

# Città e capitali nella tarda antichità

A cura di  
Beatrice Girotti e Christian R. Raschle

*LED* Edizioni Universitarie di Lettere Economia Diritto



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ISSN 1721-3096  
ISBN 978-88-7916-945-5

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*LED* Edizioni Universitarie di Lettere Economia Diritto  
Via Cervignano 4 - 20137 Milano  
Catalogo: <https://www.lededizioni.com>

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*In copertina:*

Ravenna. Mausoleo di Teodorico  
Giornate Europee del Patrimonio 2019  
foto di Giovanni Assorati

*Videoimpaginazione:* Paola Mignanego  
*Stampa:* Litogi

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# Constantinople and Rome, Christian Capitals: Discussing Power between Councils and Emperors (382) \*

María Victoria Escribano Paño \*\*

DOI: <https://dx.doi.org/10.7359/945-2020-escr>

**ABSTRACT:** The Council of Constantinople of 382 does provide a particular perspective regarding relations between Constantinople and Rome. Some relevant aspects of their development are discussed by Theodoret of Cyrrihus, Gregory Nazianzen, Socrates and Sozomen pay scant attention to it. When reporting the circumstances of the convening of the council of 382 and the questions dealt with there, Theodoret inserts the synodal epistle that the bishops who were present in Constantinople in 382 sent to their colleagues in the West declining the invitation to the Roman council of that same year<sup>1</sup>. The letter is a complex and in some respects unique document which reveals the controversial agenda of the meeting to discuss relations between the two Christian capitals, their churches and their emperors. This paper examines the context in which the synodal letter was written, which to a great extent shapes its ultimate purpose; I also intend to underscore the arguments of doctrine and authority put forward by the eastern bishops to justify the validity and legitimacy of their decision to elect bishops independently from the West. Whereas they did not ultimately aspire to shatter ecclesiastical unity or to create a competing Church, by writing the synodal letter conflicting images of the two episcopates were created which reflected differences that had arisen in the recent past. Gratian and Theodosius are also tacitly compared in the synodal epistle.

**KEYWORDS:** Ambrosius; episcopal elections; Gratianus; sinodal; Theodosius.

## INTRODUCTION

As recent research establishes, Theodosius I played a decisive role in turning Constantinople into an imperial capital both in terms of its

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\* This paper is part of the research project «HAR2016-77003-P», funded by the State Research Agency (Spain).

\*\* Universidad de Zaragoza.

<sup>1</sup> Theodoret. *hist. eccl.* 5, 8, 11-12; 9, 1-18. Concerning the date when he wrote his *Historia ecclesiastica* see Leppin 1996, 281-282.

urban and monumental development and of the rites and ceremonies attached to the presence of the emperor and his court on a permanent basis within the city from November 380 onwards<sup>2</sup>. He also made a truly Christian-Nicene capital out of Constantinople – striving to consign heretics beyond the city walls<sup>3</sup> – and positioned it second amidst leading Christian cities<sup>4</sup>. Particular attention has been given to the emperor's determination to promote and deliver political and religious unity within his empire from the outset<sup>5</sup>. The *constitutio Cunctos populos* (CTh. 16, 1, 2), addressed from Thessalonica to the people of Constantinople in February 380, anticipating his predilection for the Nicene faith<sup>6</sup> prior to entering the imperial capital, plus the three councils held in the city under his patronage from 381 to 383, constitute crucial contributions in the early process of religious renovation and unification<sup>7</sup>. This process, however, remained unfinished by August 394 when Theodosius left Constantinople for what would turn out to be his last time<sup>8</sup>.

The Council of Constantinople of 382, which though not totally overlooked has attracted little interest amongst scholars and has always been subordinate to the council of 381<sup>9</sup>, does provide a different perspective on these early stages, particularly regarding relations between Constantinople and Rome. Some relevant aspects of their development are discussed by Theodoret of Cyrrhus. Gregory Nazianzen, Socrates and Sozomen pay scant attention to it and tend to focus on the other two councils, either out of personal conviction or because of their historiographic and political context<sup>10</sup>. When reporting the circumstances of

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<sup>2</sup> Croke 2010, 237-260; Van Nuffelen 2012, 183-200. Cf. Kelly 2003, 588-607.

<sup>3</sup> CTh. 16, 5, 6 (381); 5, 12 (381); 5, 13 (384). Nonetheless, four years after the *Cunctos populos* (CTh. 16, 1, 2) was issued the space used by Nicene Christians in Constantinople remained far from exclusive. See Blaudeau 2009, 295-313; Escribano Paño 2019, 22-42.

<sup>4</sup> Hunt 2007, 57-68. See Gwynn 2015, 206-220, for whom the construction of Theodosian Constantinople, both physically and ideologically, was possible thanks to the policies of Constantine's successors some decades before and to the expansion of the ecclesiastic authority.

<sup>5</sup> Lenstrup Dal Santo 2015, 99-120.

<sup>6</sup> *Soz. hist. eccl.* 7, 4, 5-6. See the discussion in Errington 1997b, 398-443, which restricts the scope of application to Constantinople, and Leppin 2003, 71-73.

<sup>7</sup> See Errington 1997a, 21-72.

<sup>8</sup> See Destephen 2016, 157-169: 166.

<sup>9</sup> See McLynn 2012, 345-363, where he dismantles the anti-Alexandrian, anti-Roman and Caesaropapist hypothesis of Canon 3 of the council of Constantinople of 381.

<sup>10</sup> Gregory Nazianzen turned down Theodosius' invitation to attend yet tried to have an influence in it: *Greg. Naz. epp.* 130-131, 132-133, 135-136. See McLynn 2010,



the convening of the council of 382 and the questions dealt with there, Theodoret inserts the synodal epistle that the bishops who were present in Constantinople in 382 sent to their colleagues in the West declining the invitation to the Roman council of that same year<sup>11</sup>. The letter is a complex and in some aspects unique document which reveals the controversial agenda of the meeting to discuss relations between the two Christian capitals, their churches and their emperors. It also illustrates the contents of East-West exchanges in Theodosius' early years, after the decisive council of Constantinople of 381 had proclaimed honorary primacy for the bishop of Constantinople, after the bishop of Rome, in line with the status of Constantinople as New Rome (Canon 3)<sup>12</sup>. Theodoret reproduces the epistle in his *Historia Ecclesiastica* as part of his apologetics for the church of Antioch<sup>13</sup>. His choice and the chronological distortion regarding the *epistola* and the *tomus Damasi* placed later on<sup>14</sup> in the narration do not detract from its significance.

The text revolves around two questions: the justification of the eastern bishops' refusal to accept the invitation (5, 9, 2-10), and episcopal successions in Constantinople, Antioch and Jerusalem (5, 9, 11-18). Taking his audience into consideration, in the introductory summary to the synodal epistle<sup>15</sup> Theodoret highlights the refusal to embark on a pointless journey. He stresses the passivity of western bishops during the persecution carried out by Valens and uses this to justify the decision not to accept the invitation, and links the doctrinal section of the text to apostolic thought, emphasizing the antiquity of the faith of oriental churches.

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215-239. Socrates makes no reference: Soc. *hist. eccl.* 5, 8-10. He deals with the council of 383. See regarding this Wallraff 1996, 309-317. See also Urbainczyk 1997, 169-176 on his choice of topics. Sozomen only mentions it as a chronological landmark to set the background for the council of Constantinople convened by Theodosius in 383: Soz. *hist. eccl.* 7, 12, 1; 7, 7, 6; 9, 7, 8. See Harries 1986, 45-52. A comparative analysis of Sozomen and Socrates can be found in Urbainczyk 1997, 355-373.

<sup>11</sup> Theodoret. *hist. eccl.* 5, 8, 11-12; 9, 1-18. Concerning the date when he wrote his *Historia ecclesiastica* see Leppin 1996, 281-282.

<sup>12</sup> Mansi, III, 560. See McLynn 2012, 355-356, where the synodal epistle is briefly reviewed. On the designation of Constantinople as New or Second Rome prior to 381 see Grig - Kelly 2012, 3-30: 11-12.

<sup>13</sup> The church of Antioch plays a major part in Theodoret's *Ecclesiastical History*, both in terms of the sequence of events and in the choice of documents. See Martin - Bouffartigue - Pietri - Thelamon 2009, especially 13-90. Among other works see Urbainczyk 2002, 29-39; Clayton 2007; Millar 2007, 105-126; Schor 2010; Bevan 2011, 61-87.

<sup>14</sup> See Martin - Bouffartigue - Pietri - Thelamon 2009, 23-64. Pietri 1976, I, 873-884.

<sup>15</sup> Theodoret. *hist. eccl.* 5, 8, 12.

