A Struggle for Consensus: 
Constantine’s Intervention in the Christian Quarrels of His Time

Almudena Alba López*
Department of Ancient History,
Universidad Nacional de Educación a Distancia (UNED), Madrid, Spain

Abstract: Eversince the Edict of Milan was issued in 313, Emperor Constantine implemented a tolerance-based religious policy in which his intervention, both personally and by proxy, played an essential role. Tolerance would ultimately fail due to the many religious conflicts and constant doctrinal disagreements between various Christian groups, requiring new solutions in order to rule over a more peaceful population. The will to reach a doctrinal consensus that would not undermine the emperor’s powers in the management and arbitration of religious matters, as well as intervention by civil authority in fields that traditionally fell under ecclesiastic jurisdiction, would give rise to a confrontation with part of the Church which would resist the emperor’s strategy to reach a consensus in religious matters.

Keywords: Constantine I, Athanasius of Alexandria, Arianism, Donatism, Church-State Relations, Religious toleration

*Almudena Alba López (ORCID: 0000-0002-6406-1262) can be contacted at almudena.alba@geo.uned.es.
Introduction: A “tolerance-based” religious policy

Under the Tetrarchy, the Edict of Serdica (311) and the Edict of Milan (313) granted freedom of worship to Christians, with a number of nuances. The former demanded an end to disorderly conduct and due prayers for the safeguard of the Empire,¹ which clearly points to the fact that tolerance must be tempered with discipline, and that the religious group in question must conform to the rules and guidelines of the State. The latter guaranteed freedom of worship and the return of confiscated assets;² but even though it apparently granted individuals the right to choose their preferred religion, it did not in fact establish absolute freedom of worship,³ as it implies the notion that all religions must worship a higher deity that watches over the State. This implies that the tolerance considered by power established what Peter Van Nuffelen has termed a “minimum théologique partagé”⁴ and which was therefore not understood in absolute terms or granted unconditionally. In spite of this, the edict defends the principle of libertas religionis, a notion that can be found throughout the document and which is its most distinctive trait. This notion, which originates in Tertullian,⁵ would be further expanded upon a century later in the works of Lactantius, who extensively developed the notion in his Diuinae Institutiones. As we know, this work strongly influenced Constantine’s thinking⁶ and it was written as a reaction to the

¹ Lactantius, De mort. 34, 5; Eusebius of Caesarea, HE 8, 17, 9–10. According to Noel Lenski, “The Significance of the Edict of Milan,” in Constantine: Religious Faith and Imperial Policy, ed. Edward A. Siecienski (London and New York: Routledge, 2017), 45–46, the Edict of Galerius was developed around the notion of indulgentia / συγχώρησις, understood as the emperor’s capacity to display an indulgent magnanimity towards a religion that is repugnant to him, even though his subjects may be undeserving of it.

² On measures that led to the return of assets before and after 313, Lenski, “The Significance,” 30–31.

³ Lactantius, De mort. 48, 1–12; Eusebius of Caesarea, HE 10, 5, 1–14.


accusation of undermining the political and philosophical basis of Roman society that was levelled against Christianity and used as justification for persecution of the noua religio.  

Lactantius approached the problem of universal justice by exploring the notion that if the pagans of his time were truly just, they would not persecute Christians or followers of other cults, as religiosity cannot be the object of coercion. As Noel Lenski points out, according to Lactantius, the obligation to profess a religion one does not believe in and to follow its rites without sincerity is of no benefit to any of the parties involved; rather, it sullies and questions the religion of the persecutors themselves to the point of causing desertions among their own fellow believers. Thus, religious freedom and, by extension, freedom of action, take on a crucial importance in the works of Lactantius, according to whom human beings were created by God imbued with free will, a quality persecuting emperors have ignored, thus defying God’s designs through their coercive attitude. This condemnation of the repression of religious freedom did not prevent Lactantius from making a positive assessment of the existence of a dialectical confrontation between Christians and other religions, which he not only deemed not to be negative, but also beneficial insofar as it allowed for the exercise of the virtue of patientia.

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9 Lenski, “The Significance,” 47. The author provides a solid and systematic demonstration of the direct influence of the works of Lactantius on Constantine with regard to the drafting of the Edict of Milan.


