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EMPERORS, POPES, AND GENERAL
COUNCILS

FRANCIS DVORNIK

THE role played by the emperors in the first ecumenical councils is a question of the greatest importance. All available documentary evidence shows that the convocation of the first ecumenical councils was made not by the popes or bishops, but by the emperors themselves. The emperors or their representatives presided at synods, directed the debates at meetings, and confirmed the decisions made by the assemblies. How can all this be reconciled with the Catholic doctrine concerning the exclusive right of the Church in matters of the faith?

This problem has occupied the minds of all leading theologians since the Reformation. Many theories have been proposed in order to solve this problem by Catholic scholars as well as by theologians rejecting the primacy of Rome, but none of them has been found satisfactory so far. I intend to study more thoroughly all problems concerning the relations between Church and State in the Roman and Byzantine Empire in a book on which I am now working. In this paper I shall try to show how this difficult problem of the imperial authority in general councils can be solved by a historian to the satisfaction of the theologians.

We have, first of all, to find out what method was adopted by the bishops in their meetings before the conversion of Constantine. Then we shall have to study in more detail the attitude of the first Christian emperor toward the bishops and the divine worship. This will help us to explain Constantine's initiative in convoking the first ecumenical council in Nicaea and the role he played during the meetings. Constantine set up a tradition which was followed by all his successors. It was accepted by churchmen and popes as we shall see when examining some of their declarations.

It is generally known that the young Christian Church modeled its external organization and its juridical procedure in disciplinary matters on the administrative and juridical system of the Roman Empire. This was a natural evolution and there is nothing objectionable in this adaptation of highly developed and experienced methods already existing. The bishops were Roman citizens familiar with Roman forms of government. When the need arose to discuss problems concerning Christians of a whole province, it was logical for the bishops to meet in the residence of the most prominent prelate in order to discuss the matters which touched the life in their dioceses. Such a necessity for common meetings arose in the Church of Africa when the controversy over the baptism of heretics started. Thanks to Saint Cyprian, Bishop of Carthage, the main city of Roman Africa, we can follow

in all details how the meetings of the African bishops, the first local synods, were organized. Saint Cyprian described in his letters the whole process of such meetings and due to him the Acts of the first African synods came down to us. From this documentary evidence we are entitled to conclude with certainty that the gatherings of the bishops gradually modeled themselves on the meetings of the Roman senate. This was pointed out some time ago by Battifol,¹ but strangely enough, this finding was not carried to all its conclusions either by him or by other Catholic scholars.

We find in Cyprian's letters the same forms of convocation for the synods and also the same wordings as were used for the Roman senate: *cogere concilium*; *cogere senatum*; *convocare concilium*; *vocare, convocare senatum*; *habere concilium, senatum habere*. Like the senate under the emperors, the council was a deliberative assembly, and the bishops had equal rights like the senators. When Cyprian, as the bishop of the capital city, summoned a council, he followed the procedure once used in the senate. He read out his *relatio* or outline of the discussions, as the magistrate who represented the Emperor did in the senate, then added a few words of explanation — *verba facere*. Then followed the *interrogatio* of all the bishops present, who each gave their *sententia* without any display of rhetoric, as was customary in the senate, using the senatorial formula — *censeo, decerno, mea sententia est, existimo*. If we find no trace of any vote, it was because the *sententiae* were unanimous, probably as a result of preliminary discussions. The *sententia* was subsequently announced in a synodal letter to the parties concerned.²

It was, then, on this senatorial model that the ecclesiastical gatherings built up their procedure. The same was observed at the Roman council of 313³ in the house of Fausta, and although we have no other evidence, we can gather that this method was adopted also by the bishops in other Roman provinces. This procedure was the more familiar to them since the meetings of the local senates or municipal councils were also modeled on the procedure followed by the Roman senate. In this way a precedent was created which had to be respected also by the first Christian emperors.

But before we examine Constantine's initiative in the convocation of the

¹ "Les Règlements des premiers conciles Africains," *Bulletin d'Ancienne Littérature et d'Archéologie Chrétienne*, vol. III (1913), pp. 1-19.

² Cyprian's letters relevant to this subject are: Ep. 4, 17, 56, 59, 64, 67, 70, and 72, *Corp. Scr. Eccl. Lat.*, vol. III, pars 2, pp. 472, 523, 649, 678, 717, 735, 766, and 775. Cf. *ibid.*, pp. 432-461, minutes of the council of 256. On the senate's procedure see T. Mommsen, *Römisches Staatsrecht*, vol. III (Leipzig, 1888), pp. 905-1003.

³ P. Monceaux, *Histoire Littéraire de l'Afrique Chrétienne*, vol. IV (Paris, 1912), pp. 338 ff.

first ecumenical council in Nicaea, we have first to answer one very important question. Did his conversion to the Christian faith proceed from conviction or from policy? Did he believe Christianity to be the true religion or did he think it would give his empire the cohesion and moral strength it needed, or both? All further judgments on the relations between Church and State will depend on the answer. So far, historians have favored the opinion that Constantine was a skeptical despot, whose only interest in spiritual power was to see it useful and subservient to his empire; that relations between Church and State for him meant only relations between a master and his willing tool. This opinion can no longer be held. After a careful study of all the documents and the literature bearing on Constantine's conversion, I have come to the conclusion that N. H. Baynes,⁴ who almost single-handed and in the face of a mass attack of modern criticism, has defended the sincerity of Constantine's conversion, is right. Constantine was no agnostic, but a man of his time, a believer in the spiritual and the divine.

It is from this angle that Constantine's relations with the Church should be viewed. Fortunately, Eusebius, the first Church historian, whose reputation for veracity has risen with Constantine's reputation for sincerity, has left us most of the letters and decrees of Constantine relating to Church matters.⁵ His political creed, his Church policy, and evidence of his sincerity will be found there.