He ignores, however, the central matter dealt with in the synodal letter i.e. the succession of the bishops of Constantinople and Antioch.

This paper examines the context in which the synodal letter was written, which to a great extent shapes its ultimate purpose; I also intend to underscore the arguments of doctrine and authority put forward by the eastern bishops to justify the validity and legitimacy of their decision to elect bishops independently from the West. Whereas they did not ultimately aspire to shatter ecclesiastical unity or to create a competing Church, by writing the synodal letter conflicting images of the two episcopates were created which reflected differences that had arisen in the recent past. Western bishops are portrayed as opportunists and reluctant defenders of eastern orthodoxy. Eastern Nicene bishops, in contrast, who had just been rescued from heresy by Theodosius, describe themselves as defenders of orthodoxy, vigilantly abiding by council canons. The oriental bishops had not violated the established procedures of episcopal election and consecration or exceeded the limits of their authority, for they had not meddled in western matters. Gratian and Theodosius, as allies of the bishops, are also tacitly compared in the synodal epistle.

## 1. FROM CONSTANTINOPLE TO ROME: AN UNFEASIBLE TRIP IN THE SUMMER OF 382

The synodal epistle transmits the rejection of the invitation extended by the western bishops to their colleagues in the East to attend the council Gratian had convened in Rome with ecumenical purposes<sup>16</sup> in the summer of 382. The letter was written under the leadership of the Nicene representatives from a Constantinopolitan viewpoint, defending the authority and orthodoxy of the agreements reached by the council of 381. Indeed, authority and orthodoxy pervade the preamble to the text<sup>17</sup>, written by bishops fully aware of having been the authors of Canon 3 of the council held the previous year, as the addressees are specified –though not the see – as well as the senders of the letter. The addressees – Damasus of Rome (who most probably had issued the invitation to the bishops of the East to attend the council of Rome convened by a *basileos grammáton* of Gratian), Ambrosius of Milan, Britto of Trier, Valerian of Aquileia, Acholius of Thessalonica, Anemius of Sirmium and

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<sup>16</sup> See the discussion of this concept in Destephen 2008, 103-118.

<sup>17</sup> Theodoret. *hist. eccl.* 5, 9, 1.

Basil, of unknown see<sup>18</sup> – were the much venerated, reverend brothers and colleagues in the episcopate, gathered in the megalopolis of Rome. The author of the epistle was the Holy Synod of Orthodox Bishops assembled at Constantinople and convened by Theodosius. The synodal epistle was addressed from capital to capital<sup>19</sup>, conveying the idea of the equal status held by the two Romes. In the opening, the evocation of the collegiality of the addressees and the orthodoxy of the senders denotes equating the sees, the synods and, by extension, the convening emperors.

Since neither the list of attendees nor their subscriptions are preserved their standpoint is hard to establish<sup>20</sup>. According to Theodoret, upon returning home after the council of Constantinople of 381, these bishops met again in Constantinople the following summer to deal with ecclesiastical matters<sup>21</sup>. From Theodoret's brief remarks a significant fact, confirmed by the synodal epistle, may be gathered: those attending the council were practically the same as those who had participated in the council of Constantinople the previous year – revealing a predominance of the Anatolians<sup>22</sup>. The selection of the majority, with some notable exceptions, had corresponded to the Nicene community of Constantinople led by Gregory of Nazianzus in close cooperation with Gregory of Nyssa and Meletius of Antioch, well aware of the affiliation of the episcopate in the East<sup>23</sup>. Gregory Nazianzen, however, declined the invitation to attend the meeting of 382 citing health reasons<sup>24</sup> though he did try to influence its decisions through letters he sent to a group of generals and high officials who were close to the court in the summer of 382 and in a position to sway the emperor's decisions<sup>25</sup>. Gregory's testimony reveals that the actual reason behind the convening was division between the churches and dissent between the East and the West arising from the succession in Antioch.

Eastern bishops needed to justify why they would not attend the meeting in Rome. They raised questions of time, occasion and procedure<sup>26</sup> from which it may be inferred that Theodosius had coordinated

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<sup>18</sup> See Pietri 1976, I, 867.

<sup>19</sup> Idea underlined by McLynn 2012, 356.

<sup>20</sup> Destephen 2008, 106.

<sup>21</sup> Theodoret *hist. eccl.* 5, 8, 11.

<sup>22</sup> Ritter 1965, 30.

<sup>23</sup> See Errington 1997a, 43.

<sup>24</sup> Greg. Naz. *epp.* 130-131. See McLynn 1997, 298-308: 304. Acholius did not attend either; he accepted the invitation of Damasus to the council of Rome.

<sup>25</sup> Greg. Naz. *epp.* 132-133, 135-136. McLynn 1997, 304; Van Dam 2003, 141-142, 146-147, 151-153, 221.

<sup>26</sup> Theodoret. *hist. eccl.* 5, 9, 2-10.

their response and indirectly indicated that western bishops were ultimately responsible for such hindrances.

The bishops from the East deployed two major arguments. The first reason to justify their refusal to attend the synod of Rome was the short time that had elapsed since the recovery of their churches after the persecution endured under the Arians and the fact that the risk of losing them again persisted. They evoked the recent past to counter the argument of concord as the reason for convening the council in Rome and provided direct testimony to the situation in the East, especially in Constantinople, before and after the death of Valens. Delivering an emphatic and detailed recollection of the evils inflicted by the tyranny of the Arians, i.e. Valens' persecuting policy, they described the catalogue of measures taken against them which included exile, fines and imprisonment, plus the extreme violence of the heretics after their return, with instances of lapidation as in the case of Eusebius of Samosata, struck by an Arian woman in Dolikha. The introduction of the effective claim of persecution and martyrdom evinced how weak the piety of the western bishops was, having never in the times of Valens shown any inclination to intervene. The bishops of the East reproached their colleagues in the West for inviting them in times of concord amongst the emperors – an implicit reference to the Nicene affiliation of Gratian and Theodosius – but extending no invitation to them in the times of Valens<sup>27</sup>.

The description of the precarious situation of the Nicenes, particularly in Constantinople where Arians, Eunomians and Novatians maintained their structure and activities after Theodosius' *ingressus* despite his legislation, have been addressed by McLynn, Errington, Vaggione, Van Nuffelen, amongst others<sup>28</sup> which exempts us from having to discuss the matter further.

We know that the appeals for help from the eastern bishops to their western colleagues while facing persecution and exile under Valens had fallen on deaf ears. In this sense, the letter sent in 376 by Basil of Caesarea, Eusebius of Samosata and other Nicene oriental bishops to the bishops of Italy and Gaul is highly eloquent. In this they asked the western bishops to exert their influence over the Augustus of the West to make him aware of the situation in oriental churches. They also sug-

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<sup>27</sup> They omitted any reference to the measures implemented by Gratian, which had facilitated their return from exile, and also overlooked Theodosian legislation. See Snee 1985, 395-419. Cf. Lenski 2002, 211-263.

<sup>28</sup> McLynn 1997, 298-308, and 2010, 215-239; Errington 1997a, 24-41; Vaggione 2000, 319-334; Van Nuffelen, 2010, 425-451.

gested that western bishops should visit the East<sup>29</sup>. This was not the only attempt. On several occasions Basil strived to secure the mediation of Athanasius to foster communion relationships with western bishops<sup>30</sup>. Neither the emperor nor the bishops had heeded these pleas. The justification they gave revealed a subtle analysis of the duties of bishops<sup>31</sup> which contrasted with the image of half-heartedness and feebleness cast by western bishops. The lack of harmony between the churches of the East and the West also became apparent, as well as the fact that the council of Constantinople of 381, with its theologically loaded canons, had failed to defuse the force of the Arians<sup>32</sup>.

The second argument put forward concerned the occasion. This constituted the political side of the response. Indeed, the bishops had received the letter when they were together in Constantinople that same summer of 382, where they had been convened by Theodosius after he had received the letter sent by the western bishops to the Augustus of the East following the closure of the council of Aquileia, held in September of 381<sup>33</sup>. The bishops thus established an explicit correspondence between the synodal letter and the epistle engaging in a dialogue of power between the two episcopates and the two emperors.

The epistle adduced that the reason behind the oriental council was the *Sanctum animum*<sup>34</sup> which Ambrosius *et ceteri episcopi Italiae* had sent to Theodosius probably in October of 381<sup>35</sup>, challenging the election of Flavian and Nectarius (2-3), through this order, to the sees of Antioch

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<sup>29</sup> Bas. *ep.* 243, 1.