Starting with what traditional historiography has termed the “Constantinian shift,” Christianity experienced an unstoppable ascent that would only be checked under the reign of Julian II (361–363). Following this ascent, the repression or containment of other religions came to fore during the principate of Constantine (324–337), compromising the original notion of religious tolerance that has been attributed to his policies in this field\textsuperscript{14} by promoting an ambiguous notion of tolerance in which the very same presuppositions used to justify it were likewise used to justify the exercise of intolerance and coercion against groups that were perceived as a threat to the peace and safeguard of the State, a concern that was shared by past emperors.\textsuperscript{15} Thus, it would not be long before Manicheans\textsuperscript{16} and Jews\textsuperscript{17} suffered the weight of repression, and even traditional religions would not be spared the emperor’s interest in bringing order to religious matters.\textsuperscript{18} As for doctrinal discrepancies within Christianity itself, they were initially approached with moderation,\textsuperscript{19} through


\textsuperscript{14} Van Nuffelen, Penser la tolérance, 93–94; Polymnia Athanassiadi, Vers la pensée unique: la montée de l’intolérance dans la’Antiquité tardive (Paris: Les Belles Lettres, 2010), 76.


\textsuperscript{16} Minale, Legislazione imperiale, 195-199 and 224–228.


\textsuperscript{19} Constantine’s earliest interventions in the struggle between Arius and Alexander of Alexandria took on a conciliatory appearance, Eusebius of Caesarea, VC 2, 64–72; Socrates Scholasticus, HE 1, 15.
persuasion rather than coercion, as a display of the will to establish general concord within the State.20 Nevertheless, it seems that the main force that guided the Augustus was the will to pacify the many quarrels and religious tensions that undermined social peace in the Empire.21 Despite Constantine’s efforts, religious tensions would erupt in a particularly virulent fashion shortly after the promulgation of the edict of tolerance. The Donatists22 and other groups perceived as heretics or residual minorities23 that came into the spotlight after the victory against Maxentius24 were a whole separate issue. Whereas North Africa became the backdrop for bitter struggles over the doubts that arose over those who had apostatized during the persecutions and the validity of the sacraments they administered,25 in Alexandria, a young presbyter from Baulcalis


21 Constantine explicitly stated his concern and unease over religious disparities, Eusebius of Cesarea, VC 2, 64–65; 71, 4–5 (addressing Arius’ followers).


24 Codex Theodosianus, 16, 8, 1 (18 october 315) outlines which groups are susceptible to be branded as heretics (si quis uero ex populo ad eorum nefariam sectam accesserit et conciliabulis eorum se adplicaretur, cum ipsis poenas meritas sustinebit. Dat. xv kal. Nou. Margillo Constantino A. iii et Licinio iii cons.).

called Arius was about to open one of the longest and most painful fractures ever suffered by the Church. The beginning of the Donatist schism and Arius’ activities and his subsequent influence on Christianity as a whole can explain the roots of the shift in Constantine’s religious policies, and how the failure of the tolerance he had considered for his empire would give way to search for and imposition of a doctrinal consensus to ensure religious peace, exerting as much coercion as would be necessary to achieve this goal.

The emperor’s arbitration

Following his recently-inaugurated policy of religious tolerance, Constantine took on the Donatist crisis in Africa with the peaceable intent inspired by the recently-promoted Edict of Galerius of 311. The results, however, were disastrous due to the belief that a sum of money and the devolution of property would be enough to put an end to the disputes that had arisen from Caecilianus’ election to the See of Carthage. The disagreement between African bishops went back to the election of


28 Constantine wrote to Caecilianus, notifying him that the rationalis Ursus would deliver him 3000 folles to distribute among his ministers (Eusebius of Caesarea, HE 10, 6, 1–5) and sent two missives to Anullinus, urging him to return the properties that had been confiscated during the persecutions (Eusebius of Caesarea, HE 10, 5, 15–17) and to exempt the clergy under Caecilianus from participating in public liturgy (Eusebius of Caesarea, HE 10, 7, 1–2). Anullinus’ response, accounting for the application of imperial will in these matters, can be found in Augustine of Hippo, Ep. 88, 2.
Caecilianus in the Council of Carthage (311–312), in the absence of the Numidian bishops, who were traditionally in charge of electing the bishop of Carthage, and to the election oflector Majorinus by said Numidian bishops in a subsequent council, which invalidated the elections carried out in Carthage. These events led Caecilianus to write a letter to Rome, reporting to Maxentius that this schism within the African church was preventing Constantine’s orders from being carried out and was having a grievous effect on maintenance of public order. However, Maxentius was defeated before he had the chance to answer the letter, and Constantine sent a reply that was given directly to Anullinus a day after the battle of the Milvian Bridge, in which he issued a ruling on the aforementioned distribution of money between the clergy that supported Caecilianus and the devolution of confiscated goods. Added to this, he also notified the bishop of Rome himself, Miltiades, of his intention to summon Caecilianus and ten bishops who deemed his appointment invalid along with ten of his supporters so that they may be given a legal hearing in his presence. Thus, it was ultimately Miltiades, assisted by three Gallic bishops and with the emperor acting as the guarantor of the law, who ruled on who should remain in the See of Carthage and who should abandon it.