How did Constantine appraise his role as a Christian emperor and his political duties to the Church? A relevant statement by him is found in a letter he wrote to his representative in Africa, the Christian Aelafus, in 314 on the subject of the convocation of a synod in Arles to settle the African schism of the Donatists. He writes: "Since I know that you also worship the Supreme, I advise Your Excellency that I do not consider it proper to make a secret of all these quarrels and wrangles. For they might well rouse God not only against the human race, but also against me, to whose rule and care His holy will has committed all earthly things, and provoke other measures. I shall never rest content nor expect prosperity and happiness from the Al-

⁴ *Constantine the Great and the Christian Church* (London, 1931; *Proc. Brit. Acad.*, vol. XV). It is a fine piece of British scholarship, its most valuable part being its notes (pp. 30-95), where with due caution he deals with all the works on Constantine published before 1930. To judge from the studies by H. Lietzmann and H. v. Schoenebeck, Professor Baynes must have gained the day.

⁵ See N. H. Baynes, *op. cit.*, pp. 40-50, for opinions on the authenticity of these documents. I fully agree with the author on their genuine character.

mighty's merciful power until I feel that all men offer to the All Holy the right worship of the Catholic religion in a common brotherhood." ⁶

These words reveal clearly that Constantine was inspired even after becoming a Christian by the Hellenistic political ideas which I shall explain more thoroughly in my forthcoming book. Constantine believed in holding absolute royal power over all things material and spiritual as had the Hellenistic kings, including naturally the duty of enforcing the right sort of worship, together with the sincere conviction that it was addressed to the only true God. His letter to the synod of Arles,⁷ in some respects Constantine's profession of faith, breathes the same sincerity.

In the so-called Donatist Dossier, there is Constantine's letter to Miltiades of Rome, written in 313 on the subject of the convocation of a Roman synod, where he states what he thinks of his powers: "What seems to me intolerable in those provinces which Divine Providence has spontaneously given me to rule and which are so thickly populated, is that the people should be split into two camps to their own damage, and that the bishops should not be able to agree among themselves."⁸ And when in 316 he sent the Donatist bishops back to Africa, he announced to his Governor Celsus his intention of using his own authority to settle the controversy on the spot and to teach the Donatist clergy "which divine worship should be used and in what manner. I believe that I can in no way escape the heaviest guilt save by bringing wickedness to light. Is there anything more consonant with my fixed resolve and my imperial duty that I can do than to scatter errors, extirpate all vain opinions and to cause men to offer to the Almighty a genuine religion, a sincere concord and a worship that is His due?"⁹

We find the same earnestness in his letter to Bishop Alexander of Alexandria and to Arius, when he states that in marching to the east, he planned "to restore to health the body of the [Roman] world, so badly shaken by a severe illness," and chiefly "to gather what is sound in what all the nations think of God into one common creed and practice . . . For it seems to me that if I could establish the same concord between all the worshippers of God as it was my desire, the government of the Republic would receive the improvements which all so patriotically desire." Towards the end of the letter Constantine exclaims: "By the Providence and under the protection

⁶ S. Optati Milevitani Libri VII, Appendix III, ed. C. Ziwsa, *Corp. Scr. Eccl. Lat.*, vol. XXVI, p. 206.

⁷ *Ibid.*, vol. V, p. 208. See Baynes, *op. cit.*, pp. 75 ff., on the authenticity of the Donatist Dossier.

⁸ *Historia Ecclesiastica*, X, ch. 5, P.G., vol. 20, col. 888, ed. E. Schwartz, p. 888.

⁹ Optatus, *op. cit.*, p. 212.

of the Saviour, grant to me, His servant and worshipper, that I may bring this work to the happy conclusion of seeing His people recalled to the unity of the faith by my words, my assistance and my urgent appeals.”¹⁰

For Constantine, things divine and earthly were interlocked in human society. Thus, in a letter to Anulinus, Constantine grants the clergy immunity from public service and argues that the State will eventually benefit by it: “The Republic will derive the greatest benefit from the display of their wonderful respect for God.”¹¹ In a letter to the bishops after the Council of Nicaea, he affirms it to be his duty to watch over spiritual interests and their bearing on the people’s material welfare: “As I discovered from the prosperous state of the Republic how great the grace of the divine power has been, I thought it my primary duty to bring it about that the saintly multitudes of the Catholic Church shall preserve one faith, a sincere charity and a profound reverence for the Almighty.”¹²

It is thus clear from these quotations that Constantine, in the spirit of the definition of Hellenistic royal competence, regarded himself as legally entitled to interfere in religious affairs. He represented the Divinity on earth and was given by God supreme power in things material and spiritual. He thought that it was his foremost duty to lead men to God. As he said himself, he had to teach his subjects *quae et qualis divinitati adhibenda veneratio* — “which divine worship should be used and in what manner.”

Because the Christians, chiefly in the eastern parts of the empire, had long been familiar with Hellenistic thought, it had never occurred to them to contest such imperial claims. They even went out of their way to make the best of them, as when the Donatists and the schismatics of northern Africa petitioned Constantine to appoint independent judges from Gaul to examine their case. The emperor appointed five, including the Bishop of Rome, who made no objection: he only adapted the appointment to Church practice by transforming the court into a council to which he invited fourteen Italian bishops.

The pope’s procedure in this case served as a useful precedent for future interventions. Constantine was apparently not acquainted with the ecclesiastical practice, and to the first case submitted to him he applied the Roman juridical procedure by setting up a court of investigation and judgment. Once he learned of the Church method — decision by bishops meeting in

¹⁰ *Vita Constantini*, II, chs. 64–72, ed. Heikel, pp. 67–71, *P.G.*, vol. 20, cols. 1037–1048.

¹¹ Eusebius, *Hist. Eccl.* X, ch. 7, ed. Schwartz, p. 891; *P.G.*, vol. 20, col. 893.