<sup>30</sup> Bas. *epp.* 66, 67, 69, 80, 82. See Duppuy 1987, 361-377. See also De Mendieta Amand 1963, 122-166; Simonetti 1975, 418-420.

<sup>31</sup> See Rapp 2005, 3-154.

<sup>32</sup> See an analysis of the consequences of the council of Constantinople of 381 in Simonetti 1975, 528-542; Hanson 1988, 805-823.

<sup>33</sup> Theodoret. *hist. eccl.* 5, 9, 9. The dates of the beginning and end of the council may not be established with certainty. We only know the day when the sessions began: 3 September 381: *Conc Aquil.* 1, CSEL 82, 3, 326, II, 1-2. See Duval 2002, 421-437.

<sup>34</sup> Ambr. *ep. extra. coll.* 9 (Maur. 13). Errington 1997a, 70-72 considers that the epistle *Sanctum animum* is not the letter referred to in the synodal epistle issued by the council of Constantinople of 382. Duval 2002, 421-437 believes that the letter alluded to in the synodal epistle of the council of Constantinople of 382 is *ep. extra coll.* 6 (Maur. 12). Nonetheless, Theodoret points out that it was sent to Theodosius, not to the three emperors, after the council of Aquileia. Furthermore, the synodal epistle is addressed to the colleagues in the episcopate of the West, to Damasus in the first place.

<sup>35</sup> Ambr. *ep. extra coll.* 9 (Maur. 13), 4: *nos igitur in sinodo ea ... nihil temere statuendum censemus*. Concerning the council of Aquileia see Gottlieb 1979, 287-306; Gryson 1980, 101-172; McLynn 1994, 123-128; Williams 1995, 154-184; Duval 2002, 421-437; Zelzer 2002, 439-446.

and Constantinople and claiming that Maximus the Cynic was the legitimate bishop of Constantinople (4-5). Theodosius had already been informed of the solution proposed by the western episcopate regarding the crisis of Antioch, as Ambrosius recalls at the beginning of the letter<sup>36</sup>. Once the council of Aquileia was over, Ambrosius had fostered the epistle addressed to the three emperors, Gratian, Valentinian II and Theodosius – though it was actually only intended for the latter – deploying three main arguments: they requested the emperors' assistance in putting an end to the *dissensiones* afflicting the churches of Alexandria and Antioch, they expressed their wish to respect the alleged succession agreement between Meletius and Paulinus in the case of Antioch<sup>37</sup>, and they suggested holding a general council in Alexandria under the patronage of Theodosius to decide who should be offered communion with the western churches represented in Aquileia and with whom communion ought to be maintained<sup>38</sup>. Yet, the epistle *Quamlibet* which stressed the prestige and regard accorded to the church of Alexandria by the western episcopate<sup>39</sup>, omitted any explicit reference to the council of Constantinople ending in July 381 and to the decisions taken therein, and did not implicate Gratian in the blatant interference of the West in the events occurring in the East.

Conversely, the epistle *Sanctum animum*, solely addressed to Theodosius, was written by Ambrosius and *ceteri episcopi Italiae* and posed a question of authority directly to the emperor of the East. Its tone and contents reveal that Ambrosius had further information regarding the agreements reached in the council of Constantinople of 381. On the one hand, he considered that the appointment of Flavian of Antioch, not explicitly mentioned, had been secured *contra fas atque ecclesiasticum ordinem*<sup>40</sup>; on the other hand, he questioned the correctness of the

<sup>36</sup> Ambr. *ep. extra coll.* 9 (Maur. 13), 2: *Scripseramus dudum ut quoniam Antiochena ciuitas duos haberet episcopos, Paulinum et Meletium ...*

<sup>37</sup> Ambr. *ep. extra coll.* 6 (Maur. 12), 5. According to Theodoret, well informed of the events of Antioch, such pact had never existed precisely because of Paulinus' refusal to accept Meletius' offer: Theodoret. *hist. eccl.* 5, 3, 15-16. Cf. Soc. *hist. eccl.* 5, 5, 2-6; Soz. *hist. eccl.* 7, 3, 2-6.

<sup>38</sup> Ambr. *ep. extra coll.* 6 (Maur. 12), 4-6: *Ideoque petimus uos, clementissimi et Christiani principes, ut Alexandriae sacerdotum catholicorum omnium concilium fieri censeatis, qui inter se plenius tractent atque definiant quibus impertienda communio quibus seruanda sit.*

<sup>39</sup> Ambr. *ep. extra coll.* 6 (Maur. 12), 6: *Nam etsi Alexandrinae ecclesiae semper dispositionem ordinemque tenuerimus et iuxta morem consuetudinem que maiorum eius communionem indissolubili societate seruenus ...*

<sup>40</sup> Ambr. *ep. extra coll.* 9 (Maur. 13), 2: *Scripseramus dudum ut quoniam Antiochena ciuitas duos haberet episcopos, Paulinum et Meletium, quos fidei concinere putaremus, aut inter ipsos pax et concordia saluo ordine ecclesiastico conueniret aur certe, si quis eorum*

*ordinatio* of senator Nectarius<sup>41</sup> against the longer standing rights of Maximus, who had been made bishop of Constantinople in 380. The rights of the latter had been acknowledged by the participants in the council of Aquileia (3). Canon 4 of the council of Constantinople, which explicitly declared that Maximus was not a bishop establishing that his ordination had been illicit, was thus directly contested<sup>42</sup>. Furthermore, the intervention of Theodosius—who had summoned the bishops to the capital, swayed their agenda, sanctioned their agreements<sup>43</sup> and played a decisive part in appointing Nectarius<sup>44</sup>—was questioned. Nectarius' episcopate in the see of Constantinople had actually been declared legal in the *constitutio Episcopis tradi* in July of 381<sup>45</sup>.

Whereas Ambrosius welcomed the intervention of the Augustus of the East to return churches to Catholics<sup>46</sup>, he openly expressed his misgivings about the Augustus' capacity to reach a consensus (*facilius expelli potuisse haereticos quam inter catholicos convenire*)<sup>47</sup> and took it upon himself to propose alternative solutions: returning the see of Constantinople to the person who had been previously ordained, that is, Maximus, or holding a *nostrum orientaliumque* council in Rome to deal with the ordinations of Maximus and Nectarius (6)<sup>48</sup>. Proposing Rome instead of Alexandria constituted an attempt to balance the primacy of honour granted to Constantinople in the previous council and denied eastern bishops autonomy to make appointments outside Roman communion.

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*altero superstitie decessisset, nulla subrogatio in defuncti locum; at nunc Meletio defuncto Paulino superstitie ... contra fas atque ecclesiasticum ordinem in locum Meletium non tan subrogatus quam superpositus asseritur.*

<sup>41</sup> Praetor urbanus: Ruf. *hist. eccl.* 2, 21. See PLRE I, Nectarius 2, 621.

<sup>42</sup> See McLynn 2012, 360-361. Cf. Dvornik 1964, 38-39; Errington 1997a, 61.

<sup>43</sup> See Metz 1965, 651-664; Ritter 1965, 41-44; Errington 1997a, 21-72: 55, and 2006, 228-230; Gautier 2002, 388, 395-399, and 2005, 67-75; Ayres 2004, 253-254. Cf. McLynn 2010, 215-239.

<sup>44</sup> Sozomen emphasizes Theodosius's role: *Soz. hist. eccl.* 7, 8, 1-8. Cf. *Soc. hist. eccl.* 5, 8, 12. Socrates attributed Nectarius's election to popular wish. See Dagron 1974, 452-453 and 461-463; Van Nuffelen 2010, 425-451: 451.

<sup>45</sup> CTh. 16, 1, 3 (381): *Episcopis tradi omnes ecclesias mox iubemus ... quos constabit communioni Nectari episcopi Constantinopolitanae ecclesiae ...*

<sup>46</sup> Ambr. *ep. extra coll.* 9 (Maur. 13), 1: *quod catholicos ecclesiis reddidisti*; CTh. 16, 5, 6 (381): *ut cunctis orthodoxis episcopis, qui nicaenam fidem tenent, catholicae ecclesiae toto orbe reddantur*. See comment in Errington 1997a, 48-51; Escribano Paño 2004, 133-166; McLynn 2010, 226 n. 49.

<sup>47</sup> Cf. Ambr. *ep. extra coll.* 6 (Maur. 12), 1.

<sup>48</sup> Ambr. *ep. extra coll.* 9 (Maur. 13), 6: *Nec uideamus eam posse aliter conuenire; nisi aut is reddatur Constantinopoli, qui prior est ordinatus: aut certe super duorum ordinatione sit in urbe Roma nostrum Orientaliumque concilium.*

In fact the representative capacity of the council of Constantinople was minimized (4)<sup>49</sup>.

