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NOVELLA XVII IN THE LIGHT OF *LEX IULIA DE MAIESTATE*: HILARIUS OF ARLES CASE STUDY**

The main focus of this paper is an analysis of Novella XVII[1] *issued by Valentinian III, with the aim of giving a general idea on the religious policy of the Emperors Theodosius II and Valentinian III. The edict titled De episcoporum ordinatione*[2] *is a great example of a legislative act falling between ius sacrum and ius publicum.*[3] *It shows a rather extraordinary imperial intervention provoked by a conflict between Pope Leo and Hilary, bishop of Arles. The latter was accused of various ignoble deeds which corresponded with some of the definitions of crime as described in Lex Iulia de Maiestate from the 1st century BC. Other deeds that Hilary was accused of, however, cannot really be understood as a public offence aimed at the Emperor or the State. Under the influence of Leo, Valentinian officially acknowledged the preeminence of the Church of Rome in the Western Empire, giving grounds for further emanation of the papal power.*

Key words: *Theodosian Code and Novels. – St. Hilary of Arles. – Maiestas. – Apostolic See. – Pope Leo I.*

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1 Nov. Val. XVII (Haenel XVI); Theodor Mommsen, Paulus Meyer, (ed.), *Theodosiani leges novellae*, Berlin 1905, 101–103.

2 (eng:) On the ordination of bishops.

Unless indicated otherwise, all translations in this article are my own.

3 Michał Pietrzak, *Prawo wyznaniowe*, Warszawa 2013, 57.

1. ON LAW AND RELIGION IN THE THEODOSIAN CODE AND NOVELS

Christianity owed its specific position in the legal field circa 5th century to the development of certain institutional and hierarchical features. Those did not, however, create a complete and autonomous legal order.[4] For that reason, religion continues to lean heavily on the State throughout late Antiquity. This raises a question of a more theoretical nature. Was it truly necessary for the legislator to interfere in matters of a purely religious nature or did „he"[5] just take advantage of public law in order to promote Christianity and manifest the genuine faith of the emperor? An alternative scenario of ecclesiastical lawmaking would be that of using imperial constitutions with the aim of setting legal frames to religion in order to establish clear boundaries between the Church and the State. That would be an approach of a secular state; establishing clear boundaries between the State and the Church while providing the Church with a certain degree of autonomy. Instead, the approach taken by each Emperor since Constantine[6] appeared to be the exact opposite. Just a cursory glance at the Theodosian Code is proof enough of this.[7] Apart from the specific ecclesiastical edicts granting privileges to the Church and its officials, there was also a whole chapter dedicated to religion only.[8] Religion that the imperial constitutions refer to is to be understood in a wider meaning.[9] It can be described as a cult, manifestation of divine sanction,[10] and high regard for

4 Yifat Monnickendam, „Late Antique Christian Law in the Eastern Empire. Toward a New Paradigm", *Studies in Late Antiquity*, Spring 2018, 44.

5 The Theodosian Code originated in a decision of the emperor Theodosius II, announced to the senate of Constantinople in a constitution of the 26th of March 429. It was, however, like any other ancient codification, prepared by an editorial commission. The whole undertaking was meant to be a sequel to the codes of Gregorius and Hermogenianius. (John F. Matthews, *Laying Down the Law. A study of the Theodosian Code.* Yale University Press, New Haven, London 2000, 10).

6 Ewa Wipszycka, *Kościół w świecie późnego antyku*, Warszawa 2017, 134.

7 C. Th. XVI; Book XVI of the Theodosian Code contains the following chapters dedicated to the religion:

De fide Catholica; 2. *De episcopis, ecclesiis et clericis*; 3. *De monachis*; 4. *De his, qui super religione contendunt*; 5. *De hereticis*; 6. *Ne sanctum baptisma iteretur*; 7. *De apostatis*; 8. *De Iudaeis, caelicolis et Samaritanis*; 9. *Ne Christianum mancipium Iudaeus habeat*; 10. *De paganis, sacrificiis et templis*; 11. *De religione.* See also: William Boyd, *The ecclesiastical edicts of the Theodosian Code*, Columbia University Press, New York 1905.

8 C.Th. 16. 11. (Brev. 11. 5): *De Religione.*

9 The specific meaning of the term *religio* is described by Caroline Humfress in: Caroline Humfress, *Orthodoxy and the Courts in Late Antiquity*, Oxford University Press, Oxford 2007, 235–237.