¹² *Vita Const.*, III, ch. 17, ed. Heikel, p. 84; *P.G.*, vol. 20, col. 1073.

synods — he adopted it, and when the Donatists repudiated the decision of the Roman synod, he decided to summon another council at Arles.¹³

It is often said that Constantine treated the bishops only as his counselors in ecclesiastical affairs, reserving the final decision to himself. This opinion does not seem to be fully warranted. Apparently, the Emperor not only let the synods take over from his courts in ecclesiastical matters, but was ready to accept the ecclesiastical practice, so far followed by the Church, according to which the decision of the bishops should be regarded as final. This much can be inferred from the letter he wrote to the bishops at Arles on learning that the Donatists had again appealed from their decision to his arbitration: “They claim judgment from me, who am awaiting the judgment of Christ; for I declare, as is the truth, that the judgment of bishops ought to be looked upon as if the Lord himself were sitting in judgment . . . They have lodged an appeal, as is done in the lawsuits of pagans; for pagans are accustomed at times to avoid the lower courts where justice can be quickly discerned and through the intervention of the authorities to resort to an appeal to the higher courts. What is to be said of these defamers of the law, who, after rejecting the judgment of Heaven, have thought that they should demand judgment from me?”¹⁴

We can conclude from these words that Constantine would have been only too glad to let bishops settle the Donatist quarrel. Failing this, however, he could not let things drift without evading his imperial duty, since, as he said, the spread of the schism “would rouse the wrath of Providence in Heaven.” He first detained the Donatist bishops at his court. Then in the last resort, he announced his intention of giving his own final decision at the actual scene of the controversy. His words expressed his sense of his imperial responsibility: “I believe that I can in no way escape the heaviest guilt, save by bringing wickedness to light. Is there anything more consonant with my fixed resolve and my imperial duty that I can do than to scatter errors, extirpate all vain opinions and to cause men to offer to the Almighty a genuine religion, a sincere concord and a worship that is His due?” He eventually did not go to Africa, but confirmed the decision of the council of Arles against the Donatists.

The way Constantine dealt with this controversy proved him to be alive to a clash between two authorities: that of the bishops in ecclesiastical matters and that of the emperor in his higher responsibility for the right way of

¹³ See E. Caspar, *Geschichte des Papsttums* (Tübingen, 1930), pp. 109–117, 582, on the disparity between the Roman and Constantinian practices.

¹⁴ Optatus, *op. cit.*, p. 209.

worshipping God. He saw the necessity of a compromise and this was first outlined at the council of Nicaea. In attempting to settle the Arian heresy, Constantine adopted, from the start, the current Church practice. No question this time of any imperial court. When the emperor's trusted adviser, Hosius, Bishop of Cordova, had failed in his mission, Constantine adopted the procedure followed by the bishops assembled at Antioch in order to define the true faith and summoned a synod at Nicaea.

The synod was thus the joint result of an episcopal and imperial decision. Its procedure was the usual one used by both Church and State, the senatorial procedure, which the Church in Rome and in Africa had made its own. Judging from the description of the first ecumenical council left us by the author of the *Vita Constantini*,¹⁵ Nicaea proceeded in the same way. The emperor convoked the bishops as he convoked the senators, presided at the sessions of the council as he presided at the senate, and after making his *relatio*, called upon the members to state their point of view (*sententiam rogare*).¹⁶ As with the Roman senate, the issue — in this case the *Homoousios* — had been put on the agenda at private consultations before the public meeting.

This part of the procedure suited both emperor and bishops; but there was one item which providentially saved the autonomy of the bishops in doctrinal matters: the emperor never had the right to vote in the senate. This was the senators' privilege, a survival of their independence under the Roman Republic, which suffered a setback under the Principate, but was actually saved in principle even under the most autocratic emperors. There is no trace in the accounts of the council of Nicaea of Constantine voting with the bishops: he only confirmed their decisions and made them legal. Applied to the ecclesiastical senate or the councils, this principle enabled the Church to safeguard her independence in all matters of doctrine. The compromise proved unobjectionable to the emperor, since it was justified by historical precedent.

It is possible that at the council of Nicaea the principle was not yet fully acted upon, but it was admitted and became the ruling of all future councils. Moreover, the representatives of the Roman See gave their opinion and signed the Acts before the other bishops as did the *Princeps Senatus* or the leader of the House. This guaranteed their privileged position. That Bishop

¹⁵ *Vita Const.*, III, chs. 6–20, ed. Heikel, pp. 79–87; *P.G.*, vol. 20, cols. 1060–1080.

¹⁶ *Ibid.*, III, ch. 13, ed. Heikel, p. 83; *P.G.*, vol. 20, col. 1069. According to this report, the proceedings were not as peaceful as might have been and seemed to justify the emperor's conviction that it needed his authority to direct the debate. Cf. Baynes, *Constantine*, p. 88.

Hosius happened to sign first¹⁷ was due to his being the emperor's trusted counselor, the most conspicuous representative of the Western Church and the principal agent in the formulation of the Creed. He was, besides, a bishop, enough to account for his signing before the two priests who represented the Bishop of Rome. (This would explain why Hosius and the two Roman legates were classed together in the list of signatories and why a later tradition, starting in the fifth century with Gelasius of Cyzicus,¹⁸ made Hosius a representative of the Holy See.) If only roughly applied, the principle was laid down at Nicaea and safeguarded the preëminence of the Roman See side by side with that of the emperor who convoked and directed the councils.¹⁹

Constantine's letter to the bishops who had been absent from the council of Nicaea, to inform them of its decision on the celebration of Easter, shows that he had improved his opinion of the function of bishops. He wrote: "Such being the case, be willing to accept this heavenly favour and an order so manifestly from God. For whatever is decided in the holy councils of the bishops must be attributed to the divine will."²⁰ These are more than empty words and recall Constantine's declaration after the synod of Arles — "the bishops' decision should be looked upon as though the Lord Himself had been sitting in judgment." Evidently, Constantine was trying to be fair to the bishops without prejudicing his own rights as Basileus in the Hellenistic tradition.