At the end of the letter Ambrosius anticipated the objections it might raise and claimed to have written it not for any personal reasons or contentious zeal (*domestico studio et ambitione contentio*), but out of concern about the rupture of the *communio*<sup>50</sup>, making two observations which reveal the actual aim of the text. While he justifies the involvement of the West in matters of the East arguing that Acholius, *de occidentalibus partibus*, had been summoned to the council of Constantinople of 381<sup>51</sup>, Ambrosius also contends that his proposal was shared by the Augustus of the West – to whom Theodosius owed his throne – stating that the letter had been written to Theodosius *admonitus* by Gratian (8). This was tantamount to a warning and a reminder which directly implicated Gratian in challenging the decisions of the council of Constantinople of 381 and the proposed solutions therein.

Theodosius replied to Ambrosius' provocative letter in the autumn of 381 as may be surmised from the epistle *extra coll.* 8 Ambrosius later sent to Theodosius<sup>52</sup>. In his letter, not preserved, Theodosius rebuffed the need for a general council in Rome to resolve the Constantinople matter<sup>53</sup>, which meant ignoring Gratian's recommendation as invoked by Ambrosius. Besides, Theodosius drew attention to a serious issue for the West: the expansion of Apollinarism in Italy, a heresy banned by Damasus in 377 and by Canon 1 of the council of Constantinople of 381<sup>54</sup>. This was a subtle way of signalling the direction Ambrosius and

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<sup>49</sup> Ambr. *ep. extra coll.* 9 (Maur. 13), 3-5.

<sup>50</sup> Ambr. *ep. extra coll.* 9 (Maur. 13), 6: *Nec quaedam nos angit de domestico studio et ambitione contentio sed communio soluta et dissociata perturbat*. McLynn 1994, 141 suggests that these words were aimed against the rebuke expressed by Theodosius in a letter in reply to *ep. extra coll.* 6, not preserved.

<sup>51</sup> Ambr. *ep. extra coll.* 9 (Maur. 13), 7: *Neque enim indignum uidetur, Auguste, ut Romanae ecclesiae antisitis finitimorumque et Italarum episcoporum debeant subire tractatum, qui unius Acholi episcopi ita expectandum esse putauerunt iudicium, ut de occidentalibus partibus Constantinopolim euocandum putarent*.

<sup>52</sup> Ambr. *ep. extra coll.* 8 (Maur. 14), 4. McLynn suggests the possibility that Theodosius may have previously replied to epistle *extra coll.* 6. McLynn 1994, 141 n. 221.

<sup>53</sup> Ambr. *ep. extra coll.* 8 (Maur. 14), 6: *Sane allegata texuimus, non definiendi, sed instruendi gratia: et qui iudicium petiuimus, non deferimus praeiudicium. Neque ullum eorum aestimandum conuicium fuit, cum rogarentur ad concilium sacerdotes, quorum frequenter praesentior absentia fuit, quando in commune consuluit*.

<sup>54</sup> Ambr. *ep. extra coll.* 8 (Maur. 14), 4: *Non solum enim de his de quibus clementia tua dignata est scribere, sed etiam de illis, qui dogma nescio quod, Apollinaris asseritur, in ecclesiam conantur inducere*. Cf. CTh. 16, 5, 12 (383); 13 (384); 14 (388). Regarding Damasus' prohibition in 377, see Pietri, 1976, I, 833-840.



Gratian's concerns ought to take. Theodosius could have felt his authority was undermined by the support given by Gratian to the proposals of the bishop of Milan, which may have influenced his forceful letter. Yet, the actual response came from the synodal epistle of the council of Constantinople where western bishops were ultimately made responsible for the summoning of the bishops to Constantinople.

It was unfeasible for the eastern bishops to travel to Rome for the sole purpose of deciding whether the see of Constantinople should be Maximus' or Nectarius'. They nonetheless presented a further obstacle: procedure. The oriental episcopate only availed of the agreement of the bishops who had remained in their provinces to attend the synod and had not anticipated a long journey, since they had received no news of the council of Rome prior to their meeting in Constantinople and had not had enough time to warn their colleagues and form a new delegation.

This justification yields two relevant issues. Firstly, those attending the council were the deputies of the bishops in their provinces and had no autonomy to act. In order to attend another council they would need to receive fresh authorization from their colleagues<sup>55</sup>. Secondly, after receiving Ambrosius' *Sanctum animum* epistle which proposed holding a joint council in Rome, it was Theodosius who decided against such a gathering and replied by convening a council in Constantinople. The bishops of the East had received the news about the Roman council, as they stated, through the invitation received when they were already gathered in Constantinople. They thus argued that the council of Constantinople was prior in time and that it was Theodosius who had decided that the eastern bishops should meet again in Constantinople, which amounted to declaring autonomy in taking political-ecclesiastical decisions. They primarily abided by their bishops and their emperor over the obedience they owed to Rome<sup>56</sup>.

As a token of good will, they sent three legates to the Roman meeting: Cyriacus of Adana, in Cilicia; Eusebius of Epiphania or of Chalcis, in Syria; and Priscian of Nicopolis in Palestine. The choice of envoys was not accidental. All three had attended and subscribed to the councils of 381 and 382 and could defend the agreements reached therein and were in a position to dispatch the synodal epistle to Rome. We know that they were escorted by court officers<sup>57</sup>. Cyriacus was a key member of the

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<sup>55</sup> See Destephen, 2008, 106.

<sup>56</sup> See recent research compiled in Dunn 2015, particularly, Hornung 2015, 57-72.

<sup>57</sup> *Aulici*, following the report of Pope Boniface, *ep.* 15, 6. MacLynn 1994, 144 n. 230.

embassy: he had been in charge of instructing Nectarius in the rules of the priestly order<sup>58</sup> and could defend the suitability of his appointment on sounder grounds.

## 2. ORTHODOXY, CANONS, CONSENSUS AND THE PRIMACY OF CONSTANTINOPLE

In harmony with the hierarchy of topics in Ambrosius' letter, the central issue in the synodal text concerned the successions of bishops, a matter which the bishops at Constantinople dealt with after demonstrating their orthodoxy as the source of their authority. Their determination to prove their doctrinal purity indicates that suspicions of pro-Arian attitudes lingered over them still by 382 and that the effectiveness of Theodosius' early legislation against heretics was limited. The bishops felt compelled to show their adherence to evangelical faith, ratified in Nicaea of Bithynia by 318 fathers, and contributed a definition of Trinitarian orthodoxy compatible with the position of the western bishops, in an evident effort to reach terminological convergence<sup>59</sup>. They also openly distanced themselves from Sabellius and from Eunomians, Arians and Pneumatomachians to dispel the faintest suspicion of heretical deviation and referred to the council of Antioch of 379, as well as to the council of Constantinople of the previous year, despite the differences between the Nicene Creed and the Creed of Constantinople<sup>60</sup>. Mentioning the oriental councils of 325, 379 and 381 as sources of doctrine implicitly meant that the eastern bishops did not need to travel to Rome to receive the badge of orthodoxy. Such was their theological response.

As well as orthodoxy, the bishops in the East deployed the argument of regulations and consensus to support their disputed decisions. The council participants presented the rhetorical argument of canons and emphasized their loyalty to tradition and to the rule approved in Nicaea (Canon 4) whereby the bishops in the province and, should they agree, their colleagues in bordering provinces should perform the ordination of bishops. In reality they were adjusting the contents of the canon to their needs, for the canon advised that a bishop should be appointed by all the

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<sup>58</sup> Soz. *hist. eccl.* 7, 10, 1.

<sup>59</sup> Teodoret. *hist. eccl.* 5, 9, 11-13.

<sup>60</sup> Hanson 1988, 816, provides a list of 12 differences. Cf. Abramowski 1992, 481-513. See also Ortiz de Urbina 1963, 182-205; McLynn 2012, 352-354.

bishops in the province; should this be inconvenient due to emergency or distance, three bishops were to meet in the same place to ordain a bishop and the written consent and endorsement of all non-attendants was demanded. The final word always belonged to the metropolitan bishop<sup>61</sup>.

The eastern bishops could have been aware of ordinations which did not fully comply with the canon and of power struggles and conflicting interests within the Nicene community<sup>62</sup>. They knew that in most cases the final election resulted from negotiation and compromise so the norm could be ignored if convenience so dictated<sup>63</sup>. Nonetheless, the eastern bishops wished to convey an image of uniformity and claimed that all the churches in the East, including the most prominent, observed the rules. This, however, did not apply to Alexandria, governed by its own principles and customs<sup>64</sup>.

