

*JUSTINIAN AND THE UNITY OF
FAITH AND EMPIRE*

The Continual Search for Compromise

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SYNOPSIS

The Byzantine Emperor Justinian has been praised for his major building programme, his codification of the law and his reconquest of Africa and Italy, while at the same time being criticized for the protracted campaigns involved in the reconquest and for his continual meddling in Church affairs. But since the time of Constantine the unity of Church and State had been a major developing theme in the Roman Empire, particularly in the East. As well as being heir to this development, Justinian inherited a schism between the East and the Papacy in the West, as well as doctrinal division within the East itself. For over forty-five years Justinian strove to find a doctrinal solution that would satisfy the various factions and would bind the Empire together for its Christian security and salvation. His major achievement was to work continually towards this by focussing on the elucidation and clarification of doctrine through the unremitting application of his consummate skill. His failure to achieve lasting unity was not a fault of his but was due to the intransigence of the competing factions that he sought to unify.

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INTRODUCTION

The history of Justinian and his negotiations with the Papacy in Rome and the Monophysites¹ in the East has been written many times, usually with the Emperor portrayed as dominating and uncompromising in his pursuit of orthodoxy for the Empire. However, a consideration of his doctrinal negotiations set against a closer reading of the chronology of other events of the period provides a much subtler picture of Justinian, his understanding of his role and his quest for unity of faith. Of fundamental importance in the sequence of events are the conversations held in Constantinople in 532 between the Chalcedonians and the Syrian Monophysites and the outcome negotiated by Justinian. Despite the ongoing dispute with the Monophysites, the concessions made by Justinian at this early meeting are remarkable and show, rather than the Emperor's intransigence, the extent to which he was willing to go to accommodate them. After this there was little more he could do apart from toiling ceaselessly until the moment of his death in an attempt to reconcile the Monophysites without risking renewed separation from Rome. To understand this it will be helpful to revisit some typical responses that have been made to the reign of Justinian and to retrace the decades prior to his accession to see the political and religious climate that he inherited. His supposed lapse into heresy just prior to his death will hopefully provide an

¹ 'Monophysites' is used throughout as a convenient label for the opponents of the Council of Chalcedon who confessed only one nature in Christ after the union. It is an anachronistic term in that it can only strictly be applied when a separate ecclesiastical hierarchy developed in the second half of the sixth century. Further, the definition is, in practice, far from being as simple as the statement implies. While the followers of both Severus and Julian are referred to under this term, the splits within the Monophysites were several, these two being the most important, particularly for the purpose of the present discussion. The followers of Severus were variously referred to as *diakrinomenoi* (hesitants) or *akephaloi* (headless, leaderless) by the supporters of Chalcedon (W. H. C. Frend, *The Rise of the Monophysite Movement: Chapters in the History of the Church in the Fifth and Sixth Centuries* (Cambridge: Cambridge University Press, 1972), xiii; A. A. Vasiliev, *Justin the First: An Introduction to the Epoch of Justinian the Great* (Cambridge, Mass.: Harvard University Press, 1950), 248), otherwise as Severans or Syrians, but they would call themselves Orthodox. The followers of Julian may be referred to as Julianists or Gaianists, after the Patriarch Gaianus of Alexandria.

'unorthodox' perspective from which to approach the thread of his doctrinal negotiations.

1. JUSTINIAN: THE FAMILIAR PICTURE

The Emperor Justinian is remembered for the wars with the Persians, Vandals and Goths – including what is usually referred to as the reconquest of Italy, an extensive programme of building construction and restoration – of which Hagia Sophia is the ultimate example – and the codification of Roman law; he is also usually accused of having closed the Academy at Athens.² He was extensively and intimately involved with the theological negotiations and synods and councils of the sixth century, in which connection his contribution has often been regarded unfavourably, particularly by historians: Edward Gibbon considers that Justinian, ‘between the Nestorian and Eutychian heresies, trod the narrow path of inflexible and intolerant orthodoxy’;³ J. B. Bury states that ‘a theologian on the throne is a public danger’⁴ and refers to Justinian’s surpassing religious bigotry;⁵ John Moorhead describes his involvement as ‘sinister’;⁶ W. H. C. Frend characterizes him as ‘the sinister and all-powerful monarch’;⁷ A. M. Honoré likens him to Stalin;⁸ Cyril Mango compares his regime to Nazi Germany.⁹ Justinian’s efforts to establish unity of

² Roger Scott, “Writing the Reign of Justinian: Malalas *versus* Theophanes,” in *The Sixth Century: End or Beginning?*, ed. Pauline Allen and Elizabeth Jeffreys (Brisbane: Australian Association for Byzantine Studies, 1996), 20. See also Agathias, *The Histories*, trans. Joseph D. Frendo (Berlin: de Gruyter, 1975), 2.30.3, 65; Malalas, *The Chronicle of John Malalas: A Translation*, trans. Elizabeth Jeffreys, Michael Jeffreys, and Roger Scott (Melbourne: Australian Association for Byzantine Studies, 1986), 18.46, 451; Henry Chadwick, *The Early Church* (London: Penguin, 1967), 208-9; Robert Browning, *Justinian and Theodora* (London: Weidenfeld and Nicolson, 1971), 99; John Moorhead, *Justinian* (London: Longman, 1994), 29.

³ Edward Gibbon, *The History of the Decline and Fall of the Roman Empire* (London: Folio Society, 1987), v. 5, 57.

⁴ J. B. Bury, *History of the Later Roman Empire* (1923; reprint, New York: Dover, 1958), v. 2, 27.

⁵ Bury, *Later Roman Empire*, v. 2, 361.

⁶ Moorhead, *Justinian*, 143.

⁷ Frend, *Monophysite Movement*, 255.

⁸ A. M. Honoré, “The Background to Justinian’s Codification,” *Tulane Law Review* 48 (1974), 869.

⁹ Cyril Mango, *Byzantium: The Empire of the New Rome* (London: Phoenix, 1994), 135.

Christian faith are described as having resulted in failure and division within the Church as a result of the affair of the Three Chapters in 546 and the subsequent Council of Constantinople in 553.¹⁰ We are told that the Empress Theodora carried out manoeuvres with the opposing Monophysite religious faction both behind her husband's back and under his very nose in the palaces of the Imperial capital¹¹ and, finally, the senile Emperor is supposed to have lapsed into heresy himself prior to his death in 565.¹² On the other hand, Asterios Gerostergios subtitles his book on Justinian *Emperor and Saint*¹³ and produces a work approaching hagiography.

Now the deeds done by Justinian were so many in number that all eternity would not be able to suffice for the account of them. But it will suffice for me to collect and mention some few examples from the whole number by which his whole character will be made clearly revealed to men of future generations also: that he was a dissembler and cared not either for God or for priests or for laws, nor for the populace, though in seeming it was favoured by him, nor, further, for any decency whatsoever nor for the advantage of the State or for any benefit that might accrue to it ...¹⁴

Procopius, with this description and others like it in his *Secret History*, provides the source for the oft-repeated depiction of Justinian as scheming, furthering his own position at the

¹⁰ Averil Cameron, *The Mediterranean World in Late Antiquity AD 395-600* (London: Routledge, 1993), 123.

¹¹ Bury, *Later Roman Empire*, v. 2, 31.

¹² Chadwick, *Early Church*, 206 n. 1 refers to Justinian's adoption of this belief as being in his senility. However, as will be discussed below, there is a range of differing opinions amongst scholars about the Emperor's late interest in Aphantodocetism.

¹³ Asterios Gerostergios, *Justinian the Great: The Emperor and Saint* (Belmont, Mass.: Institute for Byzantine and Modern Greek Studies, 1982).

¹⁴ *Secret History* xxvii.1-2, in Procopius, *Procopius*, trans. H. B. Dewing (London: Heinemann, 1940), v. 6, 319.

expense of others, spending restless nights roaming his palace and appearing in devilish guises in the small hours.¹⁵ He was, in addition, married to Theodora who had a somewhat colourful past, lacking the refinement one would normally expect of an emperor's consort. Procopius follows this passage with examples of Justinian's persecution of Jews and Samaritans, together with various schemes for lining his own pockets.¹⁶

For a contrasting view, consider this extract:

In our own age there has been born the Emperor Justinian, who, taking over the state when it was harassed by disorder, has not only made it greater in extent, but also much more illustrious ... And finding that the belief in God was, before his time, straying into errors and being forced to go in many directions, he completely destroyed all the paths leading to such errors, and brought it about that it stood on the firm foundation of a single faith. ... causing those who were in want to have a surfeit of wealth, and crushing the spiteful fortune that oppressed them, he wedded the whole state to a life of prosperity.¹⁷

Although this presents a totally opposite portrait of Justinian compared to the first passage, it is also written by Procopius – in his *Buildings*. Now, while it has been argued that the *Secret History* shows Procopius' true opinion – it was not published during his lifetime – elsewhere in his public writings Procopius does criticize Justinian but apparently without being censured by the Emperor.¹⁸ In *Wars* he writes:

¹⁵ *Secret History* viii.31-2, xii.20-23, in *Procopius*, v. 6, 101, 151-3.

¹⁶ *Secret History* xxvii.1-xxx.20, in *Procopius*, v. 6, 319-55.

¹⁷ *Buildings* I.i.6, 9, 10, in *Procopius*, v. 7, 5-7.

¹⁸ Glanville Downey, *Justinian and the Imperial Office* ([Cincinnati]: The University of Cincinnati, 1968), 9, observes that it was acceptable to criticize within the framework of panegyric; thus these writings should

for I consider it a sort of insane folly to investigate the nature of God, enquiring of what sort it is.¹⁹

A little later Procopius criticizes Justinian for being more concerned with theological and other matters than with the prosecution of the military campaign to recover Italy from the Goths.²⁰ What this serves to demonstrate is that it is not so simple as accepting *Wars* and *Buildings* as flattery and the *Secret History* as recording Procopius' true feelings.²¹ Many of the more sensational depictions of Justinian appear to be drawn from a reading of the *Secret History* without reference to other sources. The present examination consults a range of contemporary sources in order to gain a more rounded picture of the Emperor. Across these extremes of his reign – from the military achievements and the magnificent buildings to the so-called meddling in the Church and his supposedly heretical old age – is it possible to discern what may have been Justinian's actual intentions and the religious and political motivations behind his actions?

not be summarily dismissed as inordinate praise. See also Averil Cameron, *Procopius and the Sixth Century* (London: Routledge, 1996), 58.

¹⁹ *Wars* V.iii.7, in *Procopius*, v. 3, 25.

²⁰ *Wars* VII.xxxv.11, VII.xxxvi.6, in *Procopius*, v. 4, 461-3, v. 5, 5.

²¹ Downey, *Imperial Office*, 4, comments that many opinions about Justinian are made by people who have based their judgements on the account in the *Secret History* without having read Procopius' other works. For a discussion of Procopius' classicizing style of writing and his use of panegyric and invective see Cameron, *Procopius*, 58-60.

2. THE EMPEROR'S HERESY

In his senility the emperor Justinian came to adopt this opinion, labelled Aphthartodocetism. He died before he could enforce it.²²

Aphthartodocetism:²³ the belief – heretical as far as the supporters of both the Council of Chalcedon and also Severus of Antioch and his Monophysite followers were concerned – that Christ had a single, divine nature and that His body was incorruptible, not just after the Resurrection but from His birth.²⁴ Why would an emperor such as Justinian – who had ended the thirty-five years of the Acacian schism to re-establish communion with Rome and who has been regarded as an un-swerving supporter of the Council of Chalcedon²⁵ – accept an extreme form of Monophysite doctrine²⁶ and, further, attempt to impose it on the Church?²⁷ Indeed, is this an appropriate interpretation of the situation? It will be instructive to look more closely at this late action of Justinian's in order to see whether it was an aberration or whether it was more consistent with his policies regarding the Church, before examining the earlier years of

²² Chadwick, *Early Church*, 206 n. 1.

²³ The term 'Aphthartodocetism' is used here as a convenience only. It was applied to the followers of the doctrine of Julian of Halicarnassus by their opponents for not accepting that Christ's body underwent human suffering and was thus corruptible (*phthartos*) and therefore His passion and death were an appearance only (*docetism*); see John Meyendorff, *Imperial Unity and Christian Divisions: The Church 450-680 AD* (Crestwood: St. Vladimir's Seminary Press, 1989), 255 and Pauline Allen, "The Definition and Enforcement of Orthodoxy," in *Late Antiquity: Empire and Successors, AD 425-600* (*Cambridge Ancient History* v. 14), ed. Averil Cameron, Bryan Ward-Perkins and Michael Whitby (Cambridge: Cambridge University Press, 2000), 821. On the use of the term, see also Aloys Grillmeier, *Christ in Christian Tradition, v. 2 pt. 2: The Church of Constantinople in the Sixth Century*, trans. John Cawte and Pauline Allen (London: Mowbray, 1995), 466 n. 581.

²⁴ Meyendorff, *Imperial Unity*, 255; Grillmeier, *Christian Tradition*, 25.

²⁵ Frend, *Monophysite Movement*, 255.

²⁶ J. A. S. Evans, *The Empress Theodora: Partner of Justinian* (Austin: University of Texas Press, 2002), 80.

²⁷ Meyendorff, *Imperial Unity*, 245.

his reign and the political and religious situation that he inherited and consequently had to manage.

The historian Evagrius criticized Justinian for abandoning correct Apostolic doctrine and issuing an edict on the incorruptibility of the body of Christ.²⁸ However, Evagrius is pleased to record that the Emperor died before the edict could be published.²⁹ Theophanes, as Roger Scott has pointed out, views the seeming lapse into heresy with such distaste that he postpones the edict by up to a year when compared with Ernest Stein's dating so that it occurs just before the Emperor's death.³⁰ Like Evagrius, Theophanes breathes a nearly audible sigh of relief at the fortuitous timing of the death of the Emperor. But was this lapse a late 'caprice'³¹ of a formerly energetic but now possibly exhausted Emperor in his eighties, or was it something more?

Justinian has been understood by Adolf Harnack as having shown an interest in Aphantodocetism much earlier, combining it with the doctrines of Chalcedon.³² Harnack sees Severus' doctrine as actually teaching the division of Christ³³ and, while this

²⁸ Evagrius, *Ecclesiastical History*, (London: Bagster, 1846), IV.XXXIX, 241-2. The edict, which has not been preserved (see A. M. Honoré, *Tribonian* (London: Duckworth, 1978), 26 and Bury, *Later Roman Empire*, v. 2, 393), was, according to Ernst Stein, *Histoire du Bas-Empire*, (1928; reprint, Paris: De Brouwer, 1949), v. 2, 685-6, promulgated in late 564 or early 565, although this is disputed by P. Van den Ven, cited in Grillmeier, *Christian Tradition*, 470, who regards the document as a draft for discussion only and never promulgated. See also Pauline Allen, *Evagrius Scholasticus: The Church Historian* (Louvain: Spicilegium Sacrum Lovaniense, 1981), 204-5. Grillmeier, *Christian Tradition*, 466 refers to the heresy as 'allegedly confessed' in the 'reputed' edict.

²⁹ Evagrius, *EH*, IV.XLI, 244. See Allen, "Orthodoxy," 828.

³⁰ Theophanes, *The Chronicle of Theophanes Confessor: Byzantine and Near Eastern History AD 284-813*, trans. Cyril Mango and Roger Scott (Oxford: Clarendon Press, 1997), AM 6057, 354; Scott, "Malalas versus Theophanes," 32-3.

³¹ Grillmeier, *Christian Tradition*, 467.

³² Adolf Harnack, *History of Dogma*, (1900; reprint, New York: Dover, 1961), v. 4, 244.