The danger of all such claims was obvious. Yet the feeling of relief experienced under the benign regime of the first Christian emperor after bitter years of persecution, coupled with the widespread notion of Hellenistic kingship among the Christians, encouraged the acceptance of the emperor's leadership even in spiritual things. The sincerity of Constantine's conversion could only help it. God's interests were safe in the hands of a ruler who could be so deferential to the rights of the bishops. And the danger of the new order passed unnoticed.

Yet the moment the bishops and the emperor agreed to it, they sowed the seed of endless abuses. The steps Constantine took against heretics and

¹⁷ Cf. V. Grumel, "Le Siège de Rome et le Concile de Nicée," *Echos d'Orient*, vol. 28 (1925), pp. 411-423.

¹⁸ Gelasius of Cyzicus, *Historia Conc. Nic.*, II, ch. 5, Mansi, II, col. 805.

¹⁹ See my short study, "De Auctoritate Civili in Conciliis Oecumenicis," *Acta VI Congressus pro Unione Ecclesiarum* (Olomouc, 1930). English translation in *The Christian East* (1932), vol. X, pp. 95-108.

²⁰ *Vita Const.*, III, ch. 20, ed. Heikel, p. 87; *P.G.*, vol. 20, col. 1080. See Baynes' plea for the authenticity of this letter, *Constantine*, pp. 89 ff.

pagans were a first danger signal: he banned the writings of the greatest pagan opponent of Christianity, Porphyry, and to this index the works of Arius and other dissidents were added later.²¹ This augured ill for the individual freedom which the Christians had been claiming for themselves in persecution days and foreshadowed the highhandedness with which Constantine's successors were to treat the freedom of both their Christian and their pagan subjects.

Another ominous precedent was his letter to the king of Persia,²² in defense of the Persian Christians. This showed that the Christian emperor fancied himself as the Caesar of every Christian in the world, claiming a monopoly that could only rest on an identification of a universal Church and a universal empire. It was a deduction from the monarchic argument: since there was only one God in Heaven, only one emperor should represent Him on earth. The missionary role of the empire was thereby specified and the expansion of the kingdom of God linked with the expansion of the empire.

The danger of this conception was realized by orthodox bishops during the reign of Constantius. The latter was attracted by the doctrine of Arius denying the divine nature of the second person in the Trinity, because this Arian view of God's monarchy seemed to agree better with the current concept of the Roman empire as the reflection of one single divine empire. Any division in the Blessed Trinity seemed to endanger the conception of one empire on earth and of one emperor representing the one God. When Constantius declared openly for the Arians, he of course regarded it as his duty to bring his subjects to his idea of the Trinity which, according to him, was the right one. But, contrary to what is often said concerning his religious policy, Constantius respected, in general, the leading principle laid down by Constantine, which amounted to a compromise between the old practice of the Church and the emperor's alleged duty to lead his people to the true God. He never pretended to dictate the acceptance of his own creed, but respected the function of the synods in defining the faith. That is why so many synods were held under his reign, all convoked by the emperor. Unfortunately the synods were filled with heretical bishops. In spite of this the right of the emperors to convoke a synod was generally accepted, as is shown by the controversy between Pope Julius I and the Arian sympathizers of Antioch. The pope convoked the synod of bishops in Rome in order to rehabilitate St. Athanasius, unjustly condemned by the synod of Tyre (335).

²¹ Gelasius of Cyzicus, *Historia*, ch. 36, Mansi, vol. II, col. 920. *Vita Const.*, III, ch. 66, ed. Heikel, p. 113; *P.G.*, vol. 20, cols. 1141 ff.

²² *Vita Const.*, IV, ch. 9-13, ed. Heikel, pp. 121 ff.; *P.G.*, vol. 20, cols. 1157-1161.

The Antiochians reminded the pope that convoking a synod without imperial orders was an innovation in the Church practice and that no decision by a council summoned by the emperor and meant to be a general council could be rescinded by an ordinary Roman synod. The pope, in his letter,²³ answering this charge, stood somewhat on the defensive. He argued, however, that it was not the emperor's convocation, but the recognition of the synodal decisions by the whole Church that gave a council its general and abiding character, as was the case of the council of Nicaea. The Roman synod was summoned in defense of Nicaea.

We can see that the pope's answer marks an important step in the progress of clarification of the function of synods, but the principle that a general synod should be convoked by the emperor is not denied by him. Julius I would have taken no such initiative if the synods convoked by the emperor had made a decision conforming to the right faith.

This first conflict between emperor and bishops in matters of faith led to interesting attempts at defining more clearly the position of the emperor in the Church. There are some indications that Constantius claimed for the emperor in Church affairs the authority of an apostle. The emperor's authority was thus superior to that of ordinary bishops. The Arians applauded but the orthodox protested. The latter did not deny the principle that the emperor's duty was to care for the definition of the true faith. But in the Church assemblies the emperor had no more authority than any bishop. He should therefore accept the decision of the orthodox majority. It might be that the famous declaration of Constantine reported by Eusebius in the *Vita Constantini*, "I am the bishop of those outside the Church," was not written by Eusebius but was added to the new edition of the *Vita* by an orthodox writer trying to lower the position of the emperor from that of representative of God on earth and claimant of the authority of an apostle to that of an ordinary bishop. This declaration seems also to exclude the emperor from all matters concerning the interior organization of the Church, and to limit his activity to those outside the church, whom he should help to convert to Christianity, and to the right faith.²⁴

But not even Athanasius, the greatest opponent of Constantius' religious policy, denied the emperor the exclusive right to convoke an ecumenical council. In spite of the bitterness which this first conflict must have left in the minds of many bishops, there was no great change in the general appre-

²³ See the pope's letter in Athanasius' *Apologia contra Arianos*, P.G., vol. 25, cols. 281-308.