The episcopal elections of Constantinople, Antioch and Jerusalem were next referred to, in that order. The first two had been dealt with by Ambrosius though in a different order. In letter *extra coll.* 9 Ambrosius questioned the consecrations of Antioch and Constantinople, in that order. Probably because Ambrosius had more information on Antioch, or he might not have known the particulars of what had happened in Constantinople – or simply out of his own volition so as to belittle the see of Constantinople – he had prioritized the Syrian matter over Constantinople despite the fact that the election of Nectarius had preceded Flavian's. Nectarius had been elected in July 381 by the council of Constantinople after the death of Meletius<sup>65</sup>. Flavian, who as a presbyter had accompanied Meletius to Constantinople, was elected over Paulinus on his return from the council, after July 381<sup>66</sup>. Ambrosius himself declares in his letter that Nectarius had advised replacing the deceased Meletius at the head of the Church of Antioch<sup>67</sup>. It may be argued that swapping the order in which the sees are mentioned in the synodal epistle and adding Jerusalem was a deliberate act arising from a wish to grant prio-

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<sup>61</sup> Noce - Dell'Osso - Ceccarelli Morolli 2006, 21.

<sup>62</sup> See Norton 2007, 216-223.

<sup>63</sup> Van Nuffelen 2007, 243-258.

<sup>64</sup> Wipszycka 2011, 259-291.

<sup>65</sup> Soc. *hist. eccl.* 5, 8, 12; Soz. *hist. eccl.* 7, 8, 1; Theod. *hist. eccl.* 5, 8, 9.

<sup>66</sup> His name does not figure in the *constitutio Episcopis tradi* of 30 July 381. Theodoret. *hist. eccl.* 5, 24, 1. Cf. Soc. *hist. eccl.* 5, 9, 4, where the version in favour of Paulinus is given.

<sup>67</sup> Ambr. *ep. extra coll.* 9 (Maur. 13), 3: ... *atque hoc factum allegatur consensione et consilio Nectario.*

riety to Constantinople as had been done in 381. This hypothesis is further supported when analysing the terms in which the distinguishing qualities of the three cities are referred to, especially bearing in mind that alluding to the antiquity of the cities signifies that the order in which they were mentioned was not chronological, without expressly stating it. Listing the sees also involved comparing them.

In all three cases a distinction is drawn between the see and the episcopal election. In the case of the church of Constantinople<sup>68</sup>, its distinguishing feature was that it had been constituted again after it had been recovered from Arian control through the will of God. No part was given to the emperor who had placed there a Nicene bishop and dispossessed the Arians of churches<sup>69</sup>. Its reconstitution, which amounted to purifying the heretic stain through the expulsion of the Arians<sup>70</sup>, was recent yet meant it surpassed others because it was part of the divine agenda. From a more pragmatic viewpoint, the allusion to its rescue from Arian hands also put Nectarius' election in context as the process had not fully complied with the Nicene canon. In his letter to Theodosius, Ambrosius had defended the rectitude of Maximus' consecration, performed by three bishops *intra priuatas aedes* because the Arians were in control of the churches in the city<sup>71</sup>. The eastern bishops prioritised consensus over Nicene canonical procedure<sup>72</sup>. The election of Nectarius had taken place with the agreement of the bishops gathered in an ecumenical council<sup>73</sup>, with the consent of the emperor, the clergy and the people<sup>74</sup> of the city expressed through voting. Even God had played a part in the consensus, declaring a predilection for Nectarius. The participants in the council simplified to the point of deforming the complex process which made Theodosius choose the lay senator Nectarius<sup>75</sup>, and invoked consensus to

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<sup>68</sup> Theodoret. *hist. eccl.* 5, 9,15.

<sup>69</sup> Regarding the marginal relevance contemporary sources attribute to Theodosius' legislation see Errington 1997b, 398-443; Lizzi Testa 2011, 467-491: 468.

<sup>70</sup> Cf. CTh. 16, 5, 6 (381). See Escribano Paño 2009, 39-66.

<sup>71</sup> Ambr. *ep. extra coll.* 9 (Maur. 13), 3. Cf. Greg. Naz. *Carm.* II, *De vita sua* 1, 11, PG 37, 909, 1092.

<sup>72</sup> Cf. Van Nuffelen 2011, 245.

<sup>73</sup> The adjective 'ecumenical' is used twice to refer to the council of Constantinople of 381 (Theodoret. *hist. eccl.* 7, 9, 13; 15). Regarding its authenticity see discussion in Destephen 2008, 105 n. 12. I agree with McLynn 2012, 356 n. 53 that it seems consistent with the context.

<sup>74</sup> See Van Nuffelen 2010, 449 regarding popular intervention in episcopal elections.

<sup>75</sup> See circumstances surrounding the election in Errington 1997a, 21-72. Greg. Naz. *Carm.* II, *De vita sua* 1, 11, 1741-1744 alludes to anarchy and the power of the

mark the contrast with the consecration of Maximus the Cynic. Despite being the youngest see, the bishops were consistent with the primacy of honour granted the previous year<sup>76</sup> and emphasized Nectarius' election through consensus by the bishops gathered in an ecumenical council. While episcopal ecumenism and consensus did not fully fit the Nicene canon, neither did they openly contravene it.

Antioch of Syria is credited with apostolic antiquity and being the first city where Christians had been honoured with that name. In this case, Flavian's consecration had complied with canonical principles as the bishops of the province and of the dioceses of the East had intervened together after all the church had unanimously honoured him. In this case, rules, consensus and the ratification of the entire synod of 382 concurred, making the appointment irreproachable<sup>77</sup>. Nevertheless Antioch, despite its greater antiquity<sup>78</sup>, was mentioned second in order.

It could be argued that the order in which Constantinople and Antioch were mentioned corresponded to the order of episcopal consecrations. However, mentioning Cyril of Jerusalem in third place<sup>79</sup> precludes that option. Jerusalem was certainly called the mother of all churches, which means it was the most ancient, and it was there that the council recognized Cyril as the legitimate bishop because he had been canonically appointed by the bishops of the province and had confronted the Arians under various circumstances. This affirmation of the status of Cyril, who attended the council of Constantinople of 381, was a response to the unfavourable western tradition since his dubious consecration by Acacius of Caesarea and Patrophilus of Scythopolis in 348<sup>80</sup>. Jerusalem also completed a trio of oriental churches firmly set in antiquity, orthodoxy, compliance with the rules and respect for consensus – a triad whose significance was boosted when taking into account the omission of Alexandria. Such silence could be due to the fact that the legitimacy of

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masses in the council of Constantinople before his departure. See Gautier 2005, 73 n. 26.

<sup>76</sup> Contrarily McLynn 2012, 345-363.

<sup>77</sup> Theodoret devotes an entire chapter to report the conflict in Antioch and the dissent with westerners because of Paulinus: Theodoret. *hist. eccl.* 5, 24, 1-12.

<sup>78</sup> Theodoret. *hist. eccl.* 5, 9, 16.

<sup>79</sup> Theodoret. *hist. eccl.* 5, 9, 17.

<sup>80</sup> Soc. *hist. eccl.* 2, 38, 2. See Bihain 1962, 81-91; cf. Lebon 1924, 181-210, 357-386. Cyril had endured three exiles, the last under Valens from 367 to 378, and returned to his see in Jerusalem under Theodosius (Hier. *vir. ill.* 112). Soc. *hist. eccl.* 5, 8, 1 and Soz. *hist. eccl.* 7, 7, 3 state that in the council of Constantinople of 381 he figured as an orthodox after having been a Macedonian and later repenting. Regarding the *cursus* and theology of Cyril, see Hanson 1988, 398-413.

Timothy had not been questioned by the West, which allowed the council to avoid a thorny matter which could weaken the consensus of the council in the face of the West. But it is also consistent with the restrictive nature of Canon 2 of the council of Constantinople of 381 whereby the bishop of Alexandria could only manage the affairs of Egypt.

The lesser antiquity of the church of Constantinople and its primacy is not expressed in terms of a Christian tradition or a legal framework, however its mention in first place, above the churches of Antioch and Jerusalem – which had explicitly been declared older – and the reference to the fact that Constantinople had held two consecutive ecumenical councils therefore equate to a confirmation of the primacy of honour evoked in Canon 3 of the first council of Constantinople, even though that primacy did not take jurisdictional effect until Canon 28 of the council of Chalcedon<sup>81</sup>. Changing the order in which the churches were mentioned, different from that order laid out in the letter of Ambrosius which the writers seem to have had in front of their very eyes, constitutes a deliberate act. The bishops granted intrinsic authority to the church of Constantinople despite it being younger because of its political status and, it should be added, to suit the wishes of Theodosius, referred to as the patron of the council and an active player in the election of Nectarius. They were aware that the bishop of the imperial capital was second in rank after the bishop of Rome and did not hesitate in bringing together the three bishops under the umbrella of legality, canonicity and consensus at the end of the synodal letter<sup>82</sup>. The temperate tone of the text did not conceal the implicit contrast between the two churches – the church of the East and the church of the West – and, by extension, between the two emperors.