10 P. G. W. Glaire (ed.), *Oxford Latin Dictionary* t. VII, „*religio*", Oxford University Pres 1981, 1605

what had been established by the religious authority of the ancestors.[11] However, the broad, technical meaning of the term *religio* did not cover all the Christian acts.[12]

2. NOVELLA XVII

2.1. Introduction

Novella XVII, issued in 445 by the Emperor Valentinian III, is one of many constitutions decreed in the Western Empire in the 5th century. While there are only 26 Novels of Theodosius II, the number of laws decreed by Valentinia is significantly higher, amounting to 36. Although this difference may not seem particularly striking, it is in fact quite thought-provoking. It was thus shortly before the collapse of the Western Empire that the above mentioned laws entered into force.[13]

2.2. The Text of the Novel

The text of Novel XVII[14] consists of a letter by the emperor Valentinian III (issued jointly, as was conventional, with his eastern colleague Theodosius II), addressed to Aetius – Patrician, Count and Master of both Branches of the Military Service in Gaul, on the 8th of July 445 CE. The text of the letter starts with an affirmation of Christian faith and religion[15] which, according to the author, are pillars of support to the Emperors' rule. Following that, Valentinian refers to the leading role of the City of Rome in religious matters and underlines the primacy of the Apostolic See. He also presents what he considers the grounds for such a statement. As to his argumentation, a universal (that is: of all the members of the catholic community) recognition of the power of the Apostolic See is crucial for the maintenance of universal peace. Having clarified that, he then proceeds to the actual reason of his correspondence, which is the case of Hilary.[16] According to the words of the emperor, Hilary was the first to

11 C. Th. 16. 11. 3: (...) *Ea, quae circa catholicam legem vel olim ordinavit antiquitas vel patentum nostrorum auctoritas religiosa costituit vel nostra serenitas roboravit, novella superstitione submota integra et inviolata custodiri praecipimus.* (...).

12 C. Humfress, 235.

13 C. Dickerman Williams, „Introduction", C. Pharr, *Theodosian Code and Novels and the Sirmondian Constitutions: a translation with commentary, glossary, and bibliography*, Princeton, New Jersey 1952, xvii

14 Nov. Val. XVII.

15 see: Chapter 2 Novella XVII: 2.1 Introduction.

16 Saint Hilarius, the Bishop of Arles; for curriculum vitae: Marek Starowieyski, Jan Szymusiak, *Słownik wczesnochrześcijańskiego piśmiennictwa*, Poznań 1971, 192;

somehow violate the peace of the churches (*pax ecclesiarum*), as attested by a „trustworthy report" of Pope Leo of Rome.[17] As the report states, Hilary has attempted to carry out certain illicit acts the result of which was an *abominabilis tumultus* in the transalpine churches. His ignoble deeds were the following:

- undue appropriation of some episcopal ordinations;
- undue removal of some of the bishops;
- unsuitable (episcopal) ordinations against the will of the citizens;
- gathering of an armed band;
- hostile invasion;
- leading (his army) to war.

Valentinian describes those acts as crimes against both the *maiestas* of the Empire and the reverence due to the Apostolic See. He then mentions a duly conducted trial, convened by the pope, that had rendered a sentence against Hilary in respect of these ordinations – he remained, however, bishop of Arles, as he had not been removed by dint of the „humanity of his merciful superior".[18] The sentence of that trial was intended to be valid even without imperial sanction, as the Emperor recognised papal jurisdiction in ecclesiastical matters.[19] The Emperor went much further, openly prohibiting anyone to interfere with ecclesiastical matters or even to oppose the regulations of the High Priest of Rome. Moreover, he defines those deeds as the greatest crime.[20] In order to avoid similar things happening in the future, he decrees that the bishops of all the provinces

Honoratus Massiliensis, *Vita S. Hilarii Arelatensis, Sources Chrétiennes Online, Lyon, and Éditions du Cerf, Paris 2021,* http://clt.brepolis.net.00000bdp1f75.han.buw.uw.edu.pl/sco/Pages/Search/Result.aspx, access: 9.07.2021, 13:42.