The bishop of Rome, however, added an essential nuance Constantine had not considered in his original idea of how to manage the proceedings: Miltiades acted according to his own judgment, in the presence of fifteen Italian bishops, and formulating the matter following the rules of a civil lawsuit, turning what Constantine had initially conceived as a iudicium episcopale into a synod. The

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30 Eusebius of Caesarea, HE 10, 6, 4.


opposing side was not pleased with the ruling in favour of Caecilianus, and it was not long before they wrote a petition to Constantine, asking him carry out an investigation in Africa on the innocence of Felix of Abthugni, who had consecrated the controversial bishop of Carthage, which ultimately led to the calling of a new council to issue a definitive ruling. This council was convened in Arles (314) and the emperor conceived it as an earthly instrument of divine will, expressed through the verdict of the priesthood (sacerdocium iudicium). This suggests that Miltiades and, most likely, Hosius of Corduba and the trusted Gallic bishops present in the council of Rome had convinced the Augustus that only a synod of priests, rather than a mere arbitration, could put an end to such a dispute. Indeed, the Augustus was endowed with sufficient authority to force the bishop of Rome to carry out simple arbitration proceedings, and if not for this reason he would have not felt the need to summon a new synod in Arles a year later, pressed by the need to involve a greater number of bishops.

The management of the Donatist schism, which displays two ways of approaching the conflict (the emperor’s and that of the bishop of Rome) is a foreshadowing of the problems Constantine would encounter when it came to implementing his original religious policy. Indeed, his will to establish a consensus-based religious peace would clash with the complexity of the relations and interests of the many religious groups, especially those doctrinal opinions which, as was the case in Christianity, struggled to impose their vision to the exclusion of the perceived falsehoods of rival groups. In this regard, the Arian crisis would prove to be the greatest challenge to the emperor’s policy, and its consequences would resound throughout the fourth century. From the beginning of the activity of Arius of Baucalis around 317-318 to his deposition by Alexander of Alexandria and the calling of the Council of Nicaea in 325 to establish the doctrine of the Church and attempt to solve the conflict, Constantine’s role within the Church became more and more defined as he took on new competencies. Nevertheless, it could be argued


34 Optatus of Milevi, Parm. 1, 25–28.
that, by assuming leadership of the religion of the empire, Constantine was simply exerting the emperor’s traditional prerogatives as pontifex maximus. The emperor’s increasing encroachment upon Church matters to the point of eclipsing the bishop of Rome himself,38 added to the tension caused by the rehabilitation of Arius in 327 and the appointment of Athanasius at the head of the diocese of Alexandria a year later, would lead to a major shift in the emperor’s policy and a radical change in his modus operandi.

The failure of tolerance: the search for consensus

This shift in the direction of the emperor’s religious policy, from his originally peaceable focus on tolerance to the quest for a single option (that which, moreover, was favourable to the exercise of power with the least amount of obstructions from Church authorities) took shape in the imposition of a consensus in favour of the non-Nicene faction during the last years of his reign. This shift, which was imbued with what Polymnia Athanassiadi accurately termed “monodoxy,”39 signalled the de facto of the brief period of tolerance and the beginning of another that was characterised by coercion applied to all who opposed the emperor’s religious policy. Thus, with regard to Christianity, there was a struggle between various Christian doctrines in which political power would intervene, supporting the one it intended to use to impose this religious consensus, purging any other options that differed from the favoured one, regardless of their orthodoxy. This process is more complex than what traditional theses on intolerance and the undermining of religious freedom as a characteristic manifestation and general trend of the fourth century would have us believe. Indeed, although such theses portray coercion (and, therefore, violence) as the natural result of monotheistic intolerance towards other forms of worship,40 the same phenomenon

38 Sylvester did not preside the council and did not even participate in it. This remarkable absence may be due, as Canella point out in Il “pesso della tolleranza,” 80–81, to Sylvester’s refusal to participate in Constantine’s initiatives, to differences in opinion between the bishop and the emperor, or to the former’s old age (Eusebius of Caesarea, VC 3, 7, 2).

