



[Ambrose of Milan, Letter XXI.1, 9, 10](#)

Roman laws and God's laws

Name of the author: Ambrose of Milan

Date: 386 CE

Place: Milan

Language: Latin

Category: Christian

Literary genre: Letter

Title of work: Letter XXI

Reference: XXI.1, 9, 10

Commentary:

Ambrose of Milan (c. 339-397) came from a wealthy Roman family. By the time he was thirty he had been appointed provincial governor, and eventually gained the office of bishop of Milan. One of his major achievements was to suppress conflicts between Arian and Nicene Christians in Milan (on the Arian controversy of the fourth century, see below). Ambrose himself was firmly committed to Nicene "orthodoxy," and his writings, including the present letter, testify to his clashes with Arianism, including standing up to the imperial authorities. He is also famous for having refused to give holy communion to the emperor Theodosius I on account of the massacre of thousands of civilians in Thessalonica following the killing of a Roman official there. Indeed, Ambrose maintains firmly that while the emperor is an important ambassador for and member of the Church, he remains inferior to God and should remember his place.

Ambrose received a good education in both Latin and Greek, at a time when knowledge of the Greek language was becoming less common in the West. His letters in particular show his literary skill and knowledge of both biblical and classical texts. Ninety-one of Ambrose's letters survive, with seventy-one having come down to us in a collection of ten books, and sixteen transmitted outside the collection in two corpora, the larger of which probably originated with his disciple and biographer, Paulinus, and the smaller dating from the late-ninth or early-tenth century. Two further letters are preserved in the Acts of the Council of Aquileia of 381 CE. From what Ambrose writes to Sabinus, bishop of Placentia, in his *Letter LXVIII*, it seems that he intended or hoped that his letters would one day be read by a broader audience. The collection of letters seems to be selective, representing only a portion of the correspondence that Ambrose penned during his tenure as bishop, as Paulinus cites in his *Life of Ambrose* XXIII letters that do not appear in the collection. The ten books are recognised as being modelled on those of Pliny the Younger, who also wrote ten books of epistles. Both authors deal in their final book with issues of politics, relations with the state, and emperors. Moreover, Ambrose showcased his oratorical skill in his refutation of the pagan author Aurelius Symmachus, which is included in his letter collection, and methodically answers every argument that Symmachus had made in his plea to the emperor to restore the Altar of Victory to the senate house in Rome. Ambrose's letters are not arranged chronologically, or always even thematically, and it seems that he intended the collection to be read as an anthology (see Roy Gibson, "On the Nature," p. 67-70; for a summary and description of Ambrose's letters, see Liebeschuetz, "Letters of Ambrose of Milan").

The letter from which the above extract is taken was written during a period of conflict between Ambrose and the Arian court, which saw the eventual success of the bishop of Milan. There is not space here to detail the fourth-century Arian controversy which engaged the Church, but essentially, the debate concerned the nature of Christ, with Arians arguing that Christ is not consubstantial with God, and is subordinate to him. The Council of Nicaea in 325 CE denounced the Arians as heretics, but they still attracted support for a good while afterwards (for some recent discussions, see the collection of essays in Guido Berndt and Roland Steinacher, *Arianism*, Michael Williams, *The Politics of Heresy*, and David Gwynn, *The Eusebians*). As Liebeschuetz has summarised, traditionally scholars have understood Ambrose's dispute during this time as originating from the court ordering him to give over a basilica to the Arians, largely led by the pro-Arian empress Justina, the mother of the thirteen-year-old emperor Valentinian II (*Political Letters*, p. 124; for this theory, Liebeschuetz cites Daniel Williams, *Ambrose of Milan*, p. 210-215; Mark Humphries, *Communities of the Blessed*, p. 121-123). However, as Liebeschuetz argues, it is likely that these events merely represented an ongoing conflict. Three of Ambrose's



letters, including that from which the present extract is taken, have largely been understood as the key witnesses to the issue surrounding the basilica (the others are his *Letter XX* to his sister, Marcellina, and a sermon *Against Auxentius*, which Ambrose includes within his letter collection). However, Liebeschuetz claims that they ought not to be relied upon in this manner, as Ambrose's versions of events must naturally be read with some caution (Liebeschuetz, *Political Letters*. p. 125).