³³ Harnack, *Dogma*, v. 4, 238 n. 1.

sounds completely antithetical, it can indeed be discerned in Severus' insistence on the single divine will in Christ at the same time as he insisted on Christ's essential humanity and His experience of the consequences of sin; on the other hand, for Julian of Halicarnassus, the leading proponent of Aphanthodocetism, it was the unity that was most important.³⁴ In Alexandria in the 520s a split had developed between the Monophysites who followed Severus and those who followed Julian. As will be discussed below, Justinian negotiated for many years with the Severans in an attempt to heal the division between them and the supporters of Chalcedon. The differences in belief between the Severans and the Chalcedonians were not as great as those between the Severans and the Julianists,³⁵ but the followers of Severus rejected the decisions of the Council of Constantinople in 553³⁶ and continued to develop their own separate ecclesiastical hierarchy.³⁷ By their refusal to accept anything less than the unreserved condemnation of the Council of Chalcedon,³⁸ regardless of the doctrinal and other concessions made to them by Justinian, the Severans had finally removed themselves from any further offer of reconciliation by the Emperor. They gradually withdrew beyond the circles of the Empire, taking their Syriac and Coptic liturgies to Armenia, Persia, Nubia and Ethiopia.³⁹ But by the 560s the Julianists were again a substantial group and it seems Justinian once more saw an opportunity for religious unity. It was suggested to Justinian by the bishop of Joppe that the Julianists might be willing to

³⁴ Allen, "Orthodoxy," 821; Meyendorff, *Imperial Unity*, 255; Evans, *Theodora*, 80. Evans describes Aphanthodocetism as carrying 'Monophysite theology to its logical conclusion': see 126 n. 55.

³⁵ Evans, *Theodora*, 80. See also Theophanes, *Chronicle*, AM 6033, 321 and n. 5.

³⁶ Grillmeier, *Christian Tradition*, 468; Frend, *Monophysite Movement*, 280.

³⁷ Frend, *Monophysite Movement*, 283, 287.

³⁸ Frend, *Monophysite Movement*, 280.

³⁹ Frend, *Monophysite Movement*, 295, 296-315.

accept reconciliation and, further, that this would be possible because the Church had never expressly condemned their doctrine.⁴⁰ For Justinian, such reconciliation would also mean salvation was extended to more of his subjects.⁴¹ So, rather than a senile lapse into heresy, the proposed edict may well have been a further effort towards achieving religious unity.⁴² Stein adopts this position, arguing that Justinian always meant to uphold the four Oecumenical Councils.⁴³ F. Carcione takes the argument in a slightly different direction and suggests that the discussions with the Julianists have been misunderstood when they have been taken to mean that Justinian personally adopted the teaching.⁴⁴ The evidence is far from conclusive either way.⁴⁵

It has been suggested by some that, even more than a late attempt at compromise, Justinian did actually accept Aphthartodocetism as his personal belief.⁴⁶ Others, however, consider that although we cannot be certain, it is more likely that Justinian's action was aimed solely at unity with the Julianists, whereas he himself had always

⁴⁰ Stein, *Bas-Empire*, v. 2, 685; Grillmeier, *Christian Tradition*, 468-9.

⁴¹ Stein, *Bas-Empire*, v. 2, 686.

⁴² John W. Barker, *Justinian and the Later Roman Empire* (Madison: University of Wisconsin Press, 1966), 189-90; Cameron, *Mediterranean World*, 124. Meyendorff, *Imperial Unity*, 245-6, however, discerns no political motive at all, considering Justinian's action to be 'obviously quite misguided'.

⁴³ Stein, *Bas-Empire*, v. 2, 686.

⁴⁴ Grillmeier, *Christian Tradition*, 471.

⁴⁵ Grillmeier, *Christian Tradition*, 468.

⁴⁶ See for example, Frend, *Monophysite Movement*, 255, who states categorically that Justinian adopted Aphthartodocetism; also Meyendorff, *Imperial Unity*, 256, Evans, *Theodora*, 24 and Harnack, *Dogma*, v. 4, 251, consider Justinian adopted this out of genuine conviction. Moorhead, *Justinian*, 173, agrees but finds it remarkable that Justinian should lapse into heresy. Bury, *Later Roman Empire*, v. 2, 393 agrees that 'This change of opinion is generally considered an aberration due to senility' but considers Harnack likely to be correct in accepting it as the Emperor's personal conviction.

confessed two natures of Christ.⁴⁷ Indeed, throughout his reign Justinian had shown strong and competent interest not just in the political aspects of unity of faith but also in the intricacies of doctrine itself, proving himself the equal, if not the better, of contemporary theologians.⁴⁸ (It is hard to imagine that someone who had examined doctrinal matters so closely for so long would not have considered his own personal beliefs, whatever his actual preference may have finally been.) To gain an appreciation of how Justinian came to this situation at the end of his life it is useful to understand how it fits into the context of the doctrinal negotiations with the Monophysites that occupied him throughout his long reign.

⁴⁷ Grillmeier, *Christian Tradition*, 467, 472. In support of this Grillmeier quotes from the *Doctrina Patrum* of 462: *'incarnatio duas substantias sive naturas in unam subsistentiam univit'*; 467 n. 586.

⁴⁸ See comments by Grillmeier, *Christian Tradition*, 359, 428, 438, 461-2; Frend, *Monophysite Movement*, xi.

3. THE HISTORICAL BACKGROUND: A LEGACY FOR JUSTINIAN

When the Emperor Justin ascended the Imperial throne in 518 on the death of Anastasius, the Church in Constantinople had been in schism with Rome since 484 – the Acacian Schism. The roots of this schism go back to the Council of Chalcedon of 451. Largely through the efforts of Justinian – Justin’s nephew – the schism was healed following negotiations with Pope Hormisdas in Rome. However, far from bringing unity of faith to the Empire, this healing was merely the next stage in a continuing saga of Christian discord not just between East and West but also within the East itself.⁴⁹ A summary of the events of the preceding ninety years will give an indication of the immensely complicated political and religious situation that Justinian inherited, as well as providing a context for the investigation that follows.

The Emperor Theodosius II summoned a Council to be held at Ephesus in 431, mainly to settle the Christological dispute between Cyril of Alexandria and his ‘one *hypostasis*’ interpretation of the Incarnation and Nestorius, Patriarch of Constantinople and his ‘two nature’ Christology and denial of Mary as *Theotokos*.⁵⁰ However, the theological issues were already freighted with political undertones. Cyril failed to gain the support of the Emperor against Nestorius as Theodosius’ opinion was influenced by his wife, Eudokia, who favoured Nestorius, rather than by his sister, Pulcheria, who did not.⁵¹ On the other

⁴⁹ A. D. Lee, “The Eastern Empire: Theodosius to Anastasius,” in *Late Antiquity: Empire and Successors, AD 425-600* (Cambridge Ancient History v. 14), ed. Averil Cameron, Bryan Ward-Perkins, and Michael Whitby (Cambridge: Cambridge University Press, 2000), 61.

⁵⁰ *Malalas*, 14.25, 365; Theophanes, *Chronicle*, AM 5924-5, 139-42; *Chronicon Paschale*, trans. Michael Whitby and Mary Whitby (Liverpool: Liverpool University Press, 1989), 581, 71. See also Allen, “Orthodoxy,” 811-2; Kenneth P. Wesche, *On the Person of Christ: The Christology of Emperor Justinian* (Crestwood: St. Vladimir’s Seminary Press, 1991), 15-6.

⁵¹ Allen, “Orthodoxy,” 814; Chadwick, *Early Church*, 196.

hand, Cyril was able to gain the support of Pope Celestine in Rome as the Pope was angered by Nestorius who had received some Pelagian heretics in the capital.⁵² Cyril had a history of intolerance, rough dealing with any opposition and a dislike for the ranking of the Patriarch of Constantinople relative to Alexandria,⁵³ all of which played a part in his campaign.⁵⁴

The outcome of the Council of Ephesus was a forced compromise between Nestorius and Cyril.⁵⁵ Challenges from the developing Monophysite cause, led by Eutyches and Dioscorus following the death of Cyril, resulted in further discord and subsequently a second Council at Ephesus was held in 449.⁵⁶ Pope Leo wrote his *Tome*⁵⁷ for this Council, attacking Eutyches and the Monophysite interpretation and seemingly supporting Nestorius.⁵⁸ In the event the *Tome* was not presented at the Council: Dioscorus dominated the Council, accepting the doctrines of Eutyches and condemning those of Theodoret of Cyrus,⁵⁹ Ibas of Edessa and the Nestorians.⁶⁰ Leo was so annoyed that he referred to the Council as *latrocinium* – a den of thieves – and so the Second

⁵² Frend, *Monophysite Movement*, 17; Chadwick, *Early Church*, 196.

⁵³ Frend, *Monophysite Movement*, 15; Harnack, *Dogma*, v. 4, 191-2.

⁵⁴ Frend, *Monophysite Movement*, 16-6, 20; Chadwick, *Early Church*, 194-5. See also Theodore Vrettos, *Alexandria: City of the Western Mind* (New York: Free Press, 2001), 204-7, for a description of Cyril in action.

⁵⁵ Allen, “Orthodoxy,” 812; Chadwick, *Early Church*, 199-200.

⁵⁶ Theophanes, *Chronicle*, AM 5941, 156-7; *CP*, 587, 76-7. See also Frend, *Monophysite Movement*, 36; Allen, “Orthodoxy,” 813; Chadwick, *Early Church*, 201.

⁵⁷ The *Tome* is Leo’s *Epistula* 28, written to Flavian, Patriarch of Constantinople. For the full text and an English translation see Norman P. Tanner, ed., *Decrees of the Ecumenical Councils, v. 1: Nicaea I to Lateran V* (London: Sheed & Ward, 1990), 77-82.

⁵⁸ Frend, *Monophysite Movement*, 38; Allen, “Orthodoxy,” 813; Chadwick, *Early Church*, 202.

⁵⁹ Marcellinus Comes, *The Chronicle of Marcellinus: A Translation and Commentary*, trans. Brian Croke (Sydney: Australian Association for Byzantine Studies, 1995), 466, 24.

Council of Ephesus became known as the ‘Robber Council’⁶¹ and is not listed among the recognized oecumenical councils. The Monophysites felt secure in their victory but were rapidly undermined. Leo was outraged at the disregard shown towards Rome and at the ignoring of his *Tome*.⁶² He was also supported by Pulcheria, now in power together with her husband Marcian, the new Emperor from 450.⁶³ Further, the Patriarch of Constantinople, Anatolius, once again was affirming the decision of the Council of Constantinople of 381 regarding the capital’s ranking as second see after Rome.⁶⁴ From this period there is a noticeable increase in the frequency of synods and councils as the doctrinal issues become more closely argued and the positions of the opposing parties and factions solidify: Leo insisted to the Emperor Theodosius II that a new council should be convened and in a little over two years the Fourth Oecumenical Council was held at Chalcedon in 451 in an attempt to resolve the situation.⁶⁵

The decisions made at Chalcedon were to become fundamental to the issues with which Justinian would have to deal in the following century. Most of the decisions of the Second Council of Ephesus of 449 were overturned: Theodoret and Ibas were reinstated, Nestorius and Dioscorus were condemned and the *Tome* of the Pope was accepted as

⁶⁰ Theophanes, *Chronicle*, AM 5941, 156-7. See also Cameron, *Mediterranean World*, 66; Chadwick, *Early Church*, 202; Allen, “Orthodoxy,” 813-4; Barker, *Justinian*, 50.

⁶¹ Theophanes, *Chronicle*, AM 5941, 156, 158 n. 1. See Bury, *Later Roman Empire*, v. 1, 356; Chadwick, *Early Church*, 202.

⁶² Chadwick, *Early Church*, 202.

⁶³ Allen, “Orthodoxy,” 814; Cameron, *Mediterranean World*, 66.

⁶⁴ Chadwick, *Early Church*, 151, 203.

⁶⁵ *Malalas*, 14.30, 367; *The Book of the Popes (Liber Pontificalis) I: To the Pontificate of Gregory I*, trans. Louise Ropes Loomis (New York: Columbia University Press, 1916), 98; Marcellinus Comes, *Chronicle*, 451, 20; Theophanes, *Chronicle*, AM 5944, 163; see “Letter of Valentinian III and Marcian on Convocation of the Chalcedon Council, 451” in Paul R. Coleman-Norton, *Roman State & Christian Church: A Collection of Legal Documents to AD 535* (London: S.P.C.K., 1966), v. 2, 771-2.

orthodox.⁶⁶ The main items of the Chalcedon definition were drawn from various sources and, because of the repercussions that were to stem from this Council, are worth noting. Christ was declared to be both God and man, in two natures that were neither confused nor separated but maintained intact after the union in a single *prosopon* and a single *hypostasis*.⁶⁷ It was this last item that came to cause most dissension and attempts to establish a formulary to which all parties could were to result instead in continued separation.⁶⁸ The Romans tended towards the Nestorian definition and so condemned the Cyrillan and Monophysite definitions of ‘one nature after the union’ and ‘out of two natures.’⁶⁹ The Council condemned both Eutyches and Nestorius as extreme and accepted much of Cyril’s argument.⁷⁰ Further, Constantinople’s ranking among the patriarchates was affirmed.⁷¹

Despite the acceptance of many of the arguments of Cyril at Chalcedon, the Monophysites were not content with the definition of Christ as ‘in two natures’.⁷² An attempt at conciliation was made in 482 when Acacius, the Patriarch of Constantinople under the Emperor Zeno, developed the *Henotikon*.⁷³ This pragmatic formula, aimed at

⁶⁶ *Liber Pontificalis*, 99. See Allen, “Orthodoxy,” 814.

⁶⁷ *Liber Pontificalis*, 98. See John Meyendorff, “Justinian, the Empire and the Church,” *Dumbarton Oaks Papers* 22 (1968), 53; Allen, “Orthodoxy,” 814; Frend, *Monophysite Movement*, 47; Chadwick, *Early Church*, 204.

⁶⁸ Sebastian Brock, “The Orthodox-Oriental Orthodox Conversations of 532,” *Apostolos Varnavas* 41 (1980), 219; Evans, *Theodora*, 7; Wesche, *Person of Christ*, 19-20.

⁶⁹ “Council of Chalcedon – 451: Definition of the faith” in Tanner, *Decrees*, 86-7, ll. 14 ff. See Meyendorff, *Imperial Unity*, 168 ff; Moorhead, *Justinian*, 121-2.

⁷⁰ Cameron, *Mediterranean World*, 66.

⁷¹ Allen, “Orthodoxy,” 814; Chadwick, *Early Church*, 204-5.

⁷² Cameron, *Mediterranean World*, 66.

⁷³ Theophanes, *Chronicle*, AM 5976, 200. See Allen, “Orthodoxy,” 817-8; Lee, “Eastern Empire,” 51; Moorhead, *Justinian*, 12; Frend, *Monophysite Movement*, 177. The text, in varying versions, is preserved in

satisfying both Chalcedonians and Monophysites while glossing over the specifics of the differences between their doctrines, maintained the condemnation of both Nestorius and Eutyches while accepting much of Cyril.⁷⁴ However, it excluded any discussion of the number of natures in Christ and merely declared the incarnation of one of the Trinity.⁷⁵ Rome refused to accept the document and any communion with the Monophysites and eventually in 484 excommunicated Acacius and Zeno – the Acacian Schism had begun.⁷⁶ From the point of view of the Emperor and his Patriarch, however, it was politically more important to maintain the support of Egypt and Syria.⁷⁷ The less moderate Monophysites, though, were not satisfied with the *Henotikon* because it did not explicitly condemn the Council of Chalcedon.⁷⁸ Several themes can be seen to be developing here: the Papacy is becoming more and more intransigent in its stance on doctrine and its relationship with the Emperor in Constantinople, the Monophysites are separating into both moderate and more extreme camps, the latter being less given to compromise and, in Constantinople, the emperors (regardless of their personal religious leanings, as will be shown) are the ones who are in the increasingly unenviable position of seeking compromise while taking into consideration both religious differences and political necessities for the sake of the Empire. The emperor, not the Church, is developing

Zachariah of Mitylene, *The Syriac Chronicle known as that of Zachariah of Mitylene*, trans. F. J. Hamilton and E. W. Brooks (London: Methuen, 1899), III.VIII, 121-3 (incomplete text); Evagrius, *EH*, III.XIV, 136-9; Coleman-Norton, *State and Church*, v. 3, 924-33.

⁷⁴ Frend, *Monophysite Movement*, 178; Honoré, *Tribonian*, 3; Barker, *Justinian*, 54.

⁷⁵ Lee, "Eastern Empire," 51; Chadwick, *Early Church*, 205-6.

⁷⁶ *Liber Pontificalis*, 106-9; Theophanes, *Chronicle*, AM 5980, 204. See Frend, *Monophysite Movement*, 182-3; Allen, "Orthodoxy," 818; Lee, "Eastern Empire," 52; Vasiliev, *Justin*, 132.

⁷⁷ Frend, *Monophysite Movement*, 178; Harnack, *Dogma*, v. 4, 226-7; Evans, *Theodora*, 7; Chadwick, *Early Church*, 206.