²⁴ Cf. W. Seston, "Constantine as a 'Bishop,'" *Journal of Roman Studies*, vol. XXXVII (1947), pp. 127-131.

ciation of the emperor's leading role in the church. This is illustrated by the declaration of the Emperor Theodosius with whose help Arianism was definitely liquidated. By a decree issued in Milan in 379, Theodosius banned every heresy condemned by previous imperial decrees. The document was most probably inspired by St. Ambrose.

A second edict authorized no creed except the Nicæan: "We wish all the nations that are governed by our merciful and lenient rule to practice that faith which, as religion teaches, has been handed down by St. Peter to the Romans to this day and which is undoubtedly practiced by Pope Damasus and by Peter, Bishop of Alexandria, a man of apostolic holiness."²⁵ It was but a repetition of Constantine's intervention in the Donatist and Arian troubles: as the representative of God, the emperor must show his subjects which faith and which worship it is safe for them to follow. It is not the faith of the emperor, but that taught by the bishops, two of whom are singled out for special mention. Only, this was not exactly the freedom of conscience which the Lord upheld and which Christians had once claimed for themselves.

But the bishops at that time did not view the matter in that light. This is how the 150 bishops, gathered in 381 for the second ecumenical council, announced their decisions to Theodosius I: "Our first duty in writing to Your Piety is to thank God for having established your empire for the common peace of the Churches and for the confirmation of the true faith. Having rendered to God the thanks due to Him, we must lay before Your Piety what has been decided in this holy council . . . We therefore ask Your Clemency that a letter of Your Piety should ratify the decrees of this council. As you honored the Church by your letter of convocation, so also lend your authority to our decisions."²⁶

In this respect, the western bishops differed little from their eastern confreres. One has only to read the letter addressed to the emperor by the synod of Aquileia which had been summoned by Gratian and was presided over by Ambrose; or the letter of the Roman synod under Pope Damasus in 382; or the Acts of the Synod of Carthage which was summoned by imperial decree to deal with the Donatists and was presided over by an imperial official.²⁷ All submitted to current imperialism without question. Theodosius II, in his letter to Cyril of Alexandria and the bishops summoned to define

²⁵ *Cod. Theod.*, XVI, 1, 2, ed. Mommsen, p. 833.

²⁶ Mansi, vol. III, col. 557.

²⁷ Mansi, vol. III, cols. 602 ff., 624 ff., vol. IV, cols. 51 ff.

the faith in the human nature of the Savior against the teachings of Nestorius, outlined the theory best. A few extracts will not be amiss.²⁸

The letter starts with the theme dear to Constantine: "The stability of the Republic depends on the religion by which we honor God. There is a close link between the two. They depend on each other and each thrives on the progress of the other. So that true religion will reveal itself in just dealing and the Republic will flourish supported by both. Since, then, God has handed us the reins of government and made us the link of piety and rectitude for all our subjects, we shall always keep undivided association between them and watch over the interests of both God and men. For we must minister to the prosperity of the Republic, and keeping so to speak a watchful eye on our subjects, we must see to it that they believe piously, lead lives worthy of pious believers, doing their best in both ways as far as in them lies. It cannot be that those who watch over one thing should neglect others. Above all, we are anxious to bring about such ecclesiastical conditions as do credit to God and as befit our times, so that unanimity and concord produce peace and keep us free from Church controversies, riots and seditions; that our holy religion be kept safe from any criticism; and that the lives of those who are numbered among the clerics or are invested with the high dignity of the priesthood be without stain or blemish."

Such were the Basileus' responsibilities after the Hellenistic manner. Conscious of his imperial duties, Theodosius II proceeds to explain that the synod is the best way for clearing religious differences and summons all the bishops to attend it: "We also are keenly interested in these matters and shall not easily allow anyone to absent himself. Anyone who will not be punctually present at the proposed place at the appointed time will have no excuse before God or ourselves . . ." Theodosius then explains the role of the bishops and of the imperial representative in his "sacred letter" to the conciliar fathers, and summarizes the functions of his representative at the synod in the following words: "[He is sent] with this injunction and on this condition that he shall have nothing to do with problems and controversies regarding dogmas of faith, for it is not desirable that one who does not belong to the body of holy bishops should meddle with ecclesiastical questions and discussions. But he must use every means to remove from the city any monks or laymen who have gathered there for this council or will do so: those who are not required for the study of the sacred dogmas must not be allowed to create trouble or put obstacles in the way in matters which Your

²⁸ Mansi, vol. IV, cols. 1112 ff.

Holinesses are there to settle and define . . .”²⁹ In other words, the emperor’s representative was there as a police officer, responsible for order and the synod’s peaceful proceedings. Theodosius II therefore observed the compromise between synodal and imperial rights as laid down by the council of Nicaea.

Pope Celestine’s reply to the emperor’s summons shows agreement: “It is gratifying to hear with what eagerness Your Clemency hastens to the defense of the Catholic faith for the love of Christ who is the ruler of your empire, how you keep that faith pure and unsullied, condemning the errors of heresy. In this way, you are constantly strengthening your regime, knowing that the strength and the permanence of your empire rest on the observance of our holy religion. Every one of us, in virtue of our priestly functions, shall give all the help we can to such holy and glorious zeal and we shall be present through our legates at the synod which you have summoned.” The Pope exhorts the emperor not to tolerate any decision that would run counter to the faith and the peace of the Church and proceeds: “Your Clemency should be more eager for the peace of the Churches than for the security of the whole world . . . If things dear to God are provided for first, every prosperity follows . . . Whatever is done for the peace of the Church and for the observance of our holy religion is done for the safety of the empire.”³⁰ This was exactly what Constantine and Theodosius II had said before.