17 This argument seems to be, above all others, extremely manipulative. Should the Pope be party to the conflict, his report is anything but trustworthy. Moreover, it was already commonly known that the conflict between Leo and Hilary originated in the Chelidonius matter. It is thus another reason to take the Pope's statement with a grain of salt and not necessarily consider it a trustworthy source. See more about the Chelidonius case in: Susan Wessel, *Leo the Great and the Spiritual Rebuilding of a Universal Rome*, Leiden, Boston, 2021, 57–64; Ralph W. Mathisen, „Hilarius, Germanus, and Lupus: The Aristocratic Background of the Chelidonius Affair", *Phoenix* vol. 33, no. 2 1979, 166–169

18 *praesulis humanitas*; by the name *praesul* Valentinian refers to the pope. – Nov. Val. XVII.2.

19 The original text goes as follows: *Quid enim tanti pontificis auctoritati in ecclesias non liceret?* – Nov. Val XVII.2.

20 Valentinian describes it as *maximum crimen (quod est maximi criminis)* – Nov. Val. XVII.3.

shall not attempt anything contrary to the ancient custom[21] without the authorisation of the Pope of the Eternal City. Finally, Valentinian gives binding power[22] to any sanction of the Apostolic See so that if any bishop called for trial[23] to Rome should refuse to go, he could be captured by force and made to do so by the governor of his province. Valentinian concludes the letter by establishing a fine of ten pounds of gold for any judge who permits a violation of imperial commands.

2.3. Main characteristics

A remarkable feature of laws such as Novella XVII is that they have two different dimensions; an individual one and a more abstract one. On one hand, it was aimed at a particular problem, in this case the conflict between Leo and Hilary.[24] The Emperor used his legislative power to express his disapproval towards the actions of the latter. Moreover, he addressed the text to Aetius. The person who, apart from the fact that as *magister militum* bore an official duty to react, could potentially support the „wrong"[25] party of the given conflict.[26] On the other hand, the Novella, as any other imperial constitution, was promulgated as an act of public law, had binding power in the whole Empire and was thus applicable *erga omnes*. This public legal

21 *Contra consuetudinem veterem*; this ancient custom however is not explained in any way in the text. – Nov. Val. XVII.3.

22 As that of public law; Valentinian uses a very straightforward formulation: *pro lege sit quidquid sanxit vel sanxerit*, and so the use of *lex* leaves the public character of such regulation beyond any doubt.

23 The latin term *iudicium* that is used here refers to the *iudicium episcopale* being the very same as the later Justinianic *episcopalis audientia*. For further explanation: A. J. B. Sirks, *The episcopalis audientia in Late Antiquity*, (in:) Droit et cultures [En ligne], 65 | 2013–1, mis en ligne le 12 septembre 2013, consulté le 11 mars 2021. URL: http://journals.openedition.org/droitcultures/3005; see also: „L'audientia episcopalis, organisation et développement" in: Jean Gaudemet, *L'Eglise dans l'Empire Romain*, Paris 1989, 230; Antonio Banfi, *Habent illi iudices suos. Studi sull'esclusività della giurisdizione ecclesiastica e sulle origini del privilegium fori in diritto romano e bizantino*, Milano 2005.

24 The view of the pope himself is expressed i.a. in the dossier for the Second Roman Council, assembled to deal with the case of Hilary; *Concilium Romanum II sub Leone I. In causa Hilarii Arelatensis episcopi anno domini 445 celebratum* (in:) Sacrorum conciliorum nova et amplissima collectio, Tomus VI, ed: J. D. Mansi, Ph. Labbe, (repr.), 463– 464. See also: Philippus Jaffé (ed.), „S. Leo I." 440– 461, *Regesta Pontificum Romanorum ab condita Ecclesia as annum post Christum natum MCXCVIII*, Graz 1956, 60.

25 That would be Hilary since, as it is clearly visible from the very beginning, in this case Pope Leo is the one enjoying imperial favour.

26 Vide: R. W. Mathisen, 164.

character is particularly evident in the final part of the text. The Emperor's aim was not only to solve the particular case of Hilary, but also to make sure that a similar one does not occur. It was therefore crucial for Valentinian to provide a legal remedy that would be effective in any situation that resembled this one. His idea, however, seems to be both a most surprising and risky one. Giving binding power to any sanction of the Apostolic See in the matter under discussion goes far beyond a standard solution.