The synodal epistle was brought by the legates sent to the council of Rome. They also dispatched the response of the Augustus of the Orient to the proposals previously formulated by Ambrosius. The reception of both letters could explain the rectification featured in the letter which Ambrosius later sent to Theodosius<sup>83</sup>. In fact, the bishop of Milan reasserted his positions in a moderate yet patronising tone, avoiding further mention of episcopal successions in Antioch and Constantinople and focussing on the need to convene an ecumenical council in Rome. Theodosius' reference to the leverage of the heresy of Apollinaris of Laodicea in Italy was the pretext for insisting upon the advisability of holding a

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<sup>81</sup> Dagron 1974, 454-487; Matthews 1984, 109-120; Blaudeau 2012, 364-386.

<sup>82</sup> Theodoret. *hist. ecl.* 5, 9, 17-18.

<sup>83</sup> Ambr. *ep. extra coll.* 8 (Maur. 14), 4.

joint council, omitting the fact that the council of Constantinople of 381 had already condemned the Apollinarian heresy and so had the council of Rome earlier in 377<sup>84</sup>. He chose Rome for reasons of accessibility and lack of public disorder caused by heretics (3), which was not exactly true<sup>85</sup>, adducing the concern of the West in matters of the East, where greater unrest existed. This allusion confirms the use of heresy to deliver an accusation<sup>86</sup> in the dialogue between the East and the West in 382. He also appropriated the motivation towards consensus and unity to defend the council of Rome and the invitation dispatched to the bishops of the East. He even strived to allay any suspicion that he would demand primacy as he remarked that it was not at all strange to suggest the celebration of an ecumenical council in the West, since a presbyter from Constantinople had suggested one should be held in Acaya<sup>87</sup>. The unsolicited excuse revealed his actual intention and could hardly hide the contrast between the two positions. Invoking the case of Athanasius of Alexandria as a precedent to justify the ecumenical council did nothing but confirm feelings that his actual purpose was to discuss the silenced episcopal elections.

Fair diplomacy between the council of Constantinople and the council of Rome resulted in compromise in Rome. The bishops from the West maintained their unwavering support of Paulinus as the only legitimate bishop of Antioch, whereas oriental legates in the council of Rome of 382 received communion letters from Damasus to Nectarius<sup>88</sup>. Theodosius, who had included Damasus of Rome as a standard of orthodoxy in his *Cunctos populos*, saw his episcopal choice for the capital of the East ratified. The imperial allusion to the expansion of Apollinarianism in Italy in the letter sent to Ambrosius made an impact on the West, as the Apollinarianist theology was discussed in Rome<sup>89</sup>.

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<sup>84</sup> Pietri 1976, I, 833-840; McLynn 1994, 143-144.

<sup>85</sup> The map of heresies in Rome by the end of the fourth century (Valentinians, Marcionites, Montanists, Sabellians, Novatianists, Manichaeans) competed with the holy geography of the city. See Maier 1995, 231-249. Theodosius' imperial *sacra* of 391, prescribing the cleansing from all cities and *uici* of the heretics' contagious stain to eradicate their *concilabula publica uel latentiora*, reveals that heretics unrelentingly held their assemblies not only in public but also in private spaces inside and outside the city: C.Th. 16, 5, 20 (391).

<sup>86</sup> Le Boulluec 2015, 15-26.

<sup>87</sup> Ambr. *ep. extra coll.* 8 (14), 6.

<sup>88</sup> Pietri 1976, I, 867 includes a list of those attending the council of Rome of 382, among them Paulinus and Epiphanius of Salamis (Hier. *ep.* 108, 6; 127, 7).

<sup>89</sup> Hier. *adv. Ruf.* 2, 20.

## CONCLUSION

This paper tries to underline the peculiarity of the synodal epistle of the council of Constantinople of 382 sent to the council of Rome held that same year in terms of its contents and the circumstances in which it was drafted. Its date is a fundamental factor. After having approved prerogatives of honour for Constantinople in 381, the bishops of the East turned down the bishops of the West, rebuffing a joint council in Rome to debate episcopal elections in Constantinople and Antioch. I have examined the reasons of time and procedure presented by the eastern bishops to explain why their trip was unfeasible, and the arguments of authority and doctrine put forward to defend the legitimacy and lawfulness of the election of Nectarius of Constantinople and Flavian of Antioch, challenged by the West. From the analysis it may be concluded that not only were emperors committed to the ecclesiastical decisions of their bishops but also the complicity that bishops attributed to them to support their contending views. In this sense the synodal epistle shows the relationships between the two Christian capitals and reproduces the differences between the two Romes, the old and the new, and the two Christian emperors, Gratian and Theodosius, in 382. Gratian had subscribed to and therefore backed the convening of an ecumenical council in Rome with the participation of eastern and western bishops; Theodosius had averted eastern participation, calling a council in Constantinople<sup>90</sup>. The emperors did not confront each other and neither did the two churches, for they all defended orthodoxy, legislation and consensus. But the new Rome demanded its own area of influence, which forces us to revise casuistically the policy of unity implemented by emperors in the 4th and 5th centuries<sup>91</sup>. In the particular case dealt with here, the synodal epis-

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<sup>90</sup> Jerome, in his epistle 108, 6 when dealing with the council of Rome of 382 points out that imperial letters had taken the bishops from the East and the West to Rome because of some disagreements within the church. The western bishops were the three legates sent by the bishops gathered in Constantinople.

<sup>91</sup> See arguments in favour of unity in Inglebert 2015, 9-25; cf. Millar 2006, 54; Salway 2013, 327-354 recalls the differences between Rome and Constantinople in the fifth century: «CTh. 16.2.45 preserves a law issued by Theodosius II to Philippus, his praetorian prefect of Illyricum, on 21 July 421, asserting the right of the bishop of Constantinople to be a judge of ecclesiastical matters in the prefecture, which comprised the Latin speaking provinces of the Diocese of Dacia as well as the Greek speaking ones of the Diocese of Macedonia. Preserved in the sixth-century *Collectio ecclesiae Thesalonicensis*, along with letters of Pope Boniface on the matter, there is a response from his western, senior, colleague Honorius, reasserting the jurisdiction of the See of Rome throughout Illyricum. There follows a reply from Theodosius, stating that he has written to the prefects of Illyricum to respect the privileges of Old Rome (Bonifatius, *Ep.* 11)».



tle is a further element in the open and debated matter of the relations between Gratian and Theodosius<sup>92</sup>.

The text reveals that the council of Constantinople of 382, convened and sponsored by Theodosius, was conceived as a response to Ambrosius' epistle *Sanctum animum* and a ratification *in extenso* of the decisions taken by the council of Constantinople of 381 in the matter of church organization. Constantinople, a megalopolis comparable to Rome, held its own councils convened by the emperor with the assistance of the eastern bishops, who were equal in terms of orthodoxy. From a broad perspective, the synodal letter constitutes an example of the use of council canons and consensus as arguments to defend a situation of discord between the churches of the East and the West. Based on their orthodoxy, the authority of the norms and general consensus, the oriental bishops defended the legitimacy and canonicity of the elections for the sees of Constantinople and Antioch. A product of circumstances rather than the outcome of a debate whose main purpose would have been to redefine the hierarchy of churches in the East, the fact that the text mentions the sees in a peculiar order, drawing comparisons between them, confirms the prerogatives granted to Constantinople by virtue of Canon 3 of the council of Constantinople of 381.

The synodal letter is about authority and doctrine but also about remembering the struggle against the Arians. In this respect, the interpretation of the recent past is not quite the same in Rome as in Constantinople; that is, amongst the Nicene majority in the West, united and uniform against the Arian minority, and amongst oriental Nicenism, still challenged by a heretical majority<sup>93</sup>. The collective testimony of oriental bishops regarding Nicenism in the East after the legislative endeavour undertaken by Theodosius actually contributes to providing a sound background to Theodosian legislation from 380 to 382. The synodal epistle from the council of Constantinople to the council of Rome in 382 deserves to be singled out amongst sources dealing with Theodosius' early government and the relations between the East and the West, analysed and reviewed in a masterly way by Errington, Leppin and McLynn<sup>94</sup>, amongst others.