At Ephesus (*ca.* 431) things did not quite turn out as Cyril and Celestine had expected; yet, the Acts of the genuine synod and of the Nestorian meetings in opposition are there to show that both bodies acknowledged the emperor’s right to convoke them and that they tried to run their meetings in accordance with his orders. Both parties made efforts to rally the emperor to their respective sides.³¹ In the end he decided in favor of the orthodox and again appealed to his responsibilities in his condemnation of the Nestorians in the following words: “We believe it behoves our royal majesty to remind our subjects of their religious duties. For thereby do we hope to conciliate the favour and mercy of our Saviour Jesus Christ, if we also try to please Him and assist our subjects in doing the same.”³²

The same idea was expressed by pope, emperor, and fathers of the council in the Monophysite struggles which culminated in the Council of Chal-

²⁹ Mansi, vol. IV, col. 1120.

³⁰ Mansi, vol. IV, col. 1291.

³¹ Mansi, vol. IV, cols. 1129, 1228, 1260 ff., 1301 ff., 1352 ff., 1372 ff., 1421 ff., 1433 ff., 1441 ff.

³² Mansi, vol. V, col. 417.

cedon (451). Far from denying the emperor's right to care about divine things, Pope Leo the Great, in his letter 24 to Theodosius II before the convocation of a new council in Ephesus gives one to understand that the Christians of the fifth century still attributed to the emperor a semblance of sacerdotal character: "The letter you have sent me proves what comfort the Lord has prepared for His Church through the faith of Your Clemency. It gives us joy to find in you a soul that is not only royal, but priestly. For besides your imperial and public cares, you display such pious solicitude for the Christian religion that schism, heresy and scandal shall not grow among the people of God. Your empire prospers most when the eternal and immutable Trinity is served best in the profession of the one Divinity."³³

This was by no means an isolated case. In a letter to Marcian written in 453, the pope wished God to give the emperor "besides the imperial, also the priestly palm."³⁴ On another occasion, he wrote of Marcian as one "in whom for the salvation of the world there flourish both royal power and priestly zeal."³⁵ In a message to Pulcheria, he praises "the priestly doctrine of the emperor and the empress."³⁶ Writing to Bishop Julian, the pope expresses satisfaction at Marcian's edict and Pulcheria's letter against some monks, as they demonstrated to all "the sublimity of their royal greatness and their sacerdotal holiness."³⁷ Elsewhere he extols the emperor's "priestly feelings."³⁸

He uses the same language about the Emperor Leo I. This is the most telling passage from the pope's letter written in 457: "Addressing the most Christian Princes, one deservedly numbered among the preachers of Christ, I confidently exhort you with the freedom of the Catholic faith to associate yourself with the Apostles and the Prophets by firmly putting down and repelling those who have renounced the Christian name . . . Since the Lord has enriched Your Clemency with the great light of His sacrament, you must unhesitatingly realize that royal power has been bestowed on you, not merely to rule the world, but chiefly to protect the Church . . . For the priestly and apostolic soul of Your Piety should be roused to the justice of retribution by the evil which so disastrously dims the purity of the Church of Constantinople, where some clerics are found to favour heretical tenets . . . If my brother Anatolius is found to be remiss and too indulgent

³³ Mansi, vol. V, col. 1241.

³⁴ Letter 111, ch. 3, Mansi, vol. VI, col. 219.

³⁵ Letter 115, ch. 1, *ibid.*, col. 229.

³⁶ Letter 116, ch. 1, *ibid.*, col. 233.

³⁷ Letter 117, ch. 2, *ibid.*, col. 235.

³⁸ Letter 134, ch. 1, *ibid.*, col. 288.

to restrain those men, be so good in virtue of your faith to administer to the Church even the remedy of removing such men not only from the clerical ranks but from the territory of the city, lest the holy people of God be further infected by the contagion of their perversion.”³⁹

This was going very far indeed: in some respects the pope placed the emperor above the bishops, giving him the right to make up for their neglect and to take disciplinary measures against the clergy. In another letter to Leo I (March 458) the pope used some phrases which caused a great deal of embarrassment to some theologians because they sounded as though the pontiff were foisting on the emperor a kind of infallibility in matters of faith: “The words of Your Piety make it undoubtedly clear to me that through your instrumentality the Holy Spirit works for the welfare of the whole Church . . . I expect much from the heart of Your Piety and see that you are sufficiently taught by the indwelling spirit of God and that no error could mislead your faith.”⁴⁰

In the light of the context there is no question of the pope’s believing in the emperor’s infallibility. The words illustrate, however, more clearly than anything else how deeply was imbedded in the Christian minds of the fifth century the theory that the emperor, as the representative of God on earth, was, with the collaboration of the bishops, responsible for the definition and spread of the true faith.

Pope Leo the Great, of course, also agreed with the emperor’s claim to summon councils, for in his letter to Theodosius II dated 449 he promises to send his legates to the council: “Your Piety . . . has summoned a council at Ephesus.”⁴¹ However dissatisfied with the results of this “Robber Synod” of Ephesus, Pope Leo contented himself with a protest addressed to the emperor and a request for another council to be summoned in Italy.⁴² The pope only gained his point when Marcian became emperor. The latter fully accepted the compromise between imperial and ecclesiastical rights in the definition of the faith. Definitions are the bishops’ concern, but the emperor’s part is to facilitate the definitions by convoking the synod. When inviting the pope to the council he intended to summon, Marcian wrote: “If the journey . . . should be difficult [for you], will Your Holiness inform us personally by letter, so that we may send our sacred letters to the whole East, . . . , inviting all the holy bishops to gather at a place we shall ap-

³⁹ Letter 156, ch. III, VI, *ibid.*, cols. 325 ff.

⁴⁰ Letter 162, ch. I, III, *ibid.*, cols. 338 ff.

⁴¹ Mansi, vol. V, col. 1291 (letter 29).