Letter XXI is Ambrose's reply to the emperor Theodosius upon being summoned to take part in a public debate before the emperor with Auxentius, an Arian bishop originally from Cappadocia, over which secular judges (*iudices*) would preside on both sides (see McLynn, *Ambrose of Milan*, p. 198, who notes a parallel with a panel of bishops who had heard the heresy charges brought against Auxentius of Milan – distinct from the Auxentius Ambrose refers to in the present letter – by Hilary of Poitiers). Ambrose refuses to take part in the debate, and the letter sets out his reasoning for this. Essentially, he explains that it would be entirely inappropriate to allow secular men to judge matters of faith. The law which Ambrose refers to in our passage as having already been passed by the emperor, and which is also mentioned in his sermon *Against Auxentius 24* (see Liebeschuetz, *Political Letters*, p. 127), allowed the Arians to freely meet together, and made it punishable by death to hinder them. This is thought to correspond to the law of the 23rd of January 386 CE that is recorded in the *Theodosian Code* 16.1.4. The law had been passed due to the influence of the pro-Arian mother of Valentinian II, Justina, who is described by various Christian authors as having persecuted Ambrose, a staunch opponent of Arianism. Sozomen tells us that Justina informed Valentinian that Ambrose had insulted her, and believing her, the emperor sent soldiers to the church to arrest the bishop. They were met with resistant crowds who protested that they would not tolerate the banishment of Ambrose. Justina, further angered, sent for a legal secretary to write up an edict confirming the decrees of the Council of Ariminum (also known as the Council of Rimini, held in 359 CE), which was called by the pro-Arian emperor Constantius II. The secretary, being a devoted Catholic, refused, and Justina was forced to find others to compile her desired law (on Justina's treatment of Ambrose, see Sozomen, *Ecclesiastical History* VII.13; Augustine, *Confessions* IX.7.15; Rufinus, *Ecclesiastical History* XI.15-16).

Particularly pertinent for our purposes, are Ambrose's comments regarding the superiority of God's law to the earthly law of the emperor. This represents the tension which arose in a situation where the Christian emperor was understood as both the guardian and head of the empire, which required him to enforce laws and distribute justice, and custodian of the Church. This latter duty was something which Ambrose presented as bound up with the empire's success, owing to the fact that it was due to God's divine protection and providence that Rome continued to flourish. Of course, traditional Roman religion had included a duty to make sacrifices and vows for the emperor and empire's safety, and when Galerius issued the Edict of Toleration of 311 CE, which granted Christianity the status of a *religio licita*, a recognised religion, he ordered that Christians pray to their God for the safety of the empire and its leader (for the text of the edict, see Lactantius, *On the Deaths of the Persecutors* XXXIV-XXXV). Indeed, in his *Letter XLI*, Ambrose requests the emperor reconsider an order for a group of Christians guilty of destroying a synagogue be punished. In this case, the bishop argues that to make the Church suffer through punishment of its members may have a detrimental effect on God's preservation of the empire. The emperor's role as a distributor of earthly justice, then, is understood as somewhat secondary to his duty to remain loyal to the Church, and to protect its interests. In the present case, Ambrose is more explicit about this, stating outright that while human laws are functional in the sense that they help to maintain order by instilling fear in those who would do wrong, they pale in comparison to the divine laws of God, which inspire faith. Christianity's relationship with Roman law had been both tense and complex in preceding centuries, with Christian authors complaining of the manner in which Christians were treated by the legal system (see, for instance, the discussions of Justin Martyr, *Apology* IV.1-V.4; VII.1-5, [Second Apology I-II](#); [Athenagoras of Athens. Supplication for the Christians XXXII](#)), making clear the incompatibility between following God's law and Roman law (e.g. [Tertullian. On the Military Garland XI.1-4](#)), or mocking Roman law for its futility (see [Cyprian. Epistle X to Donatus](#); [Arnobius. Against the Pagans IV.34](#)).

By Ambrose's time, however, in an empire where the state head professed Christianity, this strict opposition between Rome and God's law was no longer a functional rhetoric. When the emperor's laws did not work for the Church (or at least for Ambrose and those he supported), therefore, the bishop emphasised their subordinate place to those of God. As chapters 9 and 10 above make clear, those in positions of authority within the Church were mindful of not disobeying imperial laws – they did not want to be guilty of *contumacia*, as this would go against their office (in a judicial context *contumacia* refers to the stubborn refusal to obey a court order; see Trajan's *Letter to Pliny* X.57, wherein the emperor recommends a man be punished more harshly due to his *contumacia*). Chapter 10 directly connects the desire not to disobey the emperor's orders with the duty of episcopal office (*Sed hoc contumacis, non modesti est sacerdotis*). That the Church should comply with God's chosen rulers was not something new of course, and was instructed already in the New Testament (see [Romans 13:1-7](#)). However,



Ambrose, embroiled in the politics of the Arian controversy of the fourth century, needed to make clear that earthly laws which conflicted with those of God (at least as Ambrose saw it) should be put in their subordinate place, even if those in authority in the Church were pained to defy the emperor. Ultimately, even if the emperor was a Christian, claiming to be following God's laws, if he was on the "wrong" theological side, then theoretically, the emperor's laws could be labelled by the likes of Ambrose as being entirely worldly, and not inspired or supported by God.

Keywords in the original language:

- [Augustus](#)
- [beatus](#)
- [clemens](#)
- [consistorium](#)
- [contumax](#)
- [episcopus](#)
- [fides](#)
- [imperator](#)
- [iudex](#)
- [iudicium](#)
- [lex](#)
- [notarius](#)
- [pietas](#)
- [praescribo](#)
- [sacerdos](#)
- [tribunus](#)
- [universus](#)

Thematic keywords in English:

- [bishop](#)
- [divine law](#)
- [faith](#)
- [judge](#)
- [notary](#)
- [piety](#)
- [Roman emperor](#)
- [Roman law](#)
- [tribune](#)

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