39 Athanassiadi, Vers la pensée unique, 22.

took place between naturally monotheistic options, as was the case in the conflict between Nicene Christianity and so-called “Arianism.” Therefore, just as polytheism is not inherently more tolerant than monotheism, the Christian doctrinal option favoured by Constantine during the last years of his reign in order to remain faithful to the premises of his tolerance-based religious policy gave rise to a repression of the opposing doctrine which, by defending the independence of the Church from imperial power, undermined the emperor’s designs to oversee the Church and to ensure civil peace through spiritual concord. Throughout this paper I will attempt to provide an answer to the various questions that arise from this paradox, which I conceptualise, as many other specialists on the period in question do, in the light of the victory of the eristic faction over the irenic faction within Christianity, and the subsequent influence said faction exerted on the governing of the Church and spiritual matters.

As I pointed out earlier, the attitude and measures adopted by the emperor in the context of the Arian question would develop very differently from his management of other religious matters. In 324, when the emperor had managed to rid himself of his rival Licinius and had become the sole ruler of the empire, far from exerting coercion in favour of Christians, he chose to reinforce the tolerance-based political programme that had inspired his actions in 313, promoting mercy and peaceful coexistence among its supporters in order to achieve the effective cohesion of his domains. Thus, even though he lambasted both paganism and Judaism alike


44 Which he deemed to be a *secta nefaria* and *secta feralis*, *Codex Theodosianus* 16, 8, 1 (18 October 329). James Parkes, “Jews and Christians in Constantinian Empire,” in *Papers Read at the First Winter
and openly manifested his clear preference and support for Christianity. Constantine ceaselessly demanded that his Christian subjects abstain from any violent actions against their adversaries.\(^{45}\) Constantine stressed this point on several occasions,\(^ {46}\) being certain that civic peace was based on religious concord\(^ {47}\) and on arbitration between the parties in conflict. Thus, Constantine embraced Lactantius’ notion of \textit{libertas} applied to religion, and this trait would be indissolubly associated to Constantine’s praxis beyond the issue of the Edict of Milan, as can be seen in the calls to respect religious freedom in documents as relevant as the letter addressed to the eastern provincials after the defeat of Licinius.\(^ {48}\) However, the sheer size of the Arian controversy, on the one hand, and Constantine’s sole rule over the empire as a whole from 324 onwards would end up giving the emperor a far more important role in the management of spiritual affairs, opening a second phase in his religious policy.

Constantine’s tolerance had a strong impact on the conception of power and of relations between the Church and the State. The emergence of a pro-Christian emperor after a period of persecution gave rise to a new scenario and opened new questions on the nature of power and the emperor’s position within the Church. Late in Constantine’s reign, Eusebius of Caesarea promoted the image of the empire and the emperor as the \textit{eικών} and \textit{μίμησις} of the Kingdom of the Father and of the \textit{Logos}, respectively.\(^ {49}\) Through this, he justified the emperor’s presence and activity in the Church by portraying him as the vicar of God in the light of his contribution to the universalisation of the empire of God through the earthly empire and the ability to lead men to salvation that emerged from this. This narrative proposed a direct and unmediated relationship between God and the sovereign who, as a vicar, was the legitimate representative of God and therefore at the apex of the ecclesiastical hierarchy, being entitled to carry out his teaching, ministry and government over the rest of the Church. In the Eusebian imaginary, the emperor is endowed with Episcopal characteristics to the point of being deemed to be \textit{ἐπίσκοπος τῶν ἐκτῶν},\(^ {50}\) endowed

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\(^{46}\) Lactantius, \textit{De mort.} 48, 6, \textit{Quod a nobis factum est, ut neque cuquam honori neque cuquam religioni a nobis detractum aliquid a nobisuideatur.}

\(^{47}\) Pietri, “Constantin en 324,” 80–82. Indeed, Constantine conceived the great persecution as a sort of civil war, and he did not wish for such a situation during his rule, Eusebius of Caesarea, \textit{VC} 2, 27, 1.49, 2.49, 53–54; \textit{Laws Cons.} 7, 6–7.

\(^{48}\) Eusebius of Caesarea, \textit{VC} 2, 56, 2, 60, 1.

\(^{49}\) Eusebius of Caesarea, \textit{Laws Cons.} 3, 5–6, 7, 12.