⁴² Mansi, vol. VI, cols. 8, 9, 23, 63, 85.

point in order that they may define as they think fit what concerns the peace of the Christians and the Catholic faith as laid down by Your Holiness in accordance with ecclesiastical regulations.”⁴³

In this respect, special value should be attached to the Acts of the Council of Chalcedon. At this Council, the function of General Councils was more accurately defined, and the important contribution made to the Monophysite controversy by Leo I brought about a fuller recognition of the position due to the Roman bishops. The declarations of the papal legates and of the Fathers⁴⁴ make it evident that the sort of presidency at the councils which popes and legates claimed and which emperors and council Fathers were ready to concede was none other than the function once exercised by the *princeps senatus* of the Roman senate. He was in a way the Speaker of the House, but the summoning of the meetings and the leading of the debates remained imperial prerogatives.

The Acts of the Council show also that the meetings were arranged as the sessions of the Roman senate used to be. The members attending the sitting were placed in the same order as the senators. The metropolitans, corresponding to the praetors, followed the *princeps senatus*; then came the bishops, corresponding to those of aedile rank; then the abbots, corresponding to the knights. The last were required to stand and did not possess the right to vote. The Gospel was set in the center of the Council as the Altar of Victory was set in the senate. The same analogy existed in the manner of voting. As in the sessions of the Councils, so also in the sessions of the Senate, the practice was to acclaim the emperors. This is how the Fathers acclaimed Marcian and Pulcheria at the end of the sixth session: “To Marcian, the new Constantine, the new Paul, the new David: [many] years to the emperor David . . . You are the peace of the world . . . May Christ, whom you honor, protect you. You have strengthened the orthodox faith; you have the faith of the Apostles . . . You are the light of the orthodox faith. That is why peace reigns everywhere. Lord, protect the lights of peace. Lord, protect the lights of the world . . . Many years to the priest-emperor. You have set the Churches right, O victor in battle, doctor of the faith . . . You have destroyed the heretics . . . Be your empire eternal.”⁴⁵

These are the favorite materials of the Hellenistic theorists: the king leads the people to God; he is a priest; he gives peace to his people; he is the light of the world and his empire is eternal; lastly, he is the most divine, a

⁴³ Letter 76, *ibid.*, col. 100.

⁴⁴ See especially Mansi, vol. VI, col. 985, 1097 ff.; VII, cols. 101, 135, 425.

⁴⁵ *Ibid.*, vol. VII, cols. 169 ff.; 177.

title constantly conferred in the Acts on the Christian emperor as the last vestige of the Hellenistic rulers' divinization.

But in spite of the divinity ascribed to him, the emperor knew quite well that definitions of faith lay outside his scope and were the exclusive right of the bishops. This is how Marcian announced the decisions of the council to the people of Constantinople. "Saintly priests came from various provinces to Chalcedon by our command and accurately defined what should be preserved. So, let there be an end to all vain controversy . . ." ⁴⁶

The compromise between the Imperium and the Sacerdotium expressed so well in the Acts of Chalcedon continued to be observed by both parties in the second half of the fifth century, although not always in favor of orthodoxy. The emperor Leo I, successor to Marcian, professed to be a supporter of the faith as defined at Chalcedon but considered summoning a council to give satisfaction to the Monophysites who had again risen to power in Alexandria.⁴⁷ Pope Leo the Great dissuaded him from making such a concession,⁴⁸ and the emperor adopted instead the new practice of the referendum. He asked the bishops to send him their opinion on Chalcedon in writing.⁴⁹ From their answers and the pope's we can see that, on the whole, East and West gave the Christian emperor the same functions: assisting the bishops in defining the faith, legalizing their definitions, removing reluctant bishops from their sees, and checking heretics.

Pope Simplicius (468–483), when learning that the usurper of the imperial throne Basiliscus (475–476) was thinking of repealing the decisions of the Council of Chalcedon, reminded him in a long letter of the emperor's duty to defend the faith defined by the orthodox council.⁵⁰ The emperor should not summon another council. This last clause meant, again, recognition of the emperor's right to summon councils.

When the emperor Zeno restored the authority of Chalcedon, he was congratulated by Pope Simplicius for having shown the priestly spirit as emperors should: "We rejoice to see in you the spirit of a very faithful priest and prince. This will make your imperial authority, as enhanced by your Christian devotion, more acceptable to God . . ." ⁵¹ But a dangerous break with the tradition was effected by the emperor Zeno when in an attempt at a compromise between orthodoxy and Monophysitism, he published his

⁴⁶ Mansi, vol. VII, col. 476.

⁴⁷ According to Facundus Hermianensis, *P.L.*, vol. 67, col. 834.

⁴⁸ Mansi, vol. VI, cols. 307–312 (letters 145, 146).

⁴⁹ *Ibid.*, cols. 323 ff.

⁵⁰ A. Thiel, *Epist. Roman. Pontificum* (Brumbergae, 1868), vol. I, p. 179.

⁵¹ Mansi, vol. VII, col. 988.

Henoticon. The formula was apparently suggested by the patriarch Acacius, but when it was published without a conciliar decision and without a referendum to the bishops, Pope Felix III declared the formula to be a violation of the decision at Chalcedon and in a very outspoken manner defended the right of the priests to define the true doctrine. In spite of his courageous defense, he was so much under the spell of the traditional view on the emperor's right to care for the purity of the faith that he did not dare to accuse Zeno directly. He shifted the main responsibility to the patriarch Acacius. From the two missives the pope sent to the emperor it is clear that the pope was eager to make peace with the emperor.⁵² In his opinion, although emperors do abuse their right, their office is still the highest in the world, they do have an ecclesiastical mission, and they can choose bishops. But they must leave them free to decide in matters of faith.

The Acacian schism which resulted from this break in tradition was bound to make the popes less enthusiastic about the emperors' prerogatives in Church matters. But in spite of the tenseness of the situation, the popes dealt with the Basileus with the utmost deference. It was during this schism that Pope Gelasius made the famous distinction, in his letter to Emperor Anastasius, between the imperial *potestas* and the ecclesiastical *auctoritas*. The pope's definition was to become the basis of political speculation throughout the Western medieval world. I hope to show in my forthcoming book that the pope's declaration was not as revolutionary as it is usually held to be.⁵³ Apart from the denial of the emperor's priestly character, Gelasius' letter is not fundamentally at variance with the current notions on kingship in the Roman Empire of the fifth century. In no case did Gelasius attribute to the sacerdotium any prerogative of the imperium, nor did his words imply that the secular power should be subordinated to the ecclesiastical: only as a man was the emperor subject to the *auctoritas* and to the *potestas ligandi et solvendi*. The interdependence of the two powers left room for the emperor's customary share in the execution of Church decisions.