⁷⁸ Frend, *Monophysite Movement*, 180; Lee, "Eastern Empire," 52; Chadwick, *Early Church*, 206.

religious policy: instead of correct belief being decided by synods and oecumenical councils, correct belief is established by Imperial decree.

When Zeno was succeeded by Anastasius in 491, the new Emperor continued the policy of aiming for religious peace without risking political disunity in the East,⁷⁹ while Rome – and Alexandria – moved further away from any ideas of compromise with Constantinople, instead seeking to increase their own power and position. As well as the threats to unity of cultural and religious differences in the East, there was the danger of the Persians.⁸⁰ While it has been thought that Anastasius was personally inclined towards Monophysitism, this assessment has been made from official records so is more indicative of his political policies: the separation between the personal and the political is not clear.⁸¹ What does seem to be clear is that the Emperor was more concerned to stabilize the situation in the East than to restore communion with Rome⁸² and that it was the religious problem, not his personal beliefs, that informed his policies.⁸³ Peter Charanis discerns nationalism behind the religious differences of the period, going back to the disputes of the preceding century as well.⁸⁴ The Monophysites felt cheated by

⁷⁹ Allen, “Orthodoxy,” 818; Peter Charanis, *Church and State in the Later Roman Empire: The Religious Policy of Anastasius the First, 491-518* (Madison: University of Wisconsin Press, 1939), 19.

⁸⁰ Charanis, *Church and State*, 31.

⁸¹ Evelyne Patlagean, “The Empire in its Glory: Mid-fifth to Mid-seventh Centuries,” in *The Cambridge Illustrated History of the Middle Ages: I 350-950*, ed. Robert Fossier (Cambridge: Cambridge University Press, 1989), 153; Charanis, *Church and State*, 11 and n. 13; Barker, *Justinian*, 60. Lee, “Eastern Empire,” 53 suggests Anastasius was heterodox. Honoré, *Tribonian*, 3, describes Anastasius as ‘inclined strongly to a Monophysite position’.

⁸² Frend, *Monophysite Movement*, 220; Lee, “Eastern Empire,” 56; Charanis, *Church and State*, preface.

⁸³ Charanis, *Church and State*, 13.

⁸⁴ Charanis, *Church and State*, preface. A. H. M. Jones, “Were Ancient Heresies National or Social Movements in Disguise?,” *Journal of Theological Studies* 10, no. 2 (1959), however, disagrees with this. See also the notes in Peter Brown, *The World of Late Antiquity: From Marcus Aurelius to Muhammad* (London: Thames and Hudson, 1971), 212.

Chalcedon as most of the bishops from the East supported Dioscorus, so their position moved further from the Orthodox in the capital.⁸⁵ The result was that any move Anastasius made to accommodate the Syrians led to anger in Constantinople; hence the Emperor enlisted the popular Severus as an ally.⁸⁶ This indication of favour from the Emperor would, of course, have pleased the Monophysites as they would now see themselves having support at the highest level and thus their position following Chalcedon being to a large extent redressed. Severus even expressed his support for the concept of the power of the State over the Church.⁸⁷ However, rather than being satisfied with this support, Severus now ignored the *Henotikon* as an instrument of compromise and sought even more strongly the total condemnation of Chalcedon:⁸⁸ he reasoned that

What has thrown the churches into confusion down to the present day is this, the fact that those who are in power halt between the two sides, and wish always to please both sides.⁸⁹

The situation in Rome was quite the opposite.⁹⁰ Following Leo's victory at Chalcedon, the Papacy became more arrogant and uncompromising in its efforts to increase its own power and maintain its ranking as first among the patriarchates, particularly in relation to

⁸⁵ Charanis, *Church and State*, 8.

⁸⁶ Frend, *Monophysite Movement*, 216-7; Lee, "Eastern Empire," 56; Allen, "Orthodoxy," 819; Charanis, *Church and State*, 31-3.

⁸⁷ Severus, *The Sixth Book of the Select Letters of Severus, Patriarch of Antioch, in the Syriac version of Athanasius of Nisibis*, trans. E. W. Brooks (London: Williams & Norgate, 1902-4), I.46, v. 2, 126.

⁸⁸ Frend, *Monophysite Movement*, 222.

⁸⁹ Severus, "A Collection of Letters of Severus of Antioch from Numerous Syriac Manuscripts," trans. E. W. Brooks, *Patrologia Orientalis* 12.2 (1915), Letter XXXVII.

⁹⁰ Lee, "Eastern Empire," 61.

the upstart Constantinople, re-confirmed as second after Rome at Chalcedon.⁹¹ Chalcedon, of course, had been called and held in the East: Rome saw this as a further threat to its claim of Apostolic supremacy and so held to this claim with increasing tenacity.⁹² To counter this, Rome and Leo's *Tome* had been central to the outcome of Chalcedon; hence Rome saw its theological power strengthened.⁹³ Despite an almost total lack of understanding of the East, Leo continued to interfere in affairs beyond his jurisdiction.⁹⁴ Unlike in the East, where the role of the Church had increased as it developed side by side with the State, in Rome the role of the Church had developed in the *absence* of a Western emperor and the Papacy had long regarded itself as the sole power, the successor to the Senate⁹⁵ and sharing power with no-one.⁹⁶ Pope Gelasius set this out in 494 in his letter to Anastasius, firmly stating his view of the superiority of the Church over the State in all matters of religion and salvation.⁹⁷ No response by Anastasius survives, which may well indicate the Emperor's greater concern for the situation in the East.⁹⁸

⁹¹ Frend, *Monophysite Movement*, 25, 101; Harnack, *Dogma*, v. 4, 191; Judith Herrin, *The Formation of Christendom* (Princeton: Princeton University Press, 1987), 103.

⁹² Francis Dvornik, *Early Christian and Byzantine Political Philosophy: Origins and Background* (Washington: Dumbarton Oaks, 1966), 829.

⁹³ Herrin, *Formation*, 103.

⁹⁴ Frend, *Monophysite Movement*, 130-1, 164.

⁹⁵ Brown, *World of Late Antiquity*, 134; Herrin, *Formation*, 103.

⁹⁶ Browning, *Justinian and Theodora*, 219.

⁹⁷ Gelasius, "Pope Gelasius I on Royal and Priestly Power," in *Medieval Europe: A Short Sourcebook*, ed. C. Warren Hollister (New York: Knopf, 1975), 40. Compare this attitude with that in the East, where there was no such doctrine of separation: see Frend, *Monophysite Movement*, 60. Rome's attitude goes back to Hosius and Constantius II in 355: see Frend, *Monophysite Movement*, 196. See also Herrin, *Formation*, 104.

⁹⁸ Charanis, *Church and State*, 23.

Both Rome and the Monophysites continued to distance themselves further from the capital. While Gelasius remained adamant in his stance against Acacius,⁹⁹ a synod at Sidon in 511 showed Severus moving away from his previous position of accommodation with the Emperor.¹⁰⁰ At the synod the *Henotikon* was reaffirmed but, when some moderate Monophysites expressed their continued adherence to Zeno's document, Severus was embarrassed, his position undermined: he wanted nothing less than absolute refutation of Chalcedon and Leo's *Tome*.¹⁰¹ Rome, of course, wanted total acceptance of Chalcedon and the *Tome* and under Pope Hormisdas (514-523) the Papacy continued its refusal to accept the *Henotikon* or any other form of compromise. A group of Roman senators led by Festus had been inclined to accept the *Henotikon* in an effort to end the Acacian Schism, but by 516 the group had faded and Hormisdas had control of the Senate.¹⁰² Hormisdas had little interest in Anastasius' efforts to secure unity: he was more interested in the increase of the power and position of Rome and expected Anastasius to use force if necessary to compel the East to submit to Rome's demands, in the form of his *Libellus*.¹⁰³ The Pope even sought to sow dissension in the Balkans, Palestine and Syria Secunda.¹⁰⁴ By 517 Anastasius lost any remaining patience with the Pope and communicated with him no more.¹⁰⁵

⁹⁹ Barker, *Justinian*, 58; Frend, *Monophysite Movement*, 193-5.

¹⁰⁰ Frend, *Monophysite Movement*, 219.

¹⁰¹ Charanis, *Church and State*, 35, 45.

¹⁰² *Liber Pontificalis*, 118-9. See Charanis, *Church and State*, 67.

¹⁰³ The text is preserved in J. P. Migne, ed., *Patrologiae Cursus Completus: Series Latina* (Paris: 1841-90), v. 63, col. 393-4. See Vasiliev, *Justin*, 167-8.

¹⁰⁴ Charanis, *Church and State*, 74-6.

¹⁰⁵ *Liber Pontificalis*, 125-7. See Frend, *Monophysite Movement*, 233; Charanis, *Church and State*, 76.

This, then, was the situation when Justin succeeded Anastasius in 518, accompanied to the palace by his nephew Justinian. Following negotiations with Rome, in March 519 the *Libellus* of Hormisdas was signed by John, Patriarch of Constantinople, thus accepting the Council of Chalcedon and ending the thirty-five years of the Acacian Schism.¹⁰⁶ All the efforts of Zeno and Anastasius towards compromise with the Monophysites of the East and unity for the Empire were thus undone by a single signature. Why?

¹⁰⁶ *Liber Pontificalis*, 129; Theophanes, *Chronicle*, AM 6011, 250. See Allen, "Orthodoxy," 820; Charanis, *Church and State*, 76-7; Dvornik, *Political Philosophy*, 815. The relevant letters between Justin, Justinian and Hormisdas from the *Collectio Avellana* are in *PL*, v. 63, col. 427-31, 433, 435-7, 448-9. For English translations see documents 549, 550 and 554 in Coleman-Norton, *State and Church*, v. 3, 964-8, 973-5.

4. JUSTINIAN AND ROME

The reasons for the policies of Justin and Justinian towards Rome have been variously understood: pro-Chalcedonian Imperial policy and the primary desire of reunion with Rome;¹⁰⁷ the new Emperor and his nephew coming from Illyricum¹⁰⁸ – a Latin-speaking province with greater affinity with Rome;¹⁰⁹ a step in Justinian's planned reconquest of the West.¹¹⁰ Certainly, there was now a pro-Chalcedonian Imperial policy but, as will be discussed below, this was not to be to the exclusion of the Monophysites. Justinian – who appears to have undertaken the negotiations with Rome¹¹¹ – would have seen the possibility of healing the Schism and reuniting the eastern and western parts of the Empire in communion, a major feat. It should then be possible to negotiate reconciliation with the Monophysites; this, however, was not to prove so easy. The Monophysites had become used to Imperial acceptance for thirty-five years under Zeno and Anastasius and had consolidated their position accordingly; hence their anger and, as will be shown, their refusal to negotiate to re-establish a role that they had come to regard as theirs, particularly when led by such a powerful theologian as Severus of Antioch.

Justinian was the inheritor of Roman political theory going back to the time of Augustus, when one man ruled (theoretically) as *princeps* – first among the citizens – wielding the

¹⁰⁷ Meyendorff, "Empire and Church," 47-8; Vasiliev, *Justin*, 76, 161.

¹⁰⁸ Vasiliev, *Justin*, 5, 49.

¹⁰⁹ Evans, *Theodora*, 108.

¹¹⁰ Vasiliev, *Justin*, 327; Meyendorff, *Imperial Unity*, 208.

¹¹¹ Vasiliev, *Justin*, 177; Allen, "Orthodoxy," 820; Bury, *Later Roman Empire*, v. 2, 20-1.

power but also carrying the responsibility for the well-being of his subjects.¹¹² Following the conversion of Constantine, Eusebius set down the requirements of Christian political theory: the emperor was God's vice-regent on Earth, acting as maintainer of the Law and shepherd of His people, responsible for their well-being in this life and their salvation for the next.¹¹³ This vision of unity of Church, Empire and Law obtained general acceptance.¹¹⁴ Further, as God had selected the emperor to rule, any failure or defeat on the part of the emperor is indicative of his failure or sin in the sight of God.¹¹⁵ In Justinian's own time, an example of the 'Mirror for Princes' genre was set down by Agapetus and addressed to the Emperor;¹¹⁶ if not actually composed at Justinian's specific request it was nevertheless composed soon after the commencement of his reign.¹¹⁷

It was considered that the coincidence of the time of Christ with the rule of Augustus showed God's intention that the Roman Empire was to be co-terminous with the

¹¹² *Nov.* 132, preface, in *Corpus Juris Civilis*, trans. S. P. Scott (New York: AMS, 1973), v. 17, 132. See Glanville Downey, *Constantinople: In the Age of Justinian* (Norman: University of Oklahoma Press, 1960), 44-5.

¹¹³ Barker, *Justinian*, 96-7; Downey, *Constantinople*, 47; Browning, *Justinian and Theodora*, 20, 219; Percy Neville Ure, *Justinian and His Age* (Harmondsworth: Penguin, 1951), 126; Moorhead, *Justinian*, 118; Cameron, *Mediterranean World*, 67; R. A. Markus, "Carthage - Prima Justiniana - Ravenna: An Aspect of Justinian's *Kirchenpolitik*," *Byzantion* 49 (1979), 277.

¹¹⁴ Meyendorff, "Empire and Church," 50; Ure, *Justinian*, 121; Frend, *Monophysite Movement*, ix; Paul Lemerle, *Byzantine Humanism: The First Phase*, trans. Helen Lindsay and Ann Moffatt (Canberra: Australian Association for Byzantine Studies, 1986), 74; Jones, "Ancient Heresies," 296; Herrin, *Formation*, 116.

¹¹⁵ Browning, *Justinian and Theodora*, 20; Michael Maas, "Roman History and Christian Ideology in Justinianic Reform Legislation," *Dumbarton Oaks Papers* 40 (1986), 25.

¹¹⁶ Agapetus, "An Exposition of Heads of Advice and Counsel," in *Social and Political Thought in Byzantium from Justinian I to the Last Palaeologos: Passages from Byzantine Writers and Documents*, ed. E. Barker (Oxford: Clarendon Press, 1957).

¹¹⁷ Barker, *Justinian*, 97 n. 3; Downey, *Constantinople*, 49; Downey, *Imperial Office*, 13-6.

Christian world;¹¹⁸ hence it was the emperor's duty to maintain unity of faith and unity of Empire for the survival of both.¹¹⁹ In the fourth century the Emperor Theodosius the Great had taken the step of making non-orthodox doctrine a criminal offence¹²⁰ and Justinian took his role as *basileus* more seriously, thoroughly and consistently than previous rulers.¹²¹ Even the publication of the *Codex Justinianus* was to show that he had God's support in his endeavours.¹²² Justinian set out his own view of the relationship between Church and State in 535 in the preamble to *Novella* 6:

The priesthood and the Empire are the two greatest gifts which God, in His infinite clemency, has bestowed upon mortals; the former has reference to divine matters, the latter presides over and directs human affairs, and both, proceeding from the same principle, adorn the life of mankind; hence nothing should be such a source of care to the emperors as the honor of the priests who constantly pray to god for their salvation.¹²³

Justinian's duty was to ensure the approval of God and the salvation of his subjects and he could only do this through right action, unity of faith and maintenance of the Law in

¹¹⁸ Evelyne Patlagean, "Prologue to a History of the East: Early Fifth Century," in *The Cambridge Illustrated History of the Middle Ages: I 350-950*, ed. Robert Fossier (Cambridge: Cambridge University Press, 1989), 113; Frend, *Monophysite Movement*, 54, 76.

¹¹⁹ Browning, *Justinian and Theodora*, 88.

¹²⁰ Patlagean, "Prologue," 120; Downey, *Imperial Office*, 21.

¹²¹ Dvornik, *Political Philosophy*, 717-8. See also Downey, *Imperial Office*, 3; Bury, *Later Roman Empire*, v. 2, 360.

¹²² Honoré, "Codification," 869.