\(^{50}\) Eusebius of Caesarea, \textit{VC} 4, 24. See 1, 44, 1–2: \textit{ἐξαίρετον δὲ τῇ ἐκκλησίᾳ τοῦ θεοῦ τὴν παρ’ αὐτῷ...}
with a rank and importance that rivalled those of bishops in the management and mediation between the earthly and celestial realms. This is not only apparent in the leadership he took on in Nicaea, but also in the initiatives he undertook early on to solve the Arian controversy. Precisely, in Nicaea (as had happened in the Council of Arles of 314), it is worth noting that Sylvester of Rome was absent, having sent envoys who kept a low profile. In spite of his long pontificate (314–335), there are hardly any traces of the activity of this bishop of Rome, who was overshadowed by prelates such as Hosius of Corduba or Eusebius of Caesarea, who seemed to have been worthier of the emperor’s trust. This remarkable estrangement between the pope and the emperor may have stemmed from disagreements on the management of Church matters. It is indeed possible that Sylvester followed the line established


52 Constantine used Hosius of Corduba as a mediator and bearer of his correspondence with Arius and Alexander of Alexandria, Socrates Scholasticus, HE 1, 7, 1; Hermias Sozomenos, HE 1, 16, 1–5; Cassiodorus, Hist. tripart. 1, 20, 2–3; Gelasius of Cizicus, HE 2, 3, 22.

53 Theodor of Cyrhurst, HE 1, 7, 3.

by Miltiades in the Council of Rome, thus interfering with Constantine's policy of tolerance, and that he was therefore sidelined to a secondary role.55

Far from reaching the desired consensus in Nicaea, the formulation of the consubstantiality of the Son to the Father sowed discontent among vast swathes of the episcopate. Those who did not subscribe to the Nicaean formula were sent into exile, and discontent festered among many who did, giving rise to a well-structured faction that defended a similarity of substance between the two persons of the Trinity in question. The rehabilitation of Arius (and, with it, that of Eusebius of Nicomedia and Theognis of Nicaea) took place one year before the ordination of Athanasius as bishop of Alexandria, further fuelling tensions between the emperor and the Church to the point of leading to a paradigm shift in the latter part of Constantine's reign owing to the radicalization of the Arian-Nicene conflict.56 Indeed, nowhere was the shift from tolerance to the sometimes-violent imposition of a religious consensus became more apparent than in the struggle between the emperor and Athanasius of Alexandria from the moment of his ordination in 328.

The question of Athanasius of Alexandria

The clash with the young bishop of Alexandria would take place almost immediately, as it was not long before he became the object of the anger of the non-Nicene factions in Egypt and was accused of exerting violence against the followers of Melitius of Lycopolis, who refused his ascension which had been imposed, in a way, by his master and predecessor Alexander.57 Athanasius was soon accused of


57 Epiphanius of Salamis, Adu.haer. 68, 7; Philostorgius, HE 2, 11; Hermias Sozomenos, HE 2, 17. Gregory of Nazianzus, in Or. 21, 8 states that Athanasius’ election was entirely legal, as there was unanimity between a sufficient number of electors who were present (ψήφῳ τοῦ λαοῦ παντός). Henric Nordberg, Athanasius and the Emperor (Helsinki: Societas Scientiarum Fennica, 1963), 17; Annick Martin, “Athanase et les méliens (325–335),” in Politique et théologie chez Athanase d’Alexandrie, ed. Charles Kannengiesser, (Paris: Beauchesne, 1974), 40–41; M. Simonetti, La crisi, 110–115. On the relationship between Arians and Melitians, Rowan Williams, “Arius and the Melitian Schism,” Journal
exerting violence against his opponents,\textsuperscript{58} which led to the emperor sending him a letter urging him to follow his orders on religious matters and threatening him with deposition if he refused to admit to communion all those who wished to belong to the Alexandrian church.\textsuperscript{59} Melitians continued to appeal to the emperor in their struggle against Athanasius, whom they accused, in a second audience with Constantine, of corruption and assault against a Melitian presbyter from Mareotis that resulted in a chalice being broken. This incident led Athanasius to be summoned before the emperor himself in Nicomedia in the year 331, where he was asked to defend himself from the many charges levelled against him,\textsuperscript{60} including not only the matter of the chalice of Ischyras of Mareotis, but also the traditional accusations of irregularities in his ordination and of not having reached canonical age at the time of the same.\textsuperscript{61} Indeed, even though relations between Athanasius of Alexandria and various Egyptian Christian groups were difficult and complex from the get-go, their antagonism would worsen from 330 onward with the involvement of civil authorities in the arbitration of differences between the followers of Melitius of Lycopolis and the patriarch of Alexandria. The strategy of pressing civil charges against Athanasius proved extremely successful in this context, as it would lead to the summoning of several synods in which ordinary legal proceedings would be carried out, processing problems of an ecclesiastic nature more expediently than what could be expected from proceedings in ecclesiastic jurisdiction.\textsuperscript{62}