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<sup>92</sup> See Lizzi Testa 1996, 323-361, who denies the existence of any indication of orchestrated religious policy between Gratian and Theodosius; Duval 1981, 317-331 to whom the dual convening of the councils of Aquileia and Constantinople (381) would reflect the religious competition between both emperors. See also Errington 1996, 438-453; Sivan 1996, 198-211; Escribano Paño 2004, 133-166.

<sup>93</sup> See Simonetti 2017, 81-92.

<sup>94</sup> Errington 1997b, 398-443; Leppin 2003, 35-86; McLynn 2010, 215-239.

## BIBLIOGRAPHY

- Abramowski 1992 L. Abramowski, Was hat das Nicaeno-Constantinopolitanum (C) mit dem Konzil von Konstantinopel zu tun?, *Theologie und Philosophie* 67 (1992), 481-513.
- Ayres 2004 L. Ayres, *Nicaea and its Legacy: An Approach to Fourth-Century Trinitarian Theology*, Oxford 2004.
- Bevan 2011 G.A. Bevan, Theodoret of Cyrrihus and Syrian Episcopal Elections, in J. Leemans - P. Van Nuffelen - S.W.J.Keough - C. Nicolaye (eds.), *Episcopal Elections in Late Antiquity*, Berlin 2011, 61-87.
- Bihain 1962 E. Bihain, La source d'un texte de Socrate (H.E. II,38,2) relatif a Cyrille de Jérusalem, *Byzantion* 32 (1962), 81-91.
- Blaudeau 2009 Ph. Blaudeau, Constantinople, (IV<sup>e</sup>-VI<sup>e</sup> s.). Vers l'affirmation d'une cité chrétienne totale?, *SMSR* 75.1 (2009), 295-313.
- Blaudeau 2012 Ph. Blaudeau, Between Petrine Ideology and Realpolitik: The See of Constantinople in Roman Geo-Ecclesiology (449-536), in L. Grig - G. Kelly (eds.), *Two Romes: Rome and Constantinopolis in Late Antiquity*, Oxford 2012, 364-384.
- Clayton 2007 P.B. Clayton, *The Christology of Theodoret of Cyrrihus. Antiochene Christology from the Council of Ephesus (431) to the Council of Chalcedon*, Oxford 2007.
- Croke 2010 B. Croke, Reinventing Constantinople: Theodosius I's Imprint on the Imperial City, in S. McGill - C. Sogno - E. Watts (eds.), *From the Tetrarchs to the Theodosians, Later Roman History and Culture, 284-450 CE* (Yale Classical Studies 34), Cambridge 2010, 237-260.
- Dagron 1974 Gilbert Dagron. *Naissance d'une capitale: Constantinople et ses institutions de 330 à 451*, Paris 1974.
- De Mendieta Amand 1963 D. De Mendieta Amand, Basile de Césarée et Damase de Rome. Les causes de l'échec de leurs negotiations, in J. Nevilles Birdsall - R.W. Thomson (eds.), *Biblical and Patristic Studies in Memory of Robert Pierre Casey*, Freiburg 1963, 122-166.
- Destephen 2008 S. Destephen, L'idée de représentativité dans les conciles théodosiens, *AnTard* 16 (2008), 103-118.
- Destephen 2016 S. Destephen, La naissance de Constantinople et la fin des voyages impériaux (IV<sup>e</sup>-V<sup>e</sup> siècle), *AnTard* 24 (2016), 157-169.
- Dunn 2015 G.D. Dunn (ed.), *The Bishop of Rome in Late Antiquity*, Farnham 2015.

- Duppuy 1987 B. Duppuy, Les appels de l'Orient à Rome du concile de Nicée au concile de Chalcédoine, *Istina* 32 (1987), 361-377.
- Duval 1981 Y.M. Duval, La presentation arienne du concile d'Aquilée del 381, *RHE* 76 (1981), 317-331.
- Duval 2002 Y.M. Duval, La convocation du concile d'Aquilée de 381, in *I concili della cristianità occidentale. Secoli III-V* (Studia Ephemeridis Augustinianum 78), Roma 2002, 421-437.
- Dvornik 1964 F. Dvornik, *Byzance et la primauté romaine*, Paris 196.
- Errington 1996 R.M. Errington, The Accession of Theodosius I, *Klio* 78 (1996), 438-453.
- Errington 1997a R.M. Errington, Church and State in the First Years of Theodosius I, *Chiron* 27 (1997), 21-72.
- Errington 1997b R.M. Errington, Christian Accounts of the Religious Legislation of Theodosius I, *Klio* 79 (1997), 398-443.
- Errington 2006 R.M. Errington, *Roman Imperial Policy from Julian to Theodosius*, Chapel Hill, NC, 2006.
- Escribano Paño 2004 M.V. Escribano Paño, Graciano, Teodosio y el Ilírico: la constitutio Nullus haereticis (CTh. 16,5,6. 381), *RIDA* 51 (2004), 133-166.
- Escribano Paño 2009 M.V. Escribano Paño, The Social Exclusion of Heretics in Codex Theodosianus XVI, in J.J. Aubert - P. Blanchard (éds.), *Troisièmes Journées d'études sur le Code Théodosien. Droit, religion et société dans le Code Théodosien*, Genève 2009, 39-66.
- Escribano Paño 2019 M.V. Escribano Paño, In aliis locis uiuannt. Los loca de los heréticos en Codex Theodosianus XVI, *SMSR* 85.1 (2019), 22-42.
- Gautier 2002 F. Gautier, *La retraite et le sacerdoce chez Grégoire de Nazianze*, Turnhout 2002.
- Gautier 2005 F. Gautier, À propos du témoignage de Gregoire de Nazianze sur le concile de Constantinople (mai-juillet 381), aux vers 1750-1755 du *De vita sua*, *REAug* 51 (2005), 67-75.
- Gottlieb 1979 G. Gottlieb, Das Konzil von Aquileia, *AHC* 11 (1979), 287-306.
- Grig - Kelly 2012 L. Grig - G. Kelly, From Rome to Constantinople, in L. Grig - G. Kelly (eds.), *Two Romes: Rome and Constantinople in Late Antiquity*, Oxford - New York 2012, 3-30.
- Gryson 1980 R. Gryson, *Scolies ariennes sur le Concile d'Aquilée*, Paris 1980.
- Gwynn 2015 D.M. Gwynn, Christian Controversy and the Transformation of Fourth-Century Constantinople, in A. Busine (ed.), *Religious Practices and Christianization of the Late Antique City (4th-7th cent.)* (Religions in the Graeco-Roman World 182), Leiden - Boston 2015, 206-220.

- Hanson 1988 P.C. Hanson, *The Search for the Christian Doctrine of God. The Arian Controversy 318-381 A.D.*, Edinburgh 1988.
- Harries 1986 J. Harries, Sozomen and Eusebius: The Lawyer as Church Historian in the Fifth century, in C. Holdsworth - T.P. Wiseman (eds.), *The Inheritance of Historiography. 350-900* (Exeter Studies in History 12), Exeter 1986, 45-52.
- Hornung 2015 Cr. Hornung, Siricius and the Rise of the Papacy, in G.D. Dunn (ed.), *The Bishop of Rome in Late Antiquity*, Farnham 2015, 57-72.
- Hunt 2007 E.D. Hunt, Imperial Law or Councils of the Church?, Theodosius I and the Imposition of Doctrinal Uniformity, in K. Cooper - J. Gregory (eds.), *Discipline and Diversity*, Woodbridge 2007, 57-68.
- Inglebert 2015 H. Inglebert, Le discours de l'unité romaine au quatrième siècle, in R. Dijkstra - S. Van Poppel - D. Slootjes (eds.), *East and West in the Roman Empire of the Fourth Century: An End of Unity?* Leiden - Boston 2015, 9-25.
- Kelly 2003 G. Kelly, The New Rome and the old: Ammianus Marcellinus' silences on Constantinople, *Classical Quaterley* 53.2 (2003), 588-607.
- Lebon 1924 J. Lebon, La position de saint Cyrille de Jérusalem dans les luttes provoquées par l'arianisme, *RHE* 20 (1924), 181-210; 357-386.
- Le Boulluec 2015 A. Le Boulluec, L'hérésie d'après le Code Théodosien (XVI). L'aggravation d'un grief, in C. Brouwer G. Dye - A. Van Rompaey (éds.), *Hérésies. Une construction d'identités religieuses*, Bruxelles 2015, 15-26.
- Leemans - Van Nuffelen - Keough - Nicolay 2011 J. Leemans - P. Van Nuffelen - S.W. J. Keough - C. Nicolay (eds.), *Episcopal Elections in Late Antiquity*, Berlin 2011.
- Lenski 2002 N. Lenski, *Failure of Empire: Valens and the Roman State in the Fourth Century A.D.*, Berkeley - Los Angeles - London 2002.
- Lenstrup Dal Santo 2015 G. Lenstrup Dal Santo, *Concordia Apostolorum - Concordia Augustorum: Building a Corporate Image for The Theodosian Dynasty*, in R. Dijkstra - S. van Poppel - D. Slootjes, *East and West in the Roman Empire of the Fourth Century, An End of Unity?*, Leiden - Boston 2015, 99-120.
- Leppin 1996 H. Leppin, *Von Constantin dem Grossen zu Theodosius II. Das christliche Kaisertum bei den Kirchenhistorikern Sozrates, Sozomenus und Theodoret* (Hypomnemata 104), Göttingen 1996.
- Leppin 2003 H. Leppin, *Theodosius der Große*, Darmstadt 2003.

- Lizzi Testa 1996 R. Lizzi, La politica religiosa di Teodosio I. Miti storiografici e realtà storica, *Rendiconti della Classe di Scienze Morali, Storiche e Filologiche dell'Accademia dei Lincei* 9.7 (1996), 323-361.
- Lizzi Testa 2011 R. Lizzi Testa, Legislazione imperiale e reazione pagana. I limiti del conflitto, in P. Brown - R. Lizzi Testa (eds.), *Pagans and Christians in the Roman Empire: The Breaking of a Dialogue (IV<sup>th</sup> - VI<sup>th</sup> Century A.D.)*, Münster 2011, 467-491.
- Maier 1995 H.O. Maier, The Topography of Heresy and Dissent in Late Fourth-Century Rome, *Historia* 44 (1995), 231-249.
- Mansi 1759-1798 J.D. Mansi, *Sacrorum Conciliorum nova et amplissima collectio*, Firenze - Venezia 1759-1798 (reprint Graz 1960-1962).
- Martin - Bouffartigue - Pietri - Thelamon 2009 A. Martin - J. Bouffartigue - L. Pietri - F. Thelamon (eds.), Théodoret de Cyr, *Histoire ecclésiastique* (SC 530), tome II, livres III-V, Paris 2009.
- Matthews 1984 R.J.H. Matthews, A Commentary of Canon XXVIII of the Council of Chalcedon, *Prudentia* 16 (1984), 109-120.
- McLynn 1994 N. McLynn, *Ambrose of Milan: Church and Court in a Christian Capital*, Berkeley - Los Angeles 1994.
- McLynn 1997 N. McLynn, The voice of Conscience: Gregory Nazianzen in Retirement, in *Vescovi e pastori in epoca teodosiana* (Studia Ephemeridis Augustinianum 58), II, Roma 1997, 298-308.
- McLynn 2010 N. McLynn, Moments of Truth: Gregory Nazianzen and Theodosius I, in S. McGill - C. Sogno - E. Watts (eds.), *From the Tetrarchs to the Theodosians, Later Roman History and Culture, 284-450 CE* (Yale Classical Studies 34), Cambridge 2010, 215-239.
- McLynn 2012 N. McLynn, Two Romes, Beacons of the Whole World': Canonizing Constantinople, in L. Grig - G. Kelly (eds.), *Two Romes: Rome and Constantinople in Late Antiquity*, Oxford - New York 2012, 345-363.
- Metz 1965 E. Metz, L'intervention de Théodose au deuxième concile oecuménique (Constantinople, 381), in *Études d'histoire de droit canonique dédiées à G. Le Bras*, I, Paris 1965, 651-664.
- Millar 2006 F. Millar, *A Greek Roman Empire, Power and Belief under Theodosius II 408-450*, Berkeley 2006.
- Millar 2007 F. Millar, Theodoret of Cyrrhus: A Syrian in Greek Dress?, in H. Amirav - R.B. ter Haar Romeny (eds.), *From Rome to Constantinople: Studies in Honour of Averil Cameron*, Leuven 2007, 105-126.
- Noce - Dell'Osso - Ceccarelli Morolli 2006 C. Noce - C. Dell'Osso - D. Ceccarelli Morolli, I concili greci, in A. Di Berardino (eds.), *I canoni dei concili della Chiesa antica* (Studia Ephemeridis Augustinianum 95), I, Roma 2006.

- Norton 2007 P. Norton, *Episcopal Elections 250-600: Hierarchy and Popular Will in Late Antiquity*, Oxford 2007, 216-223.
- Ortiz de Urbina 1963 J. Ortiz de Urbina, *Nicée et Constantinopl*, Paris 1963.
- Pietri 1976 Ch. Pietri, *Roma Christiana. Recherches sur l'Église de Rome, son organisation, sa politique, son idéologie de Miltiade à Sixte III (311-440)* (Bibliothèque des Écoles françaises d'Athènes et de Rome 224), Roma 1976, 2 vols.
- Rapp 2005 C. Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition* (The Transformation of the Classical Heritage 37), Berkeley 2005.
- Ritter 1965 A.M. Ritter, *Das Konzil von Konstantinopel und sein Symbol. Studien zur Geschichte und Theologie des II Ökumenischen Konzils*, Göttingen 1965.
- Salway 2013 B. Salway, The Publication and Application of the Theodosian Code, NTh 1, the *Gesta senatus*, and the *constitutionarii*, *MEFRA* 125.2 (2013): *Codifications et réformes dans l'Empire tardif et les royaumes barbares*, 327-354.
- Schor 2010 A.M. Schor, *Theodore's People, Social Networks and Religious Conflict in Late Roman Syria*, Berkeley - Los Angeles, 2010.
- Simonetti 1975 M. Simonetti, *La crisi ariana del IV secolo* (Studia Ephemeridis Augustinianum 11) Roma 1975.
- Simonetti 2017 M. Simonetti, Conflitti di potere nella controversia ariana. Antiochia Alessandria Roma, in *Costellazioni geo-ecclesiali da Costantino a Giustiniano: dalle chiese 'principali' alle chiese patriarcali* (Studia Ephemeridis Augustinianum 149), Roma 2017, 81-92.
- Sivan 1996 H. Sivan, Was Theodosius I a Usurper?, *Klio* 78 (1996), 198-211.
- Snee 1997 R. Snee, Valens' Recall of the Nicene Exiles and Anti-Arian Propaganda, *GRBS* 26 (1985), 395-419.
- Urbaincznk 1997 T. Urbaincznk, *Socrates of Constantinople, Historian of Church and State*, Ann Arbor, MI, 1997, 169-176.
- Urbaincznk 1997 T. Urbaincznk, Observations on the Differences between the Church Histories of Socrates and Sozomen, *Historia* 46 (1997), 355-373.
- Urbaincznk, 2002 T. Urbaincznk, *Theodoret of Cyrrhus, The Bishop and the Holy Man*, Ann Arbor, MI, 2002.
- Vaggione 2000 R.P. Vaggione, *Eunomius of Cyzicus and the Nicene Revolution*, Oxford 2000.
- Van Dam 2003 R. Van Dam, *Families and Friends in Late Roman Cappadocia*, Philadelphia 2003.

- Van Nuffelen 2007 P. Van Nuffelen, The Rhetoric of Rules and the Rule of Consensus, in H. Amirav - R.B. ter Haar Romeny (eds.), *From Rome to Constantinople: Studies in Honour of Averil Cameron*, Leuven 2007, 243-258.
- Van Nuffelen 2010 P. Van Nuffelen, Episcopal Succession in Constantinople (381-450): The Local Dynamics of Power, *Journal of Early Christian Studies* 18 (2010), 425-451.
- Van Nuffelen 2012 P. Van Nuffelen, *Playing the Ritual Game in Constantinople (379-457)*, in L. Grig - G. Kelly (eds.), *Two Romes: Rome and Constantinople in Late Antiquity*, Oxford 2012, 183-200.
- Wallraff 1996 M. Wallraff, *Der Kirchenhistoriker Sokrates. Untersuchungen zu Geschichtsdarstellung, Methode und Person*, Diss. Theol., Heidelberg 1996.
- Williams 1995 D.H. Williams, *Ambrose of Milan and the End of the Arian-Nicene Conflicts*, Oxford 1995.
- Wipszycka 2011 E. Wipszycka, Les élections épiscopales en Égypte aux VI<sup>e</sup>-VII<sup>e</sup> siècles, in J. Leemans - P. Van Nuffelen - S.W.J. Keough - C. Nicolay (eds.), *Episcopal Elections in Late Antiquity*, Berlin 2011, 259-291.
- Zelzer 2002 M. Zelzer, Bemerkungen zum Konzil von Aquileia 381, in *I concili della cristianità occidentale. Secoli III-V* (Studia Ephemeridis Augustinianum 78), Roma 2002, 439-446.