¹²³ *Nov.* 6, in *CJC*, v. 16, 30. See also *Nov.* 9, v. 16, 65-6. See Dvornik, *Political Philosophy*, 815-6; Browning, *Justinian and Theodora*, 98; Meyendorff, "Empire and Church," 48; Meyendorff, *Imperial Unity*, 209; Michael Angold, *Byzantium: The Bridge from Antiquity to the Middle Ages* (London: Phoenix, 2002), 24. Downey, *Imperial Office*, provides a detailed examination of Justinian and his imperial role; in particular it is useful to compare his refutation of the application of 'caesaro-papism' (21 ff.) as descriptive of Justinian's actions with, for example, the opposite opinions of Ure, *Justinian*, 183; Vasiliev, *Justin*, 179; Angold, *Byzantium*, 54 and Barker, *Justinian*, 97. Dvornik, *Political Philosophy*, 837-7 agrees with Downey's position.

the sight of God.¹²⁴ He reinforced his conception of the Emperor as God's representative in various *Novellae*, describing the government as entrusted to him directly by God.¹²⁵ The canons of the Church Councils were to have the same standing as Imperial laws, reinforcing the unity of Church and State¹²⁶ and bishops had an increasing share of civil duties.¹²⁷ He also saw it as an extension of his role to assist the bishops through his doctrinal writings and edicts and his involvement in the various deliberations of synods.¹²⁸ By such means he could bring harmony and correct faith to his earthly realm¹²⁹ and this would also build naturally on the tradition of the rule of law as integral to Roman society. Constantine had set the precedent for this at Nicaea: the legitimacy of the rule of the emperor was bound up with the unity of the Church.¹³⁰ Zeno with the *Henotikon*, followed by Anastasius, had tried to use the position of the Emperor to find doctrinal harmony; Justinian developed this principle further with his use of laws and edicts to clarify doctrine, rather than using synods and councils. But for him this would have been a logical extension in a Christian Empire where Church and State were one.

¹²⁴ For example, *Nov.* 80, 81, 148 and 149, in *CJC*, v. 16, 296, 301, v. 17, 174, 175. See Barker, *Justinian*, 94; Moorhead, *Justinian*, 119; Meyendorff, "Empire and Church," 49; Dvornik, *Political Philosophy*, 717; Vivian Green, *A New History of Christianity* (Phoenix Mill: Sutton, 1996), 67.

¹²⁵ For example, *Nov.* 69 and 113.III, in *CJC*, v. 16, 266, v. 17, 37. See Dvornik, *Political Philosophy*, 718; Maas, "History and Ideology," 25.

¹²⁶ *Nov.* 131, in *CJC*, v. 17, 125. See Bury, *Later Roman Empire*, v. 2, 360-1, 392. Cameron, *Procopius*, 129, comments on the 'overwhelmingly Christian' nature of Justinian's legislation. See also Meyendorff, "Empire and Church," 47; Moorhead, *Justinian*, 119-20.

¹²⁷ Bury, *Later Roman Empire*, v. 2, 361-2.

¹²⁸ Dvornik, *Political Philosophy*, 818, 824; Patlagean, "Empire in its Glory," 169. Bury, *Later Roman Empire*, v. 2, 372, considers Justinian's ability as a theologian and his interest in ecclesiastical affairs as hindering rather than helping with solutions.

¹²⁹ Patlagean, "Empire in its Glory," 155.

¹³⁰ Patlagean, "Prologue," 113; Browning, *Justinian and Theodora*, 26.

Since the Roman Empire had become Christian, great importance was seen in the conjunction of the reign of the first Roman emperor – Augustus – with the coming of Christ.¹³¹ This unity under Augustus was seen to prefigure the coming of the Kingdom of God and, since the time of Constantine, the emperor had come to be seen as God’s instrument.¹³² Through a series of calculations and Biblical references, the Byzantines believed that Christ had been born in the year 5,500 since the Creation – halfway through the sixth day, if a thousand years is but a day in the eyes of the Lord.¹³³ Now, depending on the interpretation that was placed on various passages from the Bible, the beginning of the seventh day – the one on which the Lord rested – was marked either by the Second Coming and a reign of a thousand years of peace, or it marked the advent of the Anti-Christ and a time of troubles.¹³⁴ Such considerations would have reinforced Justinian’s understanding of his responsibility for the welfare of the Christian world; the plague of 542¹³⁵ and the earthquakes in Antioch in 526¹³⁶ and 528 (or 529)¹³⁷ would have emphasized for the Emperor the critical importance of his actions.¹³⁸

¹³¹ Browning, *Justinian and Theodora*, 88.

¹³² Browning, *Justinian and Theodora*, 20.

¹³³ Roger Scott, “Malalas, *The Secret History*, and Justinian’s Propaganda,” *Dumbarton Oaks Papers* 39 (1985), 107-9; Mango, *Byzantium*, 191-2.

¹³⁴ Roger Scott, “Malalas’ View of the Classical Past,” in *Reading the Past in Late Antiquity*, ed. Graeme Clarke *et al* (Rushcutters’ Bay: Australian National University Press, 1990), 160; Ruth Macrides and Paul Magdalino, “The Architecture of Ekphrasis: Construction and Context of Paul the Silentiary’s Poem on Hagia Sophia,” *Byzantine and Modern Greek Studies* 12 (1988), 68.

¹³⁵ Theophanes, *Chronicle*, 6034, 322; Marcellinus Comes, *Chronicle*, 543, 50.

¹³⁶ *Malalas*, 17.16, 419; Marcellinus Comes, *Chronicle*, 526, 42; Theophanes, *Chronicle*, AM 6018, 263.

¹³⁷ *Malalas*, 18.27, 442-3; Theophanes, *Chronicle*, AM 6021, 270.

¹³⁸ Honoré, *Tribonian*, 21. Bury, *Later Roman Empire*, v. 2, 362, disagrees and feels Justinian would have taken little notice of such events.

As will be made apparent, Justinian's efforts at establishing Christian unity within the Empire were to be dogged by increasing intransigence by the Romans on the one hand and by the Monophysites on the other. From the start, Rome caused problems and any attempt by Justinian to reach an accommodation with the Monophysites ran the risk of schism with Rome again – something Justinian was not prepared to risk, having just healed the Acacian Schism. Just as Leo had discerned the heightened status of Rome after Chalcedon and Gelasius had taken an unyielding stance with Anastasius, so Hormisdas was interested only in dominance by and the supremacy of Rome.¹³⁹ The envoys sent from Rome in 519 to end the Schism had been instructed not to negotiate but to demand acceptance of Rome's terms.¹⁴⁰ Now that the Schism had been ended Hormisdas was intransigent, his superior attitude – and that of Rome – expressed in the epitaph written by his son, Silverius, on his tomb:

You have healed the body of the fatherland lacerated by schism

By restoring the torn members to their appropriate places.

Greece, vanquished by pious power, has yielded to you

Rejoicing that she has recovered the lost faith.

Africa, which was in captivity for many years, is joyful

To have won again her bishops through your prayers.¹⁴¹

¹³⁹ Vasiliev, *Justin*, 165 n. 52, 172, 211; Frend, *Monophysite Movement*, 235-6.

¹⁴⁰ Evans, *Theodora*, 67.

¹⁴¹ Quoted by Vasiliev, *Justin*, 206-7. See also *Liber Pontificalis*, 131 n. 5.

5. JUSTINIAN AND THE MONOPHYSITES

Following reconciliation with Rome and Imperial support for Chalcedon, some historians see the introduction of a period of persecutions that only ease when Justinian becomes Emperor in 527.¹⁴² However, A. A. Vasiliev has discerned three stages in the persecutions during Justin's reign, reflecting Imperial sensitivity to issues in the East, despite pressure from Rome.¹⁴³ Initially, from 518 persecutions in the East were severe, possibly more severe than was intended by the capital; this policy was strongly influenced by the uncompromising stance of both the Pope Hormisdas and of the *magister militum* Vitalian, who had previously raised a revolt against Anastasius.¹⁴⁴ Bishops who did not support Chalcedon were exiled.¹⁴⁵ Following the assassination of the aggressively pro-Chalcedonian Vitalian in 520¹⁴⁶ the persecutions eased, showing a response to the strong resistance and beliefs of the East as well as sensitivity to the risk of the loss of Syria to the Empire as either an economic resource or as strategic front against the Persians and Huns.¹⁴⁷ Egypt was spared these persecutions;¹⁴⁸ the grain supplies were important, plus there was always the risk of alienating the argumentative Alexandrians.¹⁴⁹ By 527, at the end of Justin's reign, this milder approach of toleration had not eased the religious

¹⁴² Bury, *Later Roman Empire*, v. 2, 373.

¹⁴³ Vasiliev, *Justin*, 221 ff.

¹⁴⁴ *Malalas*, 16.16, 402-5; *Liber Pontificalis*, 132; Marcellinus Comes, *Chronicle*, 514-5, 37-8; Theophanes, *Chronicle*, AM 6005, 238-9. See Vasiliev, *Justin*, 221-2; Charanis, *Church and State*, 52.

¹⁴⁵ Grillmeier, *Christian Tradition*, 344; Frend, *Monophysite Movement*, 247.

¹⁴⁶ *Malalas*, 17.8, 412; Marcellinus Comes, *Chronicle*, 520, 41; Theophanes, *Chronicle*, AM 6012, 253.

¹⁴⁷ *Malalas*, 17.10, 415; *CJ* IV.LXIII.4, in *CJC*, v. 13, 126. See Vasiliev, *Justin*, 222-3, 241, 357, 359.

¹⁴⁸ Frend, *Monophysite Movement*, 247.

¹⁴⁹ Evans, *Theodora*, 7; Vasiliev, *Justin*, 363.

situation and there was a move back to harsher measures with the 527 edict against heretics,¹⁵⁰ issued after Justinian's elevation to co-Emperor with his uncle in April.¹⁵¹

The wording this edict is important:

By heretics We mean all other persons (outside of the orthodox faith) such as the accursed Manicheans¹⁵²

For We call every person a heretic who does not adhere to the Catholic Church and to Our orthodox and holy faith¹⁵³

There is no specific mention of the Monophysites. At this time they were usually referred to as the *akephaloi*, but there is no mention of them here by that term¹⁵⁴ – which seems unusual as they had caused and continued to cause major troubles within the East. The smaller groups of heretics at which the edict was directed were still of importance: the Samaritans, for example, were in a strategically vulnerable position for the Empire, being on the border with the Persians and consequently revolts by them were put down severely.¹⁵⁵ But why no reference to the Monophysites, who were numerous in Syria, a region of strategic and economic importance, as well as in Egypt, also of great economic importance relating to the grain supplies?¹⁵⁶ Perhaps part of the answer lies in Justinian

¹⁵⁰ *CJ* 1.5.12, in Frederick Growcock, *Ecclesiastical Legislation in the Justinian Code* (Ann Arbor: University Microfilms International, 1965), 265-72. See Vasiliev, *Justin*, 225, 242; Frend, *Monophysite Movement*, 257.

¹⁵¹ *Malalas*, 17.18, 422; Marcellinus Comes, *Chronicle*, 527, 43; Theophanes, *Chronicle*, AM 6021, 274. See Vasiliev, *Justin*, 242.

¹⁵² *CJ* 1.5.12.2, in Growcock, *Code*, 265.

¹⁵³ *CJ* 1.5.12.4, in Growcock, *Code*, 266.

¹⁵⁴ Vasiliev, *Justin*, 248, 326.

¹⁵⁵ *Malalas*, 18.35, 446-7; Browning, *Justinian and Theodora*, 92, 219.

¹⁵⁶ Browning, *Justinian and Theodora*, 100, 219. The critical importance of the grain supplies from the provinces and their relationship to political stability was evident in the Nika Riots in January 532: see Browning, *Justinian and Theodora*, 109.

not wanting to precipitate any revolts in these regions because of their importance, but perhaps another part of the answer lies in Justinian's perception of the Monophysites.¹⁵⁷ They were decidedly not adherents of Chalcedonian orthodoxy but, as later events would show, Justinian considered them to be Christians whose disagreements with Chalcedon could be settled by discussion and compromise.¹⁵⁸ He may possibly have seen no benefit in alienating them by specifically naming them in the edict¹⁵⁹ but by his careful phrasing he could not be accused by Chalcedonians – including the Pope – of explicitly accepting them either. In this edict there is also no mention either of the followers of Nestorius, but they were specifically pronounced against in his confession of faith of a few months later in 527, together with the followers of Eutyches.¹⁶⁰ Already Justinian is displaying the careful choice of words that is evident throughout his efforts at conciliation, particularly in his later Christological writings. He can be seen to be distinguishing between the extreme followers of Eutyches – against whom he does pronounce – and the followers of Severus, who are not condemned in either the edict or the confession of faith.

In the same edict, the Goths are explicitly excluded from the effects of the edict, so that there is no doubt about their standing.¹⁶¹ While this may well have been for strategic purposes – the intention being not to alienate the Goths – it is significant because, like the specific exclusion of any reference to the Monophysites, it shows Justinian's

¹⁵⁷ Honoré, *Tribonian*, 15. See also *Secret History* xi.14-33, in *Procopius*, v. 6, 135-41 and J. A. S. Evans, "Christianity and Paganism in Procopius of Caesarea," *Greek, Roman and Byzantine Studies* 12 (1971), 91.

¹⁵⁸ Evans, *Theodora*, xii.

¹⁵⁹ Moorhead, *Justinian*, 25.

¹⁶⁰ *CJ* 1.1.5, in Growcock, *Code*, 11-4, discussed below.

willingness to include Christians, whether Chalcedonian or not, rather than to persecute and consequently alienate them from the Empire. The Goths were Arian Christians and the Arians had been the subject of persecutions in the past, most recently under Justin.¹⁶² In 379 Theodosius the Great had expelled them from Constantinople and they became known as *exakionites*, setting up their community and churches outside the city walls.¹⁶³ But the Arian Goths continued to be associated with the Empire through the rule of Theodoric in Italy and they were also of military significance: they formed part of the *foederati* – the allied troops¹⁶⁴ – and were among the troops that had fought under Belisarius against the Persians.¹⁶⁵ In the past the Goths had constituted a threat - during a period of instability in the capital under Zeno¹⁶⁶ and later during the reign of Anastasius when Vitalian instituted an uprising¹⁶⁷ – but at this time Justinian may well have wished to maintain their support for strategic reasons. In the doctrinal context the fact that they were Arian and not Orthodox does not seem to have been of significance to Justinian. The matter of their beliefs was understood to have been settled at the Council of Nicaea and thus was not an issue brought before Chalcedon; nor were they an issue now.

In the same year the anti-Chalcedonian bishops were allowed to return from exile.¹⁶⁸ Also in 527, after Justin's death in August and at the beginning of his own reign, Justinian

¹⁶¹ *CJ* 1.5.12.17, in Growcock, *Code*, 270. See Vasiliev, *Justin*, 247. See also *Malalas*, 18.7, 428 and Theophanes, *Chronicle*, AM 6020, 267, where specific mention is made of the exemption for the *exakionites*.

¹⁶² J. A. S. Evans, *The Age of Justinian: The Circumstances of Imperial Power* (London: Routledge, 1996), 85.

¹⁶³ *Malalas*, 13.37, 344; *CP*, 561, 50 and n. 157; Theophanes, *Chronicle*, 269 n. 21.

¹⁶⁴ Vasiliev, *Justin*, 243.

¹⁶⁵ *Wars* II.xiv.10, II.xviii.24, II.xxi.4, in *Procopius*, v. 1, 385, 417, 441.

¹⁶⁶ Frend, *Monophysite Movement*, 176.

¹⁶⁷ Marcellinus Comes, *Chronicle*, 514-5, 37-8. See Frend, *Monophysite Movement*, 191.

issued the confession of faith already mentioned that set a pattern that is evident in later edicts and negotiations aimed at conciliation with the Monophysites.¹⁶⁹ The extreme positions of Eutyches and Nestorius are specifically condemned,¹⁷⁰ there is no mention of either Chalcedon or the *Tome* and the Theopaschite formulation – that one of the Trinity suffered in the flesh – is clearly set out.¹⁷¹ This solution had first been proposed by the Monophysite Peter the Fuller in Zeno’s reign¹⁷² and later was taken to Rome as a proposal for reconciliation by the Scythian Monks in 519.¹⁷³ Despite rejection by Hormisdas,¹⁷⁴ Justinian continued to see Theopaschism as holding the possibility of conciliation with the Monophysites:¹⁷⁵ it neither divided Christ nor denied the role of Mary as *Theotokos* as did the Nestorians, it emphasized the human nature of Christ without separating it from the Divine and it supported Cyril, revered by the Monophysites, in the emphasis on ‘the sufferings to which he willingly submitted in the flesh.’¹⁷⁶ Once again in 530-1 the persecution of the Monophysites eased, exiles were allowed to return and monks were restored to their monasteries.¹⁷⁷

¹⁶⁸ Grillmeier, *Christian Tradition*, 345.

¹⁶⁹ *CJ* 1.1.5, in Growcock, *Code*, 11-4. See Grillmeier, *Christian Tradition*, 339 and Frend, *Monophysite Movement*, 257: Frend here has the references to this edict and the edict against heretics in *CJ* in his n. 2 and n. 3 reversed.