\textsuperscript{58} Athanasius refers to these accusations in \textit{Apol.c.ar.} 9 and 11; Hermias Sozomenos, \textit{HE} 2, 22.
\textsuperscript{59} Athanasius of Alexandria, \textit{Apol.c.ar.} 59, 6: Ἐχων τοίνυν τῆς ἐμῆς βουλήσεως τὸ γνώρισμα ἅπασι τοῖς βουλομένοις εἰς τὴν ἐκκλησίαν εἰσελθεῖν ἀκώλυτον παράσχου τὴν εἴσοδον. ἐὰν γὰρ γνῶ ὡς κεκώλυκάς τινας αὐτῶν τῆς ἐκκλησίας μεταποιουμένους ή ἀπεῖρξας τῆς εἰσόδου, ἀποστελῶ παραχρῆμα τὸν καὶ καθαιρήσοντά σε ἐξ ἐμῆς κελεύσεως καὶ τῶν τόπων μεταστήσοντα ("Therefore, being informed of my will, you are to grant free access to all who wish to enter the Church. Indeed, if I were to hear that you have hindered or excluded any who claim to be admitted into communion with the Church, I will immediately send someone to depose you and remove you from your place on my orders.").
\textsuperscript{60} Athanasius of Alexandria, \textit{Apol.c.ar.} 60; \textit{Idem}, \textit{Ep.fest.} 4, 5; Socrates Scholasticus, \textit{HE} 1, 27, 7–9:
\textit{Hermias Sozomenos, HE} 2, 27, 7–8.
\textsuperscript{61} Epiphanius od Salamis, \textit{Adu.haer.} 68, 7; Gregory of Nazianzus, \textit{Or.} 21, 8; Philostorgius, \textit{HE} 2, 2 and, especially, \textit{Hermias Sozomenus, HE} 2, 17, in which he states the existence of a consensus in the succession of Alexander of Alexandria that was broken by seven bishops, who condemned young Athanasius on their own, who would later provide an enlightening account in \textit{Apol.c.ar.} 6.
\textsuperscript{62} On the nature of the charges levelled against Athanasius, Girardet, \textit{Kaisergericht und...
The clash between the patriarch of Alexandria and his opponents in this context would come to a head in 333, when said opponents petitioned the emperor to form a separate church if Athanasius continued to refuse to accept them in communion. Constantine was in favour of maintaining the status quo that had been achieved in Nicomedia two years earlier, ensuring that Athanasius would be able to maintain his precarious hold on the See of Alexandria for the time being. The patriarch’s opponents, however, would not be so easily discouraged, and they summoned a synod in Tyre (335) in order to force Athanasius to face a court which, according to his own account, was entirely hostile to him and was intended to draw the man who was seen as the source of all conflict from his sphere of action and authority.

The reasons stated by the emperor in the opening of the synod are imbued with the irenism that was characteristic of his traditional stance on religious affairs and that was intended to achieve a homogenization of the situation of the Church. There can be no doubt that Constantine deemed Athanasius to be the main cause of the deep rift that divided the Alexandrian Church due to his intransigence towards the groups that had formed around other leaders. The Melitians and Eusebians would seize this opportunity to strike a fatal blow against their common enemy, who was ultimately sentenced to exile, not on the grounds of doctrinal disagreements, but rather for having committed violent acts unbecoming of his station for which he was summoned before the synod of Tyre in 335. There is a substantial difference between this situation and that of Nicaea, and it is especially relevant insofar as it would become recurrent in subsequent synods: doctrinal matters would give way to disciplinary issues generally governed by civil authorities, even though bishops were ultimately in charge of issuing their sentence.


63 Athanasius denounces the fact that comes Dionysus belonged to the Eusebian faction in Apol.c.ar. 71.

64 Constantine, according to Eusebius of Caesarea, VC 4, 42, 1, justified his decision based on the need to τοὺς ἀδελφούς ἱάσασθαι κινδυνεύοντας, εἰς ὁμόνοια ἐπαναγαγεῖν τὰ διεστῶτα τῶν μελῶν, διορθώσασθαι τὰ πλημμελούμενα, ἓς καρός ἐπιτρέπει, ἵνα τις ἐπάρχῃ καὶ ἀπὸ τῶν ἀνθρώπων ἀπώλεσε τὴν ἀρχήν. (“heal your brethren who are in danger, to reunite the separate members in unanimity, to correct errors while there is still time, so that you may restore the concord which has already been destroyed by the arrogance of a few to so many provinces”).