3. LEX IULIA DE MAIESTATE; ON THE CONCEPT OF MAIESTAS

3.1. Lex Iulia de maiestate as a iudicium publicum

The Institutes of Justinian in book four[27] provide a list of the *iudicia publica*.[28] *Lex Iulia de maiestate* appears as the first one mentioned there. The description of the law goes as follows: *Publica autem iudicia sunt haec. Lex Iulia maiestatis, quae in eos qui contra imperatorem vel rem publicam aliquid moliti sunt suum vigorem extendit. Cuius poena animae amissionem sustinet, et memoria rei et post mortem damnatur*.[29] As portrayed in the Institutes, the offence in question could be aimed either at the emperor or the state itself. Such a distinction seems to have emerged later than the original form of *Lex Iulia de maiestate*. The term *maiestas* in this context should be understood as a dignity of an exalted personage. *Maiestas* (majesty) can be thus defined as a qualified form of dignity, which should always be attached to a particular rank, position or office.[30] Such distinction is crucial for further explaining the evolution of the whole concept of *maiestas* and therefore the crime committed by its violation. When *Lex Iulia de maiestate* was first issued,[31] the concept of *maiestas* of the *princeps* was not identical

27 Inst. J. 4. 18. 3.

28 The very concept of a public trial in the Roman Law has been a subject of many researchers. From the perspective of this paper, it is not necessary to outline the characteristics of *iudicium publicum* as such. A detailed description of the concept, its evolution and characteristics can be found in: Bauman, Richard A., *Crime and Punishment in Ancient Rome*, London 1996, 116– 123.

29 Inst. J. 4. 18. 3. Principium; (eng:) „The public trials are thus the following. *Lex Iulia maiestatis*, which extends its recognition towards all those who attempt something against the emperor or the state."

30 P. G. W. Glaire, (ed.), Oxford Latin Dictionary t. V, „*maiestas*", Oxford University Pres 1976, 1065.

31 The authorship of this law and therefore the exact period of its appearance remain unclear and are subject of academic disputes; see: R. A. Bauman „*Crime and Punishment...*", 267.

with the *maiestas populi romani*.[32] The latter is that of the Roman People, and in consequence of the state as a whole. *Crimen maiestatis*, disregard for the precedent power, could be committed by both: the offence of the personification of authority – *princeps*, and that of the subject of the very same authority – *populus.* However, since the two aforementioned „owners" of *maiestas* were distinct, the term could not have equal significance in both cases. The legal status of *maiestas* had been changing in step with the gradual evolution of the imperial regime. To put it simply, since the state power ceased to be understood as the exclusive competence of the people, and became a competence of the emperor, the *maiestas* of the emperor became identical with that of the state itself. There is enough evidence to claim that the concept of *maiestas* of the princeps had substituted the earlier *maiestas* of the Roman People already around the third century CE.[33] The former thus became an autonomous technical legal concept that did not require to be taken in conjunction with the latter.

3.2. Definition of the crime

A detailed description of *Lex Iulia de maiestate* is portrayed in the Digest.[34] It consists of a juxtaposition of fragments of juristic text of authorship of seven jurists: Ulpianus, Marcianus, Scaevola, Venonius, Modestinus, Papinianus and Hermogenianus. Most of them introduce different definitions and characteristics of crime. As a consequence, the scope of application of this law seems to be immensely wide. However, from the perspective of Novella XVII, only some of those characteristics are relevant. That would be those presented by Ulpianus[35] and Marcianus.[36]

Ulpianus starts with a definition of *crimen maiestatis.*[37] According to his writing, *crimen maiestatis* is to be understood as any action committed against the Roman People, or against their security. That seemingly fits with the aforementioned definition from the Institutes of Justinian. The jurist then proceeds to describe examples of actions contrary to the law.

32 R. A. Bauman, *The Crimen Maiestatis in the Roman Republic and Augustan Principate*, Witwatersrand University Press, Johannesburg 1967, 226.

33 *ibid*., 288.

34 Dig. 48. 4.

35 Dig. 48. 4. 1.

36 Dig. 48. 4. 3.

37 The alternative names of the discussed law are: *crimen maiestatis populi romani imminutae*, *crimen maiestatis imminutae*, *crimen maiestatis minutae*, or *maiestas*. See: R. A. Bauman, *The Crimen Maiestatis...,* vii. The last term, however, may lead to a confusion with the *maiestas* understood as a technical legal concept.