¹⁷⁰ *CJ* 1.1.5.3, in Growcock, *Code*, 12.

¹⁷¹ *CJ* 1.1.5.1-2, in Growcock, *Code*, 12-3.

¹⁷² Evans, *Theodora*, 70.

¹⁷³ Vasiliev, *Justin*, 190-3; Evans, *Theodora*, 71; Frend, *Monophysite Movement*, 245-6.

¹⁷⁴ Evans, *Theodora*, 71; Frend, *Monophysite Movement*, 246. The relevant letters of Justinian to Hormisdas from the *Collectio Avellana* are in *PL*, v. 63, col. 475-77, 496-7. For English translations see documents 551, 552, 553 and 562 in Coleman-Norton, *State and Church*, v. 3, 968-73, 989-91.

¹⁷⁵ Grillmeier, *Christian Tradition*, 323.

¹⁷⁶ *CJ* 1.1.5.1, in Growcock, *Code*, 12. See Frend, *Monophysite Movement*, 244-5; Moorhead, *Justinian*, 126; Allen, “Orthodoxy,” 821.

¹⁷⁷ Browning, *Justinian and Theodora*, 1-2; Frend, *Monophysite Movement*, 261.

6. THE 532 CONVERSATIONS WITH THE SYRIANS

The earliest – and, from the point of view of the present discussion, the most significant – of Justinian’s doctrinal negotiations took place in Constantinople in the spring of 532.¹⁷⁸ Justinian arranged conversations to be held between Chalcedonian and Syrian Monophysite bishops in an attempt to restore communion between the two groups. Moves had already been made in this direction: following Justinian’s accession there had been a general easing in the persecutions¹⁷⁹ and in 530-1 restrictions against Monophysites were relaxed.¹⁸⁰ Justinian may well have been influenced in this decision by the success of the large-scale ordinations performed by the Monophysite bishop John of Tella,¹⁸¹ but this was just one of a succession of events that would have been influencing the actions of the Emperor. In 530 the Vandal King in Carthage – Hilderic – was imprisoned by his cousin Gelimer, who usurped the throne.¹⁸² The Vandals were Arian Christians, formally regarded as heretical but under the mild policies of Hilderic they had ruled the Catholic Africans without persecution and relations with Constantinople were positive.¹⁸³ Under Gelimer, however, persecutions of the Catholics

¹⁷⁸ For the dating and duration, see Zachariah of Mitylene, *Chronicle*, IX.XV, 253; Sebastian Brock, “The Conversations with the Syrian Orthodox under Justinian (532),” *Orientalia Christiana Periodica* 47, no. 1 (1981), 87 and n. 1; Frend, *Monophysite Movement*, 265.

¹⁷⁹ Vasiliev, *Justin*, 223-4; Bury, *Later Roman Empire*, v. 2, 373.

¹⁸⁰ Zachariah of Mitylene, *Chronicle*, VIII.V, 212. See Frend, *Monophysite Movement*, 261; Grillmeier, *Christian Tradition*, 345; Allen, “Orthodoxy,” 823; Barker, *Justinian*, 103; Evans, *Theodora*, 72. Bury, *Later Roman Empire*, v. 2, 375, has 529.

¹⁸¹ John of Ephesus, “Lives of the Eastern Saints,” trans. E. W. Brooks, *Patrologia Orientalis* 18.4 (1924), 518; Frend, *Monophysite Movement*, 261; Allen, “Orthodoxy,” 823; Evans, *Theodora*, 73.

¹⁸² *Malalas*, 18.57, 459-60; Bury, *Later Roman Empire*, v. 2, 126.

¹⁸³ Bury, *Later Roman Empire*, v. 2, 125; Moorhead, *Justinian*, 65.

were renewed.¹⁸⁴ As Christian Emperor Justinian would have seen his responsibility clearly: having reached agreement with the Papacy and ending the Acacian Schism he would scarcely have questioned the need to respond and go to the aid of his western Christian subjects. This would not just be on behalf of the Roman residents in Africa but also to assist the Arian allies: Italy had been ruled by Arians, at the request and with the support of the capital, since Theodoric ousted Odoacer in 489.¹⁸⁵ The question of Africa and Italy is discussed further below, but while Justinian was negotiating this situation in the West, in April 531 Belisarius and the Imperial troops were defeated by the Persians at the battle of Callinicum.¹⁸⁶ A year later the so-called treaty of the Endless Peace¹⁸⁷ was signed with the Persians but the circumstances would have meant the situation on the eastern borders would still be treated with caution: Justinian would have been well aware of the dangers of having a large population of Monophysites along his side of the border who were disaffected with the capital.¹⁸⁸ From a strategic point of view, Persia was more important than Africa.¹⁸⁹ With the treaty signed and with negotiations concerning Africa continuing, Justinian turned his attention to what appears to have been, for him, the next most significant problem confronting him: the Monophysites. If he could settle the dispute with them then he could stabilize the large population in Syria and the East politically and, just as importantly for his responsibility

¹⁸⁴ Bury, *Later Roman Empire*, v. 2, 126.

¹⁸⁵ Bury, *Later Roman Empire*, v. 1, 422; Moorhead, *Justinian*, 73; Evans, *Theodora*, 2.

¹⁸⁶ *Malalas*, 18.60, 461-5; *Wars* I.xviii.13-56, in *Procopius*, v. 1, 163-77. See Bury, *Later Roman Empire*, v. 2, 86-8.

¹⁸⁷ *Malalas*, 18.76, 477; *Wars* I.xxii.17, in *Procopius*, v. 1, 209; Marcellinus Comes, *Chronicle*, 533, 44; Theophanes, *Chronicle*, AM 6023, 276 differs on the dating: see n. 5. See Bury, *Later Roman Empire*, v. 2, 88; Vasiliev, *Justin*, 272.

¹⁸⁸ Browning, *Justinian and Theodora*, 100.

¹⁸⁹ Browning, *Justinian and Theodora*, 219.

as Christian Emperor, he could achieve united belief for the vast majority of his Christian subjects.¹⁹⁰

Justinian arranged for a meeting between Chalcedonian and Syrian Orthodox or Monophysite bishops to take place in the capital: while it appears that the bishops were in Constantinople for over a year, accounts exist for only one conference which probably took place in the spring of 532.¹⁹¹ While the preparations for the conferences would have been started well before this, the timing of the actual meetings was less than relaxed, for in January 532 the capital experienced the drama of the Nika Riots.¹⁹² Thus the unstable situation in Constantinople would have been only too clear in the minds of the bishops and would have served to intensify the atmosphere and the feeling of unease surrounding their discussions.¹⁹³ However, the conference is of crucial importance for several reasons: it was conducted at a time when the positions of the parties had not solidified; the intention was to settle the matter on a purely theological basis – not political;¹⁹⁴ and accounts exist from both sides of the discussion.¹⁹⁵ Sebastian Brock has

¹⁹⁰ Ure, *Justinian*, 127, reiterates the interdependence of political and doctrinal unity for Justinian and the Empire.

¹⁹¹ The exact dates are not certain but are most likely to lie between March 532 and March 533: see Brock, "Orthodox-Oriental," 219; Brock, "Conversations," 87; Frend, *Monophysite Movement*, 264 n. 2; Stein, *Bas-Empire*, v. 2, 378-9.

¹⁹² *Malalas*, 18.71, 473-7; Theophanes, *Chronicle*, AM 6024, 276-80; *CP*, 620-8, 111-27.

¹⁹³ Frend, *Monophysite Movement*, 263; Brock, "Conversations," 87. However, Alan Cameron, *Circus Factions: Blues and Greens at Rome and Byzantium* (Oxford: Clarendon Press, 1976), 129-30, disagrees strongly with Frend and sees no evidence of doctrinal motives behind the riots. Whatever the truth, it meant there was another critical situation that demanded Justinian's attention at this time.

¹⁹⁴ Allen, "Orthodoxy," 823.

¹⁹⁵ Brock, "Orthodox-Oriental," 220. See also Meyendorff, *Imperial Unity*, 223, 236.

published a translation of the proceedings recorded by the Syrians,¹⁹⁶ which can now be compared with the Chalcedonian account in the letter of Innocentius.¹⁹⁷

In an audience with Justinian prior to the conference, the Syrian bishops presented the Emperor with their *plerophoria* or doctrinal statement.¹⁹⁸ In this they accept the Councils of Nicaea, Constantinople I and Ephesus I,¹⁹⁹ thus confirming their condemnation of Apollinaris and Nestorius. However, while specifically condemning Eutyches²⁰⁰ – the extreme Monophysite who was condemned at Chalcedon – they are careful not to accept the Council itself and they stress their understanding of ‘one unique nature and person (*hypostasis*) of God the Word’.²⁰¹ On the second day of the conference, when asked by the Chalcedonian bishops if they found fault with the Council of Chalcedon beyond what they had previously presented in their *plerophoria*, the Syrians listed ‘above all else’ their objections to the acceptance of Ibas and his letter to Mari and also the acceptance of Theodoret by Chalcedon.²⁰²

On the third day Justinian summoned both groups of bishops and expressed his dissatisfaction at their failure to reach an agreement, whilst also saying to the Syrians that

¹⁹⁶ The manuscript is *Harvard Syr.* 22; see Brock, “Conversations,” 92-113.

¹⁹⁷ Brock, “Orthodox-Oriental,” 220.

¹⁹⁸ Brock, “Orthodox-Oriental,” 221; Brock, “Conversations,” 89; Frend, *Monophysite Movement*, 264. The text is preserved in Zachariah of Mitylene, *Chronicle*, IX.XV, 246-52; Frend, *Monophysite Movement*, also gives a translation at 362-6.

¹⁹⁹ Zachariah of Mitylene, *Chronicle*, IX.XV, 248. See Frend, *Monophysite Movement*, 363.

²⁰⁰ Zachariah of Mitylene, *Chronicle*, IX.XV, 249. See Frend, *Monophysite Movement*, 363.

²⁰¹ Zachariah of Mitylene, *Chronicle*, IX.XV, 251. See Frend, *Monophysite Movement*, 365.

²⁰² *Harvard Syr.* 22, 13 ff., 98 ff.

he did not consider them other than orthodox.²⁰³ When he suggested the Syrians consult with the archbishops in the other patriarchates, they excused themselves on the grounds of old age, their insignificant status and that they saw ‘no propriety in our going to those who hold the opposite view of our own and asking them about the faith’.²⁰⁴ When thus tested by Justinian, their true position becomes evident: they are not interested in negotiating their position but insist on holding it unaltered and speaking for their faith only. Having invited them to the capital to represent the Monophysites, Justinian obviously would have regarded them as acceptable spokesmen and negotiators. Admittedly Severus did not accept the invitation and attend himself,²⁰⁵ but the fact that he did not prevent the others from attending implies he also accepted them as representatives. Here the Monophysites show themselves as intransigent as had Hormisdas – no compromise is countenanced. When pressed to state what they would accept as the basis for agreement, the Syrians suggest that the Chalcedonians should anathematize the doctrine of two natures after the union, Leo’s *Tome*, the unacceptable proceedings at Chalcedon and the *libelli* of the *Romaioi*.²⁰⁶ As a response to this, Justinian offers some quite remarkable concessions for their consideration²⁰⁷ (he does not impose them). Several of the concessions are what the Syrians had explicitly requested: anathemas against Theodore, Theodoret, Ibas, Nestorius and Eutyches; acceptance of Cyril’s Twelve Chapters and anathemas against writings critical of them. The condemnations of Theodore, Theodoret and Ibas were reversing the decisions made at

²⁰³ *Harvard Syr.* 22, 34-6, 108.

²⁰⁴ *Harvard Syr.* 22, 39-41, 108-10.

²⁰⁵ Frend, *Monophysite Movement*, 265.

²⁰⁶ Syrian summary of the proceedings in ms. *British Library Add. 12155*, 5-6, trans. Brock, “Conversations,” 116. See Frend, *Monophysite Movement*, 266.

²⁰⁷ Brock, “Orthodox-Oriental,” 219, 226; Grillmeier, *Christian Tradition*, 247-8.

Chalcedon and thus, like the acceptance of Cyril, would surely have received the approval of the Syrians. But even further than this, Justinian agrees to them confessing one nature after the union; however the Syrians should not anathematize Chalcedonians who confess two natures after the union.²⁰⁸ The Emperor even allowed them selective acceptance of Chalcedon: they could accept the expulsion of Eutyches but they did not have to accept the definition of faith.²⁰⁹ They did not even have to accept the *Tome* of Leo, but they should no longer anathematize it.²¹⁰ All of these items should have been acceptable to the Syrians if they were genuine about restoring communion. The *Henotikon* had similarly aimed at effecting a compromise that both parties could accept, but by avoiding mention of the specific items of contention; Justinian went even further towards conciliation by explicitly excepting these items from having to be accepted by the Syrians. The one concession they sought that Justinian would not allow concerned the *formula Hormisdæ*.²¹¹ Justinian did not require that the Syrians accept it, but in effect he was requiring them to allow others – i.e. Chalcedonians – to accept it.²¹² To suspend the *libelli* of the *Romaioi* would have been too dangerous and too much for Justinian to permit: after his hard-won agreement with the intransigent Pope to end the Acacian Schism and restore communion between Rome and the East, the Emperor would not have run the risk of alienating all those Christian subjects once more. Nor was it a matter of sacrificing one party to accept the other: the Acacian Schism had been total separation, whereas in the current situation in the East he was still in dialogue with the Monophysites. The situation with the Syrians was not an impasse and, having made so

²⁰⁸ *British Library Add. 12155*, 7, 116. See Grillmeier, *Christian Tradition*, 244-5.

²⁰⁹ *British Library Add. 12155*, 7, 116.

²¹⁰ *British Library Add. 12155*, 7, 116. See Wesche, *Person of Christ*, 19-20.

²¹¹ This is the *libelli* referred to in the proceedings; see Grillmeier, *Christian Tradition*, 247.

many extensive concessions to them – many of which still risked alienating Chalcedonians – he must have seen the situation as one of extensive compromise on his part, rather than one that was precarious. But the immediate outcome of the conversations was failure and it was failure because of the lack of agreement on one point: the refusal to suspend the *libelli*.²¹³ This meant that the Syrians would not regain their sees as this would require them to accept Chalcedon, instead of merely refraining from anathematizing those who did accept it.²¹⁴ The Monophysites had already been ordaining their own hierarchy²¹⁵ so they would have seen this as an alternative that could continue, rather than accept union with the Chalcedonians.

In his discussion of the 532 conversations, Brock sees one of the reasons for their failure ‘in the overweening attitude of Justinian towards the Severan bishops’.²¹⁶ In support of this he cites Justinian’s prayer, prior to receiving the bishops, that if the discussions fail then it will be the fault of Syrians, not of him.²¹⁷ As argued above, Justinian makes very considerable concessions towards the Syrians’ requests and offers proposals for their consideration: this is clear even in the Syrians’ own records. Thus it is difficult to discern an ‘overweening attitude’ on Justinian’s part. It is true that Justinian refuses, for example, to hear an account of the discussions from the Syrians,²¹⁸ but it should be borne in mind

²¹² *British Library Add. 12155*, 7, 117.

²¹³ Brock, “Orthodox-Oriental,” 226.

²¹⁴ Brock, “Orthodox-Oriental,” 226.

²¹⁵ Frend, *Monophysite Movement*, 261.

²¹⁶ Brock, “Orthodox-Oriental,” 226.

²¹⁷ *Collatio cum Severianis*, 88, Innocentius’ account of the proceedings, trans. Brock, “Orthodox-Oriental,” 226.

²¹⁸ *Harvard Syr.* 22, 37, 108.

that this is recounted in the Syrians' records, so a degree of dissatisfaction with the Emperor is only to be expected. But this may also illustrate the point that Justinian expects the two parties to be able to reach an agreement amongst themselves, rather than be dictated to by him: he only proposes a solution as a last resort. Returning to the prayer: following the interpretation being proposed here, Justinian may be praying that he has actually got it right and is following the appropriate path as Emperor, so that failure to reach an agreement would be evidence of the Syrians being incorrect in God's eyes, not him. Thus it can be interpreted as praying from a desire to be shown the correct path and out of humility, not *hubris*.

