A. Merkle.⁵⁴ They argue that Catholic social thought is actually a Catholic social tradition not reducible to fixed formulations. This exploration adds that the Catholic social tradition in the *Divine Institutes* has both prophetic and kingly elements. There are indications in U.S. and European contexts that the kingly rather than the prophetic element may be most in need of further development.

54. Johan Verstraeten, "Rethinking Catholic Social Thought as Tradition," in *Catholic Social Thought: Twilight or Renaissance?*, ed. J. S. Boswell, F. P. McHugh, and J. Verstraeten (Leuven: Leuven University Press, 2000), 59–77. Judith A. Merkle, *From the Heart of the Church: The Catholic Social Tradition* (Collegeville, Minn.: The Liturgical Press, 2004), 3–4, 16–18, 52–62.