65 Athanasius of Alexandria, Apol.c.ar. 71, 2.

66 According to Eusebius, a declaration of orthodoxy or heresy corresponded to the bishops by imperial decision, Barnes, “Emperor and Bishops, A.D.324–344: Some Problems,” American Journal of Ancient History 3 (1978): 53–75. Subsequently, the conformation of Episcopal majorities around the prince will be essential for the legal definition of orthodoxy, as Sozomenus would later acknowledge (HE 1, 1, 15), Noethlichs, “Revolution from the Top. Orthodoxy and the Persecution
Constantine enhanced and institutionalized the role of bishops in civic affairs by granting them a number of legal privileges which granted them increased social status and responsibilities. Among them, the fact that conciliar decisions were given legal force, preventing provincial governors from terminating them, stands out in particular.\textsuperscript{67} Nevertheless, actual practice granted the emperor the last say on all matters of his interest. Thus, as we have seen, the emperor adopted decisions regarding the Donatist schism without taking previous conciliar decisions into account and, in the various conflicts that arose from the Nicene-Arian controversy, Constantine imposed his line over the authority of the council and the Church in a number of episodes. In this regard, it is worth pointing out that in 327, when Arius petitioned the emperor to ask for rehabilitation,\textsuperscript{68} Constantine asked Alexander of Alexandria to make peace with him and summoned Eusebius of Nicomedia back from exile.\textsuperscript{69} In 331, he acquitted Athanasius, who had been accused of a number of outrages by the Melitians\textsuperscript{70} and he did so again in 333, when he exonered him of the accusation of having murdered a priest. Two years later, the Augustus forced the patriarch of Alexandria to attend a synod called in Tyre, where he was ultimately sentenced and exiled, being compelled to flee to Constantinople, where he sought the emperor’s protection in vain.

Nonetheless, even though this measure was restricted by the emperor himself, we cannot overlook its significant spiritual and organisational impact on the Church. Firstly, the powers taken on in the councils, especially those that were sponsored by the emperor himself, further estranged doctrinal and disciplinary decision-making from congregations, thus undermining their autonomy and the individual authority of bishops and seriously disrupting the organisational model adopted by early Christians. Secondly, because these great councils structured and legitimised a supra-provincial, diocesan and imperial framework managed by the main metropolitan

\textsuperscript{67} Eusebius of Caesarea, VC 4, 27, 2.

\textsuperscript{68} Socrates Scholasticus, HE 1, 26.

\textsuperscript{69} Pseudo Gelasius, HE 3, 15, 1–5.

\textsuperscript{70} Athanasius of Alexandria, Apol.c.ar. 60–61.
bishops, thus promoting the creation of an internal hierarchy between Episcopal sees and their holders. This led to an increased control of the Church by the emperor, who used this structure for his own benefit, placing like-minded bishops in the main dioceses and exiling or deposing wayward bishops from others.

Likewise, the *episcopalis audientia*, a privilege that was maintained in Constantinian legislation but restricted by subsequent emperors, became extremely relevant in this context. Sirmondian Constitution 1 allowed any of the parties in a lawsuit to appeal to the bishop at any time during the proceedings, and a ruling issued by said bishop was deemed sacred and unappealable; moreover, it was established that the aforementioned bishop’s testimony should be taken by magistrates at faith value without being cross-examined with any other witness accounts. Over time, the privileged bishops became corrupted much like their secular colleagues, and the scope of the *episcopalis audientia* was limited both with regard to unrestricted appeals and the validity of testimony from a single bishop. It is therefore logical that the emperor did not renounce intervening as the supreme arbitrator in any legalistic conflicts that severely disturbed the peace.

The Council of Tyre took on the forms and proceedings of an ordinary court of law in which, according to Klaus M. Girardet, Constantine acted as the *iudex* of the proceedings, speaking through his delegate, the *comes* Dionysius, whilst bishops acted as *consiliarii* in the trial, and this formula, far from being coincidental, is in

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72 The vast prerogatives of bishops in this law and the ability to appeal to bishops from a civil court of law have caused much perplexity. Harold A. Drake deems it to be a part of Constantine’s social, rather than religious agenda, focused on protecting the down trodden from the corruption of justice, see *Constantine and the Bishops*, 235–272.

73 *Codex Theodosianus*, 1, 22, 2 (17 June 334).

74 *Codex Theodosianus*, 11, 39, 3 (25 August 334).