Brock lays further blame for the failure of the talks with Justinian, considering he was only interested in the outcome of the conversations, not the details²¹⁹ and, further, that the Syrians would not be reinstated in their sees which they had lost under Justin since they would not acknowledge the Chalcedonian definition.²²⁰ Regarding the first accusation, this is surely not the case. The records of the Syrians themselves show Justinian clearly involved in the doctrinal details and offering suggestions for discussion, rather than imposing an outcome without negotiation; the Chalcedonian bishops offer almost nothing. Even Brock admits that 'Justinian could hardly have gone further in his concessions'.²²¹ As far as the return of the sees is concerned, Justinian would have had no real option. He had worked hard under Justin to restore communion with Rome and restoration of sees to bishops who would not accept the full statement of Chalcedon would have led to Rome once again showing its intransigence and separating. For

²¹⁹ Brock, "Orthodox-Oriental," 224.

²²⁰ Brock, "Orthodox-Oriental," 226.

²²¹ Brock, "Orthodox-Oriental," 226.

Justinian in 519, the Schism with Rome would have been seemed greater than the disagreements with the Monophysites, which he would probably have considered capable of being healed through negotiation. As mentioned above, by 532 Justinian would have considered it strategically more important to accommodate the Syrians who were near the border with the Persians than to attend to the situation in Africa, but in 519 when he had restored communion with Rome this would have been by far the more important task for unity of faith and the subsequent good of the Empire and he would have been most reluctant to see it fail.

Despite the seeming failure of the 532 conversations, Justinian was undeterred from his quest for compromise through negotiation, rather than imposition. For their part, the Monophysites had shown that they were unwilling to agree to anything short of unconditional acceptance of their position and that, regardless of their objections being portrayed as doctrinal, when concessions were made that allowed acceptance of their stated doctrinal position, they showed the real reasons for their intransigence.

On 15 March 533, following the conversations with the Syrian bishops, Justinian published an edict which contained his confession of faith. Included as it was in the *Codex Justinianus*, it was to be regarded as having the force of law throughout the Empire.²²² This document, despite the strident impression that may be given by being referred to as an edict and placed in a law code, was still clearly aimed at reconciliation between the Chalcedonian and Monophysites, without alienating Rome, from where he

²²² *CJ* 1.1.6, in Growcock, *Code*, 14-8. The text, with some slight variations, is also included in *CP*, 630-33, 128-30. For discussions of the variations see *CP*, 131, n. 375 and Roger Scott, "Malalas and Justinian's Codification," in *Byzantine Papers: Proceedings of the First Australian Byzantine Studies Conference*, ed. Elizabeth Jeffreys, Michael Jeffreys and Ann Moffatt (Canberra: Humanities Research Centre, Australian National University, 1981), 16-7. See also *Malalas*, 18.78, 478; Frend, *Monophysite Movement*, 267-8; Evans, *Theodora*, 76.

eventually received the approval of the Papacy.²²³ As at Chalcedon and in Justinian's offer to the Syrians, it condemned Eutyches and Nestorius.²²⁴ Justinian is careful to emphasize that he is not offering any novel interpretation of doctrine in the edict²²⁵ – it is clarification. He carefully avoids the treacherous ground of one or two natures of Christ²²⁶ – this will come later as he works ever harder at reconciliation – but the stress on the oneness of Christ, while not refuting Chalcedon, is clearly intended to be acceptable to the Monophysites:²²⁷

For we do not understand God the Word to be one god and Christ another, but that Christ is one and the same, consubstantial with the Father in His divinity and also consubstantial with us in his humanity. As he is perfect in His divinity, so the same one is also perfect in His humanity.²²⁸

That the Monophysites did not accept this wording provides an example of where a major obstacle lay: in the Council of Chalcedon itself and Leo's *Tome* and the rejection of these by the Monophysites on the one hand and in the central importance of both of these to the Chalcedonians on the other.²²⁹ Thus, despite the careful phrasing to avoid the linguistic difficulties of the nature of Christ and the avoidance of specific mention of Chalcedon²³⁰ or the *Tome*,²³¹ the Monophysites wanted Chalcedon explicitly condemned

²²³ Averil Cameron, "Justin I and Justinian," in *Late Antiquity: Empire and Successors, AD 425-600* (Cambridge Ancient History v. 14), ed. Averil Cameron, Bryan Ward-Perkins and Michael Whitby (Cambridge: Cambridge University Press, 2000), 73; Allen, "Orthodoxy," 823.

²²⁴ *CJ* 1.1.6.1, .7, .8, in Growcock, *Code*, 14, 16, 17.

²²⁵ *CJ* 1.1.6.3, in Growcock, *Code*, 15.

²²⁶ Grillmeier, *Christian Tradition*, 340; Browning, *Justinian and Theodora*, 102.

²²⁷ Harnack, *Dogma*, v. 4, 242; Moorhead, *Justinian*, 126.

²²⁸ *CJ* 1.1.6.6, in Growcock, *Code*, 16.

²²⁹ Evans, *Theodora*, 69; Grillmeier, *Christian Tradition*, 346.

²³⁰ Browning, *Justinian and Theodora*, 102.

and excluded from the canonical list of oecumenical councils.²³² But Justinian could not condemn Chalcedon: he did not want to risk schism with Rome again and the maintenance of Chalcedon was also necessary because it was there that the heresies of Eutyches and Nestorius were condemned.²³³ Also included in the edict were Theopaschite references: Justinian still held hopes for the Theopaschite formula providing a means for reconciliation, at least between the more moderate groups on each side.²³⁴

Soon after the publication of the edict, on 26 March, Justinian followed it with a letter to the Patriarch Epiphanius.²³⁵ This letter reiterates the content of the edict but adds that the four Councils – i.e. including Chalcedon – are to be accepted as orthodox.²³⁶ Chalcedon is to be included because of the condemnations of Eutyches and Nestorius, because to do otherwise is to ‘give licence to heretics and to the teachings suppressed by the Councils.’²³⁷ Again, any mention of one or two natures of Christ is avoided; the *Tome* of Leo is not mentioned at all.²³⁸ As Aloys Grillmeier states, Justinian’s aim was clearly unity of faith.²³⁹

²³¹ Grillmeier, *Christian Tradition*, 346.

²³² Frend, *Monophysite Movement*, 223.

²³³ Frend, *Monophysite Movement*, 269.

²³⁴ Frend, *Monophysite Movement*, 266-7; Grillmeier, *Christian Tradition*, 346; Barker, *Justinian*, 104.

²³⁵ *CJ* 1.1.7, in Growcock, *Code*, 18-26.

²³⁶ *CJ* 1.1.7.11, in Growcock, *Code*, 22.

²³⁷ *CJ* 1.1.7.15, .16, .18, in Growcock, *Code*, 24. See Frend, *Monophysite Movement*, 268-9.

²³⁸ Grillmeier, *Christian Tradition*, 340; Frend, *Monophysite Movement*, 268.

²³⁹ Grillmeier, *Christian Tradition*, 340, 346, 418.

Constantly in evidence is Justinian's focus on conciliation between these major Christian groupings in the Empire, largely manifest through his continual negotiations and correspondence with both parties and particularly through his increasing attention to and refinement of the language and terminology to make it acceptable through clarity rather than ambiguity.²⁴⁰ This aspect comes to be dominant as the Monophysites continue with their inflexible stance and develop their own independent ecclesiastical hierarchy.²⁴¹

²⁴⁰ Moorhead, *Justinian*, 126.

²⁴¹ Frend, *Monophysite Movement*, 268.

7. THE CONTINUING PROBLEM

Justinian now turned his attention back to the worsening problem in Vandal Africa. The reconquest of the West – Africa and Italy – is often described as an initial, fundamental and long-term aim of Justinian's²⁴² but, as Brian Croke has shown,²⁴³ the probability is that it had not been an early goal: it was only *after* his success in Africa that he developed the idea that his victory was sent from God.²⁴⁴ He was actually advised against sending an expedition to Africa by John the Cappadocian, the Praetorian Prefect, recalling the failure of the earlier expedition under the Emperor Leo in 468.²⁴⁵ However, when a bishop recounted to him a dream concerning God's support Justinian proceeded with the expedition.²⁴⁶ This view that God was supporting him in his African campaign encouraged him to develop gradually the idea of sending forces to Italy. The deteriorating situation with the Goths in Italy and the desire to protect Rome and

²⁴² Bury, *Later Roman Empire*, v. 2, 26: 'He was dazzled by the idea of restoring the old boundaries of the Roman Empire.' See also Honoré, *Tribonian*, 18; Dvornik, *Political Philosophy*, 815; Barker, *Justinian*, 131, 133; Meyendorff, *Imperial Unity*, 211; Vasiliev, *Justin*, 4.

Meyendorff, "Empire and Church," 45: 'Justinian proceeded to the realization of a gigantic programme of reconquest and restoration.'

Barker, *Justinian*, 131: 'This effort constituted one of the underlying themes in all that Justinian did'.

Browning, *Justinian and Theodora*, 92: in 530 'Troops needed for the long-planned offensive in the west were pinned down in the east'.

²⁴³ Brian Croke, "Justinian and the Ideology of Reconquest," *Byzantine Studies in Australia Newsletter* 6 (1980), 2.

²⁴⁴ *Nov.* 8.X.2 (535), 30.XI.3 (536), in *CJC*, v. 16, 59, 180; Marcellinus Comes, *Chronicle*, 535, 45; *Malalas*, 18.81, 478-9. See Moorhead, *Justinian*, 63-4, where he states the only evidence in support of a planned reconquest comes from after the success in Africa. Cameron, *Mediterranean World*, 108, similarly states that it is far from certain that Justinian had reconquest in mind. See also Brown, *World of Late Antiquity*, 152.

²⁴⁵ *Wars* III.x.1-17, in *Procopius*, v. 2, 91-7. See Honoré, *Tribonian*, 1; Evans, *Theodora*, 54. For the expedition under Leo, see *Malalas*, 14.44, 372-3 and Theophanes, *Chronicle*, AM 5961, 180-1 and AM 6026, 287-8.

²⁴⁶ *Wars* III.x.18-22, in *Procopius*, v. 2, 97-9; Theophanes, *Chronicle*, AM 6026, 288.

Catholic Christianity would have provided the impulse for this.²⁴⁷ Despite the many statements to the contrary by historians, there is nothing in the sources to substantiate the view that Justinian always envisaged a military reconquest; indeed, he would have regarded Italy as still within the Empire – as the inhabitants themselves would have done – and thus the need to ‘reconquer’ it did not exist.²⁴⁸ It was only the success against the persecuting Vandals in Africa that gave rise to the possibility of supporting Catholic Italy against the Goths following the death of Theodoric.²⁴⁹ Averil Cameron sees Justinian’s motivation as playing only an insignificant role in the ventures in Africa and Italy and considers the results more important.²⁵⁰ However, from the point of view of the current discussion the motivation is central and provides evidence for Justinian’s understanding of his role. An idea of the relative importance of different campaigns can be obtained from the numbers of troops committed: 10,000 infantry and 5,000 cavalry to Africa in 533,²⁵¹ 7,000 to Italy in 535²⁵² and 6,000 to install a new patriarch in Alexandria – also in 535.²⁵³ Procopius records 100,000 men²⁵⁴ sent to Africa on the previous campaign under Leo, further emphasizing the relative importance placed by Justinian on these various expeditions. In 503, the Emperor Anastasius had sent 52,000 troops against the

²⁴⁷ Frend, *Monophysite Movement*, 256, comments that it is unlikely that an emperor with Justinian’s concept of a completely Christian Empire would have reacted differently to pleas for help from Africa and Italy.

²⁴⁸ Cameron, *Mediterranean World*, 105-6; Barker, *Justinian*, 133; Evans, *Theodora*, 2.

²⁴⁹ Moorhead, *Justinian*, 73-6.

²⁵⁰ Cameron, *Mediterranean World*, 104, 109.

²⁵¹ *Wars* III.xi.2, in *Procopius*, v. 2, 103. See Moorhead, *Justinian*, 66; Cameron, “Justin and Justinian,” 73, states ‘15,000 in addition to *bucellarii*’.

²⁵² *Wars* V.v.1-4, in *Procopius*, v. 3, 43. See Moorhead, *Justinian*, 76-7.

²⁵³ Moorhead, *Justinian*, 127.

²⁵⁴ *Wars* III.vi.1, in *Procopius*, v. 2, 55. Theophanes, *Chronicle*, AM 5961, 180, records 100,000 ships but this is most likely an incorrect copying of Procopius; see 181 n. 2. See Bury, *Later Roman Empire*, v. 1, 335.

Persians,²⁵⁵ which gives an idea of the magnitude of the threat the Romans had felt from that quarter before the Endless Peace. It appears that Justinian placed greater importance on the situation in North Africa than he would come to place on Italy. So, what was so important about the North African campaign that so many troops were committed compared to the number for the supposed reconquest of Italy, which appears to have ranked almost equally with the installation of a new patriarch in Alexandria? The situation in Alexandria will be discussed below, but the event that had immediately precipitated the North African expedition was the deposition of the King Hilderic and his replacement by his Vandal cousin Gelimer.²⁵⁶ Previously, the Arian Vandals had persecuted the orthodox Christians in Africa but by the time Hilderic came to power the situation had eased considerably: Hilderic met with Justinian in Constantinople and had reinstated exiled bishops and re-opened Catholic churches in Africa.²⁵⁷ Consequently, Justinian responded to the African King's appeal for assistance against the usurper, who would have been seen as a threat to the unity of the Church and of the State. Even Procopius' description of events leading up to the expedition to Africa records Gelimer's usurpation and the subsequent messages exchanged with Justinian via envoys but makes no mention of a grand plan for reconquest.²⁵⁸ It is only following the success of the African campaign that a passage in the second edition of the *Codex* of November 534, most probably written by Justinian himself,²⁵⁹ records his thanks to God:

²⁵⁵ Bury, *Later Roman Empire*, v. 2, 12 n. 1.

²⁵⁶ *Wars* III.ix.8-13, in *Procopius*, v. 2, 87. See Moorhead, *Justinian*, 64-6.

²⁵⁷ Moorhead, *Justinian*, 66; Cameron, "Justin and Justinian," 64.

²⁵⁸ *Wars* III.ix.6-26, in *Procopius*, v. 2, 85-91.

²⁵⁹ Moorhead, *Justinian*, 69; A. M. Honoré, "Some Constitutions Composed by Justinian," *The Journal of Roman Studies* 65 (1975), 117.

Our mind cannot conceive nor Our tongue express the thanks and praise which
We should manifest to Our lord Jesus Christ ... as Africa ... has received her
freedom within a short time, after having for ninety years previously been held in
captivity by the Vandals, ... enemies of both the soul and the body.²⁶⁰

Only now does Justinian confidently assert the idea that he is supported by God in his
endeavours and, against this background, subsequently have forces proceed into Italy.
The prime motivation is Christian unity, not political reconquest.

Severus did not come to Constantinople with the Syrian bishops in 532,²⁶¹ excusing
himself in a letter to Justinian on the basis of age and infirmity.²⁶² However, four years
later in the winter of 534-5 he responded to further summonses – according to the
chronicler Zachariah of Mitylene, at Theodora's instigation.²⁶³ That the summons was at
Theodora's instigation is interesting. If we follow, for example, Procopius, then we are
given the impression that Theodora was working surreptitiously behind her husband's
back to aid the Monophysites,²⁶⁴ in some instances secretly accommodating them in the
capital right under Justinian's nose²⁶⁵ and, on other occasions, dominating the religious
policy.²⁶⁶ Others suggest that Justinian and Theodora were working a divide and rule

²⁶⁰ *CJ* I.XXVII.1, in *CJC*, v. 12, 130.

²⁶¹ Frend, *Monophysite Movement*, 265; Evans, *Theodora*, 77.

²⁶² Zachariah of Mitylene, *Chronicle*, IX.XVI, 260.

²⁶³ Zachariah of Mitylene, *Chronicle*, IX.XV, 253, IX.XIX, 265. See Frend, *Monophysite Movement*, 269; Evans, *Theodora*, 77; Grillmeier, *Christian Tradition*, 347; Cameron, "Justin and Justinian," 73.

²⁶⁴ Evans, *Theodora*, 79; Bury, *Later Roman Empire*, v. 2, 377. Cameron, *Circus Factions*, 127, regards Theodora as 'a serious embarrassment to her orthodox husband.' See also Downey, *Constantinople*, 141; Barker, *Justinian*, 188.