Once more, there is no need to examine the whole text. The following extract is perfectly sufficient:

> „*Quo tenetur is* (...) *quo armati homines cum telis lapidibusve in urbe sint conveniantve adversus rem publicam, locave occupentur vel templa, quove coetus conventusve fiat hominesve ad seditionem convocentur: cuiusve opera consilio malo consilium initum erit, quo quis magistratus populi Romani quive imperium potestatemve habet occidatur: quove quis contra rem publicam arma ferat* (...) *quive milites sollicitaverit concitaveritve, quo seditio tumultusve adversus rem publicam fiat*."[38]

Among the deeds enumerated by Ulpianus, four are particularly interesting, namely:

- gathering together men armed with stones or offensive weapons;
- bearing weapons against the state;
- agitating soldiers;
- organising an assembly or a violent commotion against the state.

As for the version of Marcianus, the essential passage is the following:

> „*Lex autem Iulia maiestatis praecipit eum, qui maiestatem publicam laeserit, teneri: qualis est ille, qui in bellis cesserit aut arcem tenuerit aut castra concesserit. Eadem lege tenetur et qui iniussu principis bellum gesserit dilectumve habuerit exercitum comparaverit* (...)"[39]

Here, actions to be condemned are described as:

- leading (an army) to war;
- ordering a mobilisation of an army;
- collecting an army;

without the consent or against the orders of the emperor.

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38 (eng:) „<with this crime> will be charged the one who (...) <makes> armed men with stones or weapons stay in the city or gather there against the Republic, <the one who makes armed men> occupy places or temples, or the one who makes an assembly, or by whom men are summoned for an assembly; or by whose malicious efforts a counsel has been initiated so that someone of the magistrates of the Roman People or someone who holds either imperium or power would be killed; or the one who bears weapons against the Republic (...) or the one who agitated or rushed soldiers, or <the one who> organises an assembly or a violent commotion against the Republic."

39 (eng:) „*Lex Iulia maiestatis* thus orders to charge with it the one who offends the public majesty: it is the one who (unbidden) went to war or reduced the defence or left the camp. With the same crime will be charged the one who, against (or without) the order of *princeps*, waged war, ordered the mobilisation (of an army) or collected an army."

4. HILARY'S CASE IN THE LIGHT OF *LEX IULIA DE MAIESTATE*

4.1. Comparative analysis

Now that the main characteristics of Novel XVII as well as those of the *Lex Iulia de maiestate* have been pointed out, we can focus on their resemblances. First of all, the congruence of the factual circumstances of Hilary's case, as pointed out in the Novel, with the definition of crime as described by *Lex Iulia de maiestate*. There is no shadow of doubt that some of Hilary's ignoble deeds correspond with the types of actions contrary to *lex maiestatis* as defined in both Ulpianus and Marcianus' versions. Those would be: gathering an armed band, hostile invasion, leading (his) army to war[40] (*Qui quoniam non facile ab his, qui non elegerant, recipiebantur, manum sibs contrahebat armatam et claustra murorum in hostilem mortem vel obsidione cingebat vel adgressione reserabat et ad sedem quietis pacem praedicaturus per bella ducebat*).[41] These are mentioned by the Emperor in his letter. A question thus arises in relation to a possible criminal qualification of the rest of the actions condemned by Valentinian, since those had nothing to do with the *maiestas*.[42] As explained in the previous paragraph, *crimen maiestatis* covered only the „illicit acts" of Hilary that were aimed at the emperor and the state. The bishop's disobedience toward the sanctions of the Apostolic See did not, at the time, fall into the scope of *Lex Iulia de Maiestate*, nor imperial law in general. However, the emperor, following the complaints of Leo, expressed his disapproval of the deeds that did not fit the definition of crime as described by the law in question.

4.2. Reasons behind the imperial reaction

It is worth recalling that the Emperor qualified the deeds of Hilary as contrary to the *maiestas* of the State and to the reverence for the Apostolic See. That, in fact, refers to two factors: some of Hilary's deeds were contrary to the *maiestas* of the State and others to the reverence of the Apostolic See. Since this distinction has been clarified, other actions of Hilarius (namely his undue appropriation of some episcopal ordinations, unauthorised removal of some of the bishops, and his unsuitable (episcopal) ordinations against the will of the citizens) would be classified as pertain-

40 Vide: chapter 3. Novella XVII, ii. Text of the Novel.

41 Nov. Val. XVII

42 In this context *maiestas* is to be understood in both meanings; i. e. *maiestas principi* or *maiestas imperii* alongside with the *crimen maiestatis*. The deeds in question were neither compatible with the hallmarks of crime nor aimed at the majesty of the Emperor.