75 Girardet, *Kaisergericht und Bischofsgericht*, 68.
line with the habitual practice of eastern synods. The council sentenced Athanasius to exile in Trier, where he would spend an unremarkable two years. Nevertheless, his departure from Tyre was no easy matter, as he was compelled to flee owing to the fact that the resolution of the conflict so inflamed the passions of the parties present that Athanasius’ safety and integrity may have been compromised. He found refuge in Constantinople, where he made a vain attempt to convince the emperor of the unfairness of his sentence, arguing that he had been compelled to go into exile despite not having been deposed in Tyre. Indeed, it is difficult to ascertain the reasons behind Constantine’s decision, but accounts from several Church historians suggest that it was due to Athanasius’ refusal to accept Arius, whose followers had been formally admitted to the synod held in Jerusalem in September 335, and this refusal stood in stark contrast with Constantine’s designs for religious unification.80

The doctrinal disagreements that emerged in Nicaea ten years before the calling of the Synod of Tyre ran contrary to the emperor’s interests in matters of religious policy, as they were a source of constant confrontations within dioceses that deeply disturbed civil life within them. Faced with this challenge, the ruling powers would tackle the problem from a disciplinary perspective, combining civil and religious jurisdictions (supervised by the imperial authority), and this trend would become accentuated from 335 onwards and be carried on by Constantine’s successors, especially Constantius II. To this action we must add the emperor’s interest in obtaining ideological support to legitimize his decisions. In this regard, the Eusebian faction would prove far more participative than the Nicene one, and power drew nearer to the group that proved most docile and cooperative with the political programme to be applied in religious matters, both from a doctrinal and disciplinary point of view.

79 Eusebius of Caesarea, VC 4, 43–44; Theodoret of Cyr, HE 1, 31; Hermias Sozomenos., HE 2, 26, 1.
80 Socrates Scholasticus, HE 1, 35; Hermias Sozomenos, HE 2, 28. In fact, everything suggests that Constantine wished to close these doctrinal disagreements before the dedication of the Church of the Holy Sepulchre, the central celebration of his tricennalia (Eusebius of Caesarea, VC 4, 41).
Conclusion: The response to imperial intervention

Nevertheless, taking the short-term results that were achieved into account, the Melitians’ strategy of entrusting Athanasius’ condemnation to the application of civil mechanisms and proceedings and attempting to link them with a sentence for charges concerning a disciplinary question of an ecclesiastical nature, ended up in failure. Indeed, the main arguments put forward against Athanasius by the plaintiffs were based on the alleged irregularity of his election and on the violent behaviour highlighted by the breaking of the chalice of Ischyras, and these charges of an ecclesiastical nature fell within the traditional jurisdiction of synods and could not be related to ordinary civil proceedings, even within the context of a session in a synod. In spite of this jurisdictional incompatibility, Athanasius’ opponents had attempted to use this mechanism prior to the Council of Tyre without success due to the absence of the defendant himself. This gave rise to the accusation of disobeying the emperor being levelled against Athanasius, and Constantine would subsequently use this accusation to ensure that he and, by extension, all parties summoned to the council would be present in Tyre. The reason why Athanasius of Alexandria was so reluctant to appear in the various synods summoned to “solve” his conflict with his Egyptian opponents was that not only was he facing traditional charges of alleged acts of violence committed in Mareotis or the alleged irregularities that surrounded his election, but also additional accusations, such as stirring up violence in Alexandria, murdering Arsenius of Hypsela or practicing magic with the severed hand of the aforementioned, were being levelled against him in order to justify the relevance of opening civil proceedings.

The changes and consequences the Council of Tyre would give rise to with regards to the relationship between bishops and the imperial Church would have a strong impact, as the combination of civil and ecclesiastic jurisdictions under the direct supervision of the emperor would become a recurring model for future synods. This revealed the emperor’s will to play a fundamental role in the Church, which was

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82 Theodoret of Cyrrhus, *HE* 1, 28, 2; Hermias Sozomenos, *HE* 2, 25, 1. The fact that a synod was called in Caesarea (334) to process local disciplinary matters clearly highlights the fact that Athanasius’ problem had surpassed the domestic ecclesiastic sphere and that his quarrels against the Melitians were the reflection of a greater issue: his conflict against the Eusebian faction and all bishops who held doctrinal positions closer to Arian or, at least, non-Nicene positions. See Twomey, *Apostolikòs thrónos*, 352.
85 Athanasius was exonerated from these charges by summoning Arsenius himself, in perfect health, *Apol.c.ar*. 72; Socrates Scholasticus, *HE* 1, 29; Hermias Sozomenos, *HE* 2