²⁶⁵ Allen, "Orthodoxy," 823. For a Monophysite's view of Theodora's support and the accommodation of the clergy in the palace, see John of Ephesus, "Lives," 676-81.

²⁶⁶ Frend, *Monophysite Movement*, 270, 271; Grillmeier, *Christian Tradition*, 347.

approach, each supporting one of the sides so that everyone felt they had an audience and patron in the palace; even Procopius says they only pretended to take opposing positions.²⁶⁷ Also, of course, this policy meant that at the very least the Monophysites were in the capital where they could be monitored.²⁶⁸ However, it is surely not necessary to put such a negative gloss on these activities of the Imperial couple. The present argument is that Justinian was a skilled and careful negotiator and theologian, concerned for Imperial as well as Christian unity as the over-riding responsibilities of his position. It would certainly make sense for each one of the Imperial couple to patronize one of the doctrinal factions and, as discussed above, the necessity of maintaining communion with Rome would mean that Justinian would support the Chalcedonians. Also, it seems extremely unlikely that someone as concerned for the unity of the Empire and as personally involved as Justinian was would either countenance overt opposition from his wife or be unaware of her activities if they were supposedly concealed from him. However, given his ongoing attempts to effect an acceptable compromise with the Monophysites, it should not be at all surprising that he would enlist the help of his Monophysite wife in keeping the Monophysites at the negotiating table.²⁶⁹ Rather than being seen as sinister or duplicitous, these actions may be understood merely as a logical extension of Justinian's policy of seeking conciliation: it is perhaps in the view of those

²⁶⁷ *Secret History* x.13-5, xiv.7-8, xxvii.13, in *Procopius*, v. 6, 125-7, 171, 321; Evagrius, *EH*, IV.X, 199. See Evans, *Theodora*, xi, 23-4, 74; Moorhead, *Justinian*, 133; Cameron, "Justin and Justinian," 73; Meyendorff, *Imperial Unity*, 222, 253. Bury, *Later Roman Empire*, v. 2, 34, considers it may have been convenient for Justinian to allow Theodora to aid and support the Monophysites, but adds: 'We can only regard that latitude which was allowed to Theodora as due to Justinian's weakness.'

²⁶⁸ Evans, *Theodora*, xi-xii, 74.

²⁶⁹ Browning, *Justinian and Theodora*, 215.

who are partisan and do not want compromise that underhand manoeuvrings are discerned.²⁷⁰

The timing of Severus' visit to Constantinople and the subsequent synod was momentous. In February 535 Timothy, the Patriarch of Alexandria, died, followed several months later by the conciliatory Pope John II and then by Epiphanius, Patriarch of Constantinople (5 June 535).²⁷¹ The replacements for each of these three were to have far-reaching effects on Justinian's religious policy and consequently on the future of the Monophysites.

The replacement for Epiphanius was Anthimus, bishop of Trapezus, who was understood to be pro-Chalcedonian, but after some mild persuasion from Severus he agreed to a Monophysite confession of faith.²⁷² In his letter to Severus Anthimus sets out the basis of his confession: the Councils of Nicaea, Constantinople and Ephesus (i.e. I); the twelve anathemas of Cyril; the *Henotikon* and its condemnation of Chalcedon and the *Tome*; Justinian's doctrine of Theopaschism; anathemas upon Diodorus, Theodore, Nestorius, Theodoret and Ibas, among others.²⁷³ This list is very close to Justinian's earlier proposal that had been rejected by the Syrian bishops,²⁷⁴ the main difference being Anthimus' application of the *Henotikon* to specifically condemn Chalcedon and the

²⁷⁰ Cameron, *Procopius*, 79.

²⁷¹ Evans, *Theodora*, 79; Frend, *Monophysite Movement*, 270; Grillmeier, *Christian Tradition*, 347.

²⁷² Evans, *Theodora*, 79; Moorhead, *Justinian*, 127; Frend, *Monophysite Movement*, 271; Grillmeier, *Christian Tradition*, 347; Allen, "Orthodoxy," 824.

²⁷³ Zachariah of Mitylene, *Chronicle*, "Epistle of Anthimus to Severus", IX.XXI, 272-5; also "Epistle of Anthimus to Theodosius", IX.XXV, 289. See Grillmeier, *Christian Tradition*, 348 and Frend, *Monophysite Movement*, 271.

²⁷⁴ *British Library Add. 12155*, 7, 116-7.

Tome,²⁷⁵ there is no reference to the *libelli* but it would seem safe to assume that these was still not accepted. Justinian may well have seen this as another possibility for reconciliation with the Monophysites: their acknowledged leader was in the capital at his request and, now with a sympathetic Patriarch, Severus may well have been expected to be in a conciliatory mood: the years since the conversations of 532-3 had seen an easing of persecutions and a period of peace between the Monophysites and Chalcedonians.²⁷⁶ Justinian would not seem to have had any categorical objection to a Monophysite patriarch: in Alexandria the replacement for Timothy was the Monophysite Theodosius.²⁷⁷ In Alexandria, however, the Monophysites were split amongst themselves between the supporters of Severus and those of Julian who, with his Aphthartodocetist strand of Monophysitism, now had the greater number of adherents.²⁷⁸ When the rival Julianists forced Theodosius from his see, Justinian sent 6,000 troops under Narses to reinstate him.²⁷⁹ The relative importance of this action can be judged that Justinian had sent only 7,000 troops to Italy that same year.²⁸⁰ If Justinian had wanted a Chalcedonian patriarch in Alexandria then he had only to let the rival factions fight amongst themselves and then use the troops to install a Chalcedonian of his choosing. As has already been discussed, in his later years Justinian showed an interest in Aphthartodocetism and some suggest he adopted it as his personal faith. He appears to have shown an early interest in

²⁷⁵ Zachariah of Mitylene, *Chronicle*, “Epistle of Anthimus to Severus”, IX.XXI, 273.

²⁷⁶ Frend, *Monophysite Movement*, 269.

²⁷⁷ Zachariah of Mitylene, *Chronicle*, IX.XIX, 266. See Evans, *Theodora*, 83; Frend, *Monophysite Movement*, 270; Allen, “Orthodoxy,” 823.

²⁷⁸ Evans, *Theodora*, 80; Grillmeier, *Christian Tradition*, 347.

²⁷⁹ Moorhead, *Justinian*, 127; Evans, *Theodora*, 83-4.

²⁸⁰ *Wars* V.v.1-4, in *Procopius*, v. 3, 43. See Moorhead, *Justinian*, 76-7.

it,²⁸¹ so why did he not leave the see of Alexandria in the hands of the Julianists? For political stability, given the long and strident history of Monophysitism in Alexandria, it would have been wiser to leave the see as Monophysite rather than install a Chalcedonian, but why did Justinian use troops to reinstall a patriarch with a minority following and who was the target of a partisan struggle? It is claimed that this was because Theodosius was Theodora's choice and that she persuaded Justinian to support her.²⁸² But more than this, Justinian may well have considered Severus' position in the capital and his long association with Egypt. If the Patriarch of Alexandria was an ally of Severus, then by negotiating an agreement with Severus Justinian had the opportunity of conciliation with the overall majority of Monophysites, whether they were in Constantinople, Egypt or Syria and the East.²⁸³ Pope John II had been conciliatory and had accepted Justinian's proposed doctrine of Theopaschism²⁸⁴ and the conversations of 532-3 had come so close, the main sticking point being the *libelli* and their insistence on the unequivocal acceptance of Chalcedon. And this proved to be the stumbling block this time as well: for the Monophysites Chalcedon itself was anathema.²⁸⁵ Despite all the concessions made by Justinian in 533 the Monophysites still would not compromise on this point. Apart from this, the Severan Monophysites were actually closer to the Chalcedonian doctrine than they were to that of Julian.²⁸⁶ Hopes of reaching a compromise rapidly faded with the arrival in Constantinople in 536 of the new Pope, Agapetus, who turned out to follow the same rigid, uncompromising doctrinal line as had

²⁸¹ Harnack, *Dogma*, v. 4, 244.

²⁸² Evans, *Theodora*, 83; Cameron, "Justin and Justinian," 73.

²⁸³ Moorhead, *Justinian*, 127; Grillmeier, *Christian Tradition*, 347-8.

²⁸⁴ Evans, *Theodora*, 81; Moorhead, *Justinian*, 127.

²⁸⁵ Evans, *Theodora*, 80; Grillmeier, *Christian Tradition*, 347-8.

Hormisdas.²⁸⁷ Agapetus excommunicated Anthimus and Severus and had Justinian yield as well.²⁸⁸ As on an earlier occasion Justinian had striven to maintain communion with Rome after ending the Acacian Schism, so now he had no alternative but to acquiesce again. He was by now committed to the war in Italy²⁸⁹ and Agapetus had come to the capital to negotiate at the request of the Gothic King Theodahad (March 536):²⁹⁰ with the worsening situation in Italy Justinian would have neither wanted to abandon the Pope and the Romans, nor throw away an offer of reconciliation from Theodahad.²⁹¹ In the face of the uncompromising stance of the Monophysites there was little Justinian could do. The situation was aggravated by the translation of Anthimus from his see at Trapezus to the Patriarchate: this was not allowed under canon law²⁹² and so, with his views on the law and the edicts he had enacted on the organization and administration of ecclesiastical affairs, combined with Anthimus' refusal to accept two natures in Christ, Justinian left the Patriarch to excommunication by the Pope.²⁹³ The dominating Agapetus must have felt that the power of the Papacy was now being exercised as it was

²⁸⁶ Evans, *Theodora*, 80.

²⁸⁷ Frend, *Monophysite Movement*, 272; Evans, *Theodora*, 81; Grillmeier, *Christian Tradition*, 349-50.

²⁸⁸ *Liber Pontificalis*, 144-5. See Evans, *Theodora*, 82; Cameron, "Justin and Justinian," 73; Allen, "Orthodoxy," 824.

²⁸⁹ Evans, *Theodora*, 82.

²⁹⁰ Marcellinus Comes, *Chronicle*, 535, 45; *Liber Pontificalis*, 144. See Evans, *Theodora*, 81; Moorhead, *Justinian*, 127; Frend, *Monophysite Movement*, 272; Grillmeier, *Christian Tradition*, 349.

²⁹¹ Bury, *Later Roman Empire*, v. 2, 378.

²⁹² Marcellinus Comes, *Chronicle*, 535, 45; Theophanes, *Chronicle*, AM 6029, 315. See Evans, *Theodora*, 79; Frend, *Monophysite Movement*, 272.

²⁹³ *Malalas*, 18.83, 479; Marcellinus Comes, *Chronicle*, 536, 46. See Evans, *Theodora*, 82.

meant to be, particularly when he consecrated the new Patriarch, Menas (13 March 536):²⁹⁴ Constantinople could now clearly be seen to be subservient to the see of Rome.

In May 536 Menas convened a synod in Constantinople that anathematized Severus and Anthimus²⁹⁵ and on 6 August Justinian issued an edict setting out the decisions of the synod.²⁹⁶ This represented a reversal of policy towards the Monophysites with the burning of Severus' writings, the persecution and, in some cases, the burning of his supporters²⁹⁷ and, for the first time in over fifty years, the imposition of a Chalcedonian Patriarch in Alexandria.²⁹⁸ Clearly, Justinian instituted a major reversal of his previously conciliatory policy. He had offered extremely generous concessions to the Monophysites but, through their intransigent refusal to come to any form of compromise – instead actually ordaining their own ecclesiastical hierarchy – they had out-manoeuvred themselves. In the edict Justinian specifically mentions harmony between the divine and human spheres and that Severus has disrupted the harmony of the Church.²⁹⁹ As already discussed, Justinian had little option – apart from breaking communion with Rome and reverting to the state of affairs that obtained before Justin's accession nearly twenty years previously. In addition there was the necessity to consider the worsening situation with the Goths in Italy, to which Imperial troops were now heavily committed.

²⁹⁴ *Malalas*, 18.83, 479; Marcellinus Comes, *Chronicle*, 536, 46; *Liber Pontificalis*, 145; Theophanes, *Chronicle*, AM 6029, 315. See Evans, *Theodora*, 82; Moorhead, *Justinian*, 127; Frend, *Monophysite Movement*, 272; Grillmeier, *Christian Tradition*, 350.

²⁹⁵ Bury, *Later Roman Empire*, v. 2, 377; Grillmeier, *Christian Tradition*, 354-5; Frend, *Monophysite Movement*, 272-3.

²⁹⁶ *Nov.* 42, in *CJC*, v. 16, 199-203.

²⁹⁷ Zachariah of Mitylene, *Chronicle*, X.I, 298. See Bury, *Later Roman Empire*, v. 2, 378; Frend, *Monophysite Movement*, 273-4; Evans, *Theodora*, 82-3.

²⁹⁸ Frend, *Monophysite Movement*, 274; Evans, *Theodora*, 88-9.

²⁹⁹ *Nov.* 42 preface, I.1, in *CJC*, v. 16, 199-200.

This reversal of policy by Justinian has given rise to opinions of the Emperor typified by, for example, Frend, with his chapter titled ‘Justinian: The End of Compromise’³⁰⁰ and such comments as ‘the zig-zag policy of Justinian towards the Monophysites’³⁰¹ and ‘the efforts made by the sinister and all-powerful monarch’.³⁰² However, it has already been shown that, commencing from the time of Justin’s reign, Justinian showed concern for the Monophysites as Christian subjects and adjusted Imperial policy as far as was reasonable to accommodate them and engaged in almost continual dialogue with them in the hope of reaching a compromise.³⁰³ This policy continued long after the synod of 536 and the death of Severus in 538; indeed, it continued until Justinian’s death nearly thirty years later.

Major problems continued to beset the Empire. In 536 and 537 in Alexandria there had been a major dispute between religious factions and involving the Imperial troops over the position of patriarch.³⁰⁴ Justinian’s Edict XIII of 538-9 was an attempt to restore administrative order to the city and to ensure the grain supplies from Egypt that were vital – as well as politically sensitive - to Constantinople.³⁰⁵ In 540 the Persians broke the Endless Peace and invaded Syria and proceeded to sack the cities, including Antioch,

³⁰⁰ Frend, *Monophysite Movement*, Chapter 7, 255.

³⁰¹ Frend, *Monophysite Movement*, 255.

³⁰² Frend, *Monophysite Movement*, 255.

³⁰³ Meyendorff, *Imperial Unity*, 246, sees Justinian’s religious thinking as consistent and the changes were in his attempts at conciliation, not in his belief.

³⁰⁴ Bury, *Later Roman Empire*, v. 2, 342; Evans, *Age of Justinian*, 213.

³⁰⁵ *Edict XIII* in William Sims Thurman, *The Thirteen Edicts of Justinian* (Ann Arbor: United Microfilms International), 1964, 43-73. See Bury, *Later Roman Empire*, v. 2, 342; Evans, *Age of Justinian*, 33, 213.

Apameia, Sura and Beroia.³⁰⁶ The war against the Ostrogoths in Italy continued and attacks by Slavs in Illyricum increased.³⁰⁷ The following year the Persians invaded Roman Lazica³⁰⁸ and Totila renewed the war against Belisarius in Italy.³⁰⁹ In 542 Constantinople was struck by the plague.³¹⁰ Against this politically difficult background and the sense of responsibility for the Empire that it would have conveyed, in 542-3 Justinian wrote his *Tractatus contra Monophysitas* to a group of monks in Alexandria, formerly Monophysites but now members of the Chalcedonian church.³¹¹ In this and subsequent texts Justinian is at pains to clarify the Christology of Chalcedon and show how, in fact, it does not differ from Monophysitism and is in accord with the writings of Cyril, regarded as blessed by Chalcedonians and Monophysites alike. To a large extent the roots of problem were terminological rather than theological³¹² and go back at least as far as the fourth century.³¹³ Differences between languages meant that understandings of the Incarnation were comparatively simply defined in Latin, compared to the much greater subtlety and complexity available in Greek.³¹⁴ For ‘essence’, the Greek terms

³⁰⁶ *Wars* II.v-xii in *Procopius*, v. 1, 294-381; *Malalas*, 18.87, 479-80; Marcellinus Comes, *Chronicle*, 540, 48; Theophanes, *Chronicle*, AM 6031, 317.

³⁰⁷ *Malalas*, 18.88, 480. See Barker, *Justinian*, 196.

³⁰⁸ *Wars* II.xvii.1 in *Procopius*, v. 1, 403.

³⁰⁹ Marcellinus Comes, *Chronicle*, 541-2, 49. See Bury, *Later Roman Empire*, v. 2, 229.