ing to the second category. Such behaviour was indeed contrary to the will of the superior of the Apostolic See. Although Hilary openly disregarded „St. Peter's successor", this was by no means to be understood as a public offence. The preeminence of the pope of Rome and hence of the Apostolic See was originally only honorific.[43] The latter makes the attempted extension of *Lex maiestatis* to include actions contrary to the pope's will even more intriguing. Valentinian's Novella XVII is in fact the first imperial constitution that acknowledges the primacy of the Church of Rome over other churches.[44] The issuing of such a law must have been forced by the adamant attitude of Leo.[45] This factor is presumably the most remarkable aspect of the case of the Bishop of Arles. The fact that the pope did not seem thrilled about the prosperity of the Gallic aristocrats obtaining episcopal office was not surprising at all. On the other hand, the peculiar submission of the Emperor and his interference in the affair were startling indeed. The very fact that Novel XVII was, as just noted, the first imperial act to recognise the primacy of Rome and her Bishop may be a sufficient justification of this thesis.

5. CONCLUSIONS

In spite of the fact that Novella XVII describes an individual case and hence an individually-oriented legal remedy, one can notice in it a reflection of imperial religious policy as a whole.[46] Once this has been made clear, it is also worth recalling that in the light of the Emperor's immediate reaction to the pope's complaint there was no mention of a fair trial. After all, Hilary had not faced any legal repercussions and even remained in his see. Despite this, Valentinian openly condemned his behaviour, that he had only known of due to a one-sided report given by the second party of the conflict. The submission of the Emperor under the pressure of the pope is quite a remarkable symptom of the approach the former took towards religious affairs. Equally noteworthy is the fact that alongside the recognition of his primacy, the Bishop of Rome had been given a specific

43 For the historical context behind the development of papal influence see: E. Wipszycka, 53–64.

44 *ibid.*, 64.

45 Vide: „Attitude de Léon" in: J. Gaudemet, 433–434.

46 It is not the aim of this paper to describe the whole evolution of the imperial approach towards religious matters and hence the development of the religious policy. A brief description of the whole process can be found in more specific studies: e. g. Hannah Hunt, *Byzantine Christianity*, in: The Blackwell Companion to Eastern Christianity, Ken Parry (ed.), Blackwell Publishing Ltd: 2010, 73–80; Anna Maria Musumeci, „La politica ecclesiastica di Valentiniano III", *Siculorm Gymnasium* n.s. 30 (1977), 431–481.

legislative power in the field of *iudicium*.[47] The favours that the pope had been granted did not seem to be a consequence of a consistent imperial religious policy but rather a breakthrough from the latter. In the view of all these considerations, Novella XVII should be considered as one of the crucial acts regarding the development of the relations between Church and State in late antiquity.

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Викторија САРАЦИН*

НОВЕЛА XVII У СВЕТЛУ *LEX IULIA DE MAIESTATE*: СТУДИЈА СЛУЧАЈА ХИЛАРИЈА ОД АРЛА

Сажетак

Главни фокус овог рада је анализа XVII Новеле Теодосијевог кодекса, у циљу давања генералне идеје о религијској политици императора Теодосија II и Валентинијана III. Едикт под насловом *De episcoporum ordinatione* је одличан пример законодавног акта који замагљује разлику између јавне и религијске сфере. Случај приказан у Новели показује империјалну интервенцију проузроковану сукобом између Папе Лава и Хиларија, бискупа Арла. Према тексту, Хилари је био крив за разна недостојна дела, која узета заједно чине један озбиљан злочин. Природа тих дела, заједно са реакцијом цара Валентинијана, указује на то да је он оптужен за *crimen maiestatis*. Неке од фактичких околности овог случаја су у складу са неколицином обележја овог кривичног дела присутних у *Lex Iulia de Maiestate* из првог века п.н.е, и репродукованих у Јустинијановим Дигестама. Остатак осуђених Хиларијевих дела се ипак ни на који начин не може схватити као јавни преступ против цара или државе. Овај елемент је нарочито интересантан и отвара пут темељном испитивању правих разлога за царску интервенцију у датом случају. Таква анализа води закључку да је царева интервенција заиста била ванредна. Под снажним утицајем „наследника Св. Петра" – папе – Валентинијан је званично признао првенство Рима у односу на све остале цркве Западног Царства. Такав чин је требало да постави темеље за даљи развитак папске моћи, као и за све веће брисање граница између царске и религијске сфере.

Кључне речи: *Теодосијев кодекс и новеле. – Западно римско царство. – Бискупи. – Римска црква. – Папа.*

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