

‘The Trembling of Cain’: Religious Power and Institutional Culture in Justinianic Oath-Making

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On 15 April 535 Justinian promulgated an ambitious program of administrative reform that was intended to minimize pretexts for graft and corruption on the part of provincial office-holders by altering the terms of their appointment and remuneration (Jones, *LRE* 383-396; Bonini, *Ricerche sulla legislazione giustiniana dell'anno 535*, Bologna 1989³; Kelly, *Ruling the Later Roman Empire*, Cambridge, MA 2004). Among its provisions was the (re)institution of a loyalty oath, the text and details of the administering of which have been preserved as appendices to Justinian's *Novel 8* (pp. 89.45-91.13 ed. Schöll-Kroll; cf. *CJ* 9.27.6 [439 C.E.]).

This oath represents an ambitious attempt to redeploy religious capital in order to augment imperial authority and to reinforce the governmental compact in late antiquity which legitimated the monopolization of power in the person of the monarch. In addition to affirming that he was of orthodox faith, the new official was obliged to invoke “almighty God, and his only-begotten son our lord Jesus Christ, and the Holy Spirit, and the holy and glorified mother of God, Mary ever-virgin, and the four gospels which I hold in my hands, and the holy archangels Michael and Gabriel (89.45-50),” and, if he should violate his oath, to call down upon himself the fate of Judas and the leper Gehazi and to experience the trembling of Cain (91.7-13).

These dire imprecations were intended to impress upon both the emperor's functionaries and his citizens at large the reciprocal obligations that bound together ruler and subject, ruler and official, and subject and official. They may be compared with the terms of other loyalty oaths (Svoronos, *REByz* 9 [1951] 106-142, esp. 108f; Herrmann, *Der römische Kaisereid*, Göttingen 1968), which assert a commonality of interests between emperors and subjects.

Justinian appears to have broken new ground in articulating a strictly instrumental function for imperial officials that stresses their role in perpetuating a characteristically late Roman political and religious synthesis: the emperor was at once the counterpart of the Almighty, inasmuch as his earthly realm was a mimesis of the kingdom of heaven, and yet also accountable, at least in theory, for his use of the powers jointly delegated to him by God and by the Roman people. In faithfully serving the common interests of the emperor and his subjects, imperial functionaries advertised not only the unique and particular nature of Justinian's election and their own direct, intimate and personal relationship to him, but also their investment in the greater public good. Yet these same developments were apt to be stigmatized by traditionalists as a retreat from a magisterial form of government centered upon the transaction of business in public fora by qualified office-holders into an insular, palace-centered world of courtiers, toadyism, and intrigue.

Justinian's deployment of the power of religion in this arena, accordingly, extended well beyond the gaudy prospect of divine retribution for official wrongdoing; it represents as well an attempt to import and to impose distinctively Christian models of service to the community and the delegation of authority upon the institutional culture of the imperial administration, and consequently an assault upon the entrenched values and interests of that administration.