As concerns the convocation of the councils by the emperor, nothing had changed. Pope Anastasius (496–498) addressed the emperor in the following way: "The heart of Your Pious Majesty is the holy shrine of public welfare, and . . . God has appointed you to rule, as His vicar, over the world. . ."⁵⁴ Moreover, when, after Anastasius' death, a schism broke out in Rome, the

⁵² Mansi, vol. VII, col. 1066, 1097 ff.

⁵³ See also my paper on "Pope Gelasius and Emperor Anastasius," in *Festschrift F. Dölger, Byzantinische Zeitschrift*, 1951.

⁵⁴ Mansi, vol. VIII, col. 190.

followers of Gelasius asked the Arian king Theodoric for a decision and made no objection when he summoned a synod to pass judgment on the accusations launched against Pope Symmachus. When later Pope Hormisdas negotiated with the emperor for the liquidation of the schism, and when the question of a new council came up for discussion, the pope did not query the emperor's right to convoke it. He even declared his readiness to break with the established custom and to attend the council in person.⁵⁵

In these circumstances it is not surprising that even the Emperor Justinian, who took his role as defender and propagator of the true faith most seriously, found no opposition to his theological edicts. Let us quote the response of Pope John II to Justinian's edict of 533 on the theological proposition: One of the Blessed Trinity has been crucified. "We hear," says the Pope, "that you have addressed to all the faithful an edict in which religious zeal for the right faith prompts you to support apostolic doctrine against heretical machinations, with the encouragement of our brethren and co-bishops. As your action is true to apostolic teaching, we confirm it with our authority."⁵⁶ Pope Vigilius, moreover, again credited Justinian with a priestly spirit.⁵⁷

A storm of opposition broke out only when Justinian made his most glaring intrusion into theology, condemning the so-called Three Chapters. African bishops revolted and Pope Vigilius, although willing to coöperate, had to join the opposition. The real reason for all this was that the emperor issued the condemnation without convoking a synod and without a referendum to the bishops. It was a break with the traditional practice and, at the end, Justinian had to yield and convoke the sixth ecumenical council. In his letter of convocation,⁵⁸ he returned to the traditional practice and sensibly limited the emperor's share in discussions on matters of faith. Had he done it at the beginning, he would have saved himself a good deal of trouble. In fact, the incident made the Church more conscious of its rights and more determined than ever to defend them.

Even the iconoclastic emperors could not ignore the leading role of the bishops in defining the Christian doctrine. They forbade the worship of images on the advice of some Asiatic bishops and convoked a council of bishops — mostly from Asia Minor — in Hieria, with the injunction to define the Christian doctrine on images.

The same method was used by the Empress Irene in order to condemn

⁵⁵ Mansi, vol. VIII, cols. 393 ff.

⁵⁶ *P.L.*, vol. 66, cols. 17 ff.

⁵⁷ Mansi, vol. IX, col. 35.

⁵⁸ Mansi, vol. IX, cols. 178 ff.

iconoclasm. She stated herself in her letter to the Pope Hadrian I: "We have decreed that a universal Council shall take place. And we ask your paternal Beatitude . . . to acquiesce and to make no delay but to come hither to confirm and strengthen the ancient tradition as to the venerable images."⁵⁹ In her address to the Council Fathers, the Empress expressed very clearly the traditional doctrine on the role of the bishop: "By God's good pleasure and will, we have brought together you His sacred priests . . . in order that your decision may be in accordance with the definitions of the Councils which have given right dogmatic precisions and that the glorious Light of the Spirit may enlighten all."⁶⁰ The same principles were observed at the councils convoked by the emperor Michael III and Basil I in the affair of the patriarchs Photius and Ignatius.⁶¹

In summing up the main results of these investigations we have to confess that the Church was not despotically ruled by the emperors during the period which preceded the Eastern schism, as has very often been believed. The role which the emperors had played in the definition of the true faith, especially in convoking councils and directing their debates, looks less formidable and dangerous for the Church in the light of the Hellenistic ideas on kingship, ideas accepted by the Christians and ennobled by the Christian doctrine. There is something sublime in the idea that the emperor should be the image of God, imitating his generosity and clemency, and that the emperor's foremost duty was to lead his subjects to God. Because of this duty he could not be indifferent to the definition of the true faith. This is a high conception of rulership, a conception which our age of material statism will hardly understand and appreciate.

It is not true, either, that the bishops were willing instruments in the hands of the imperial despots. This period of Church history is filled with hard struggles of the hierarchy for the exclusive right of defining Christian doctrine. This right was recognized by Constantine the Great and, in spite of some setbacks, the hierarchy remained, at the end, victorious in the struggle.

Finally the analogy between the councils and the Roman senate explains many problems. First of all, the fact that the emperors claimed the exclusive privilege of convoking the councils ceases to threaten the independence of the Church in doctrinal matters, because only the bishops — the ecclesiastical senators — possessed the right to express their opinion at the meetings

⁵⁹ Mansi, vol. XII, col. 985.

⁶⁰ Mansi, vol. XII, col. 1003.

⁶¹ See for details my book *The Photian Schism: History and Legend* (Cambridge 1948).

and to vote. On the other hand, when we look at the facts from this angle we must confess that the Catholic doctrine of papal supremacy was not at stake. The legates of the First See being given the place of the princeps senatus, they exercised a great authority at the councils. They were first to give their opinion, they voted first, and, as used to be the case in the senate, the opinion of the princeps was regarded as the most important.