³¹⁰ Theophanes, *Chronicle*, 6034, 322; Marcellinus Comes, *Chronicle*, 543, 50.

³¹¹ The text is in J. P. Migne, ed., *Patrologiae Cursus Completus: Series Graeca* (Paris: 1857-1934), v. 86.1, col. 1103 ff; an English translation is provided in “Against the Monophysites,” in Wesche, *Person of Christ*, 27-107. See Wesche, *Person of Christ*, 25; Grillmeier, *Christian Tradition*, 356; Frend, *Monophysite Movement*, 278.

³¹² Wesche, *Person of Christ*, 19.

³¹³ Grillmeier, *Christian Tradition*, 242-3; Paul Johnson, *A History of Christianity* (Harmondsworth: Penguin, 1990), 91.

³¹⁴ Johnson, *History*, 91. Honoré, *Tribonian*, 7, describes Justinian as having ‘studied assiduously and mastered Christian theology, a discipline largely conducted in Greek, which demanded all the refinements of which the Greek mind was capable.’ While this may be true, there seems to be no specific record of Justinian’s education: see Grillmeier, *Christian Tradition*, 326 n. 6.

uJpovstasi" and *oujsiva* could both be used in the general or particular sense. In the fourth century some Greeks used *uJpovstasi*" in the particular sense and *oujsiva* in the general, whereas the Latin term for both is *substantia* and is exactly equivalent to *uJpovstasi*". The Latin equivalent of *oujsiva* is *essentia* but the term was not used. The Latins used *persona* in the particular sense but in Greek *provswpon* and *uJpovstasi*" were each used in varying situations.³¹⁵ It can thus immediately be appreciated that any discussion of 'nature', 'person' or 'essence' in relation to something as mysterious as the Incarnation would immediately lead to confusion among Greek speakers with different interpretations, let alone between Latins and Greeks. Cyril himself used the terminology ambiguously³¹⁶ and this was picked up by others, including Eutyches,³¹⁷ so that by the time of Chalcedon the disagreements amongst the Greek speakers meant that Rome, with its uncompromising approach, was in a position to dominate.³¹⁸

The problem for Justinian was to clear away this terminological confusion and to demonstrate to the Monophysites that their interpretation of Cyril's language was compatible with the way it was understood by Chalcedon. In other words, he needed to show that the phrasing 'in two natures which undergo no confusion' and 'a single person and a single subsistent being'³¹⁹ from Chalcedon did not differ from Cyril's 'one nature,

³¹⁵ Johnson, *History*, 91.

³¹⁶ Wesche, *Person of Christ*, 20; Grillmeier, *Christian Tradition*, 430.

³¹⁷ Wesche, *Person of Christ*, 28 n. 5.

³¹⁸ Johnson, *History*, 92.

³¹⁹ "Council of Chalcedon: Definition of the Faith", in Tanner, *Decrees*, ll. 33, 39-40, 86.

one hypostasis'.³²⁰ Both Cyril and the Monophysites distinguished between *fuvsī*" (*oujsiva*) and *uJpovstasi*" in the case of the *qeologiva* (referring to the Trinity), but continued in the old usage of *fuvsī*" and *uJpovstasi*" as synonyms in the particular case of the *oijkonomiva* (referring to the Incarnation).³²¹ What Justinian proceeds to do in his *Tractatus* is to expose this ambiguity in the hope of providing clarity.³²² His *Tractatus* shows an impressive ability to develop and maintain an Aristotelian argument³²³ in order to examine the writings of Cyril, Nestorius, Paul of Samosata and Apollinaris, as well as references to Scripture. It may perhaps be argued that Justinian was declaiming his interpretation of the faith to silence all disagreement and he does indeed refer to heretics and the nonsense of their teaching.³²⁴ However, Justinian had issued the edict of 536 and in this *Tractatus* he was writing to monks who had already converted from Monophysitism to being supporters of Chalcedon so, unless he had doubts about their conversion, why did he consider it necessary to write such an extended, thorough-going exposition of his Christology? The *Tractatus* can be seen as evidence Justinian's concern for the right belief of his Christian subjects and of his continuing efforts to reconcile the Monophysites, despite the harsh wording and results of the edict.³²⁵

³²⁰ "Council of Ephesus: Second Letter of Cyril to Nestorius", in Tanner, *Decrees*, ll. 22-35, 41.

"Council of Ephesus: Third Letter of Cyril to Nestorius", in Tanner, *Decrees*, ll. 17-22, 59.

³²¹ Grillmeier, *Christian Tradition*, 430; Wesche, *Person of Christ*, 20; Frend, *Monophysite Movement*, 121-2. For Severus' belief that the Romans misunderstood, see Severus, "Letters," Letter XXII (ca. 520).

³²² For Justinian's discussion, see "Against the Monophysites," in Wesche, *Person of Christ*, 48-9, 93-4; see also 48 n. 72.

³²³ Harnack, *Dogma*, v. 4, 232.

³²⁴ "Against the Monophysites," 36.

³²⁵ Grillmeier, *Christian Tradition*, 384.

One of the central points of disagreement – and one that had been a stumbling block in the conversations of 532-3 – was the issue regarding ‘in’ or ‘of’ two natures in the Decree of Chalcedon. The Monophysites had used ‘of two natures’ to refute the Nestorians, whereas Chalcedon had settled on ‘in two natures’ in order to exclude the extreme teachings of Eutyches.³²⁶ Thus very early in the *Tractatus* Justinian tackles this issue and quotes Cyril’s reference to two natures, neither divided after the union nor separated into two, but stating nevertheless that there are two natures.³²⁷ By quoting Cyril, revered by both Chalcedon and the Monophysites, Justinian shows the accommodation that should be able to be reached between the two parties.³²⁸ Rather than merely dabbling in theology,³²⁹ it becomes clear through this *Tractatus* that Justinian is more capable than theologians who were his contemporaries in explaining the distinctions within and between the one- and two-nature Christologies.³³⁰

When the Three Chapters dispute arose in the mid 540s, Justinian wrote another extended theological tract: *In damnationem trium capitulorum*.³³¹ Although this is preserved only in fragments, his *Epistula contra tria capitula* of 549/550 contains his discussion of the issues.³³² While the dispute was most likely initiated by the Origenists as retaliation for

³²⁶ “Against the Monophysites,” 32 and n. 20.

³²⁷ “Against the Monophysites,” 35-6.

³²⁸ Grillmeier, *Christian Tradition*, 357-9; Bury, *Later Roman Empire*, v. 2, 373.

³²⁹ Grillmeier, *Christian Tradition*, 356, quoting E. Schwartz.

³³⁰ Meyendorff, “Empire and Church,” 52, 59-60; Grillmeier, *Christian Tradition*, 359. See Browning, *Justinian and Theodora*, 223, who suggests that Justinian ‘was growing more and more convinced that he was a better theologian than the leaders of the church’; Grillmeier’s point is that indeed he *was*.

³³¹ Grillmeier, *Christian Tradition*, 421-2.

³³² The text is in *PG*, v. 86.1, col. 1041 ff; an English translation is provided in “A Letter on the Three Chapters”, in Wesche, *Person of Christ*, 115-58. See Grillmeier, *Christian Tradition*, 422; Herrin, *Formation*, 120. For comments on a possible alternative date, see Wesche, *Person of Christ*, 113.

Justinian's *Edictum contra Origenem* of 543,³³³ the Emperor continued his efforts to reconcile the Monophysites with Chalcedon while seeking to refute claims that Chalcedon was actually a Nestorianizing council.³³⁴ The need to resolve the dispute had importance for the strategic as well as the doctrinal unity of the Empire: in the West the Italian wars were not going well³³⁵ while in the East the separate Monophysite hierarchy was developing strongly under Jacob Baradaeus.³³⁶ Justinian may well also have wondered if the Persian invasion of Syria in 540 and the plague of 542 were manifestations of God's displeasure at the disunity evident within the Empire. But once again it was not possible to reconcile the opposed parties. Rome maintained unwavering support for Chalcedon and considered Justinian was exceeding his authority in suggesting any changes, while the Monophysites still wanted nothing less than the outright condemnation of Chalcedon.³³⁷ While such condemnation was out of the question, Rome would not even accept the condemnation of the Three Chapters as this meant altering what had been approved by Chalcedon.³³⁸

³³³ Grillmeier, *Christian Tradition*, 388, 419-21; Wesche, *Person of Christ*, 111; Bury, *Later Roman Empire*, v. 2, 384; Allen, "Orthodoxy," 826-7; Frend, *Monophysite Movement*, 279-80; Meyendorff, *Imperial Unity*, 234.

³³⁴ Zachariah of Mitylene, *Chronicle*, III.I, 41; Wesche, *Person of Christ*, 111-2; Grillmeier, *Christian Tradition*, 421; Moorhead, *Justinian*, 135.

³³⁵ Cameron, *Mediterranean World*, 115.

³³⁶ See John of Ephesus, "Lives," 693. See Browning, *Justinian and Theodora*, 220-1; Bury, *Later Roman Empire*, v. 2, 391; Allen, "Orthodoxy," 825.

³³⁷ Browning, *Justinian and Theodora*, 221; Patlagean, "Empire in its Glory," 169; Allen, "Orthodoxy," 827; Frend, *Monophysite Movement*, 280.

³³⁸ Herrin, *Formation*, 121; Browning, *Justinian and Theodora*, 223; Moorhead, *Justinian*, 130.

In 551 Justinian, as a result of the condemnation of the Three Chapters, wrote the *Confessio rectae fidei*.³³⁹ This formed the basis on which the Fifth Council was held in Constantinople in 553.³⁴⁰ Theodora had died in 548³⁴¹ and some historians feel that the aging Justinian – he was now around sixty-six years old – was becoming inflexible and dis-heartened, citing as an example of his inflexibility his treatment of Pope Vigilius in connection with the Council.³⁴² Certainly he would have changed after the death of Theodora and the loss of her support over nearly three decades in his negotiations for unity with the Monophysites. However, rather than becoming inflexible it is quite possible that he merely became exasperated after attempting so hard and for so long to reach some common ground between the extreme fundamentalist positions of the Papacy and the Monophysites, which is where the true inflexibility lay. Considering the importance Justinian placed on the unity of faith and Empire for which he had striven and exercised his skills for so long, it should come as no surprise that he became exasperated and took extreme measures when confronted with the intensely frustrating and irritating vacillations of the Pope. The fact that by this time Narses had been successful in Italy and that the support of the Papacy was no longer necessary for the successful prosecution of the long drawn-out western campaign³⁴³ would only have served to liberate Justinian’s understandable anger.

³³⁹ The text is in *PG*, v. 86.1, col. 993 ff; an English translation is provided in “The Edict on the True Faith,” in Wesche, *Person of Christ*, 163-98. See Grillmeier, *Christian Tradition*, 427 n 450; Herrin, *Formation*, 120 n. 85.

³⁴⁰ Wesche, *Person of Christ*, 161.

³⁴¹ *Malalas*, 18.104, 484.

³⁴² *Malalas*, 18.111, 485; Theophanes, *Chronicle*, AM 6039, 327; *Liber Pontificalis*, 157-9; *CP*, 635, 133. See Browning, *Justinian and Theodora*, 223, 233; Moorhead, *Justinian*, 131.

³⁴³ Browning, *Justinian and Theodora*, 233.

In the event, the Council of 553 supported the condemnation of the Three Chapters, endorsed the previous four Oecumenical Councils and re-affirmed the teachings of Cyril.³⁴⁴ Rather than leading to reconciliation, Rome and the Monophysites moved further apart. Rome objected to what it saw as a betrayal of Chalcedon as the Council confirmed the condemnation of the Three Chapters; the Monophysites objected to the failure to condemn Chalcedon outright.³⁴⁵ It was not so much that Justinian failed as that the Chalcedonians and Monophysites each refused to make any concession towards the other. In an attempt to bring harmony to Christian belief it is doubtful that anyone could have offered a clearer solution than did Justinian.³⁴⁶ His *Confessio* of 551 once again explains and unites Trinitarian and Incarnational terminology³⁴⁷ and provides the first full exposition of Christ's nature, again clearing away the ambiguities inherent in the Christology of Cyril.³⁴⁸ Justinian demonstrated that doctrinal harmony was achievable, but it was politics and intransigence that meant this harmony was unrealized.

In his writings Justinian maintains his original basic position but explains in great detail where he sees the errors in understanding and interpretation, particularly by the Monophysites but also by the Nestorians, Eutychians and various others that he describes as heretics. What is so significant is not how little his original position changes but how much he offered in the way of concessions so in early, in the 532 conversations with the Syrians. He granted as many of their requests as was possible and then spent

³⁴⁴ Allen, "Orthodoxy," 827; Bury, *Later Roman Empire*, v. 2, 390; Harnack, *Dogma*, v. 4, 249; Dvornik, *Political Philosophy*, 825.

³⁴⁵ Grillmeier, *Christian Tradition*, 463; Allen, "Orthodoxy," 828.

³⁴⁶ Honoré, *Tribonian*, 11.

³⁴⁷ Grillmeier, *Christian Tradition*, 428.

³⁴⁸ "The Edict on the True Faith," 169; Grillmeier, *Christian Tradition*, 438, 455-6, 461-2.

the next twenty years attempting to clarify the position for them when they refused to accept.

CONCLUSION

For forty-five years Justinian showed an almost unwavering commitment to negotiation to find unity of faith for the Empire. Apart from the occasional understandable lapse – such as the affair with Vigilius and the Fifth Council – Justinian’s continual efforts to achieve understanding by avoiding political issues and confining the discussion to doctrine stand out in sharp relief when contrasted with both Rome’s uncompromising stance to maintain its Apostolic supremacy and the Monophysites’ refusal to accept any compromise, instead demanding unequivocal rejection of Chalcedon. Both sides revered Cyril and the Monophysites in particular strenuously objected to anything other than full acceptance of his teaching; thus Justinian was careful in his tracts to demonstrate that he was explaining Cyril’s terminology, not altering it. In order to refute charges that he was innovating by amending the decrees of previous Councils,³⁴⁹ Justinian was careful to show that he was explaining and clarifying in order to reach understanding. Between such extreme factions Justinian was never going to succeed by compromise.³⁵⁰ Against this it may perhaps be suggested that Justinian was naïve if he thought he was going to achieve compromise through negotiations on doctrine alone, but this may well show how

³⁴⁹ For Severus’ claims that Justinian was innovating see Severus, “Letters,” Letters XXXIV (ca. 520) and XXXVI (ca. 510).

shrewd and skilful a negotiator he was. If the opposing parties objected to such things as innovation, alterations to the decrees of Oecumenical Councils and rejection of the teachings of Cyril, Justinian was able to demonstrate clearly that such things were in fact not the case, thus removing the stated obstacles to conciliation. This showed the true nature of the positions the Chalcedonians and Monophysites took: both wanted dominance and sought to impose their doctrine on the other. Despite years of negotiation and much provocation, Justinian resisted imposing solutions but never abandoned his efforts.

So, at the end of his life, rather than a lapse into heresy, after more than forty-five years of unflagging effort Justinian embarked upon yet another attempt at reconciliation, this time with the Aphantodocetists. Even now he saw hopes of compromise to at least some extent, continuing his pursuit of unity of faith until the end. And the final word should belong to him:

Therefore, if after this orthodox confession which condemns the heretics one separates oneself from the holy Church of God by disputing over names or syllables or phrases rather than preserving a pious understanding, then his piety exists in name only and not in deed, for such a one delights in schism. He will render an account of himself and of those whom he deceived or will deceive to our great God and Savior Jesus Christ at the Day of Judgment.³⁵¹

³⁵⁰ Allen, "Orthodoxy," 818, 828, 832; Barker, *Justinian*, 190.

³⁵¹ "The Edict on the True Faith," in Wesche, *Person of Christ*, 198.

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Abbreviations and Citation Conventions

<i>CJ</i>	<i>Codex Justinianus</i>
<i>CJC</i>	<i>Corpus Juris Civilis</i>
<i>CP</i>	<i>Chronicon Paschale</i>
<i>EH</i>	<i>Ecclesiastical History</i>
<i>Nov.</i>	<i>Novella</i>
<i>PL</i>	<i>Patrologiae Cursus Completus: Series Latina</i>
<i>PG</i>	<i>Patrologiae Cursus Completus: Series Graeca</i>

References to passages from primary sources are given in the format and nomenclature of the edition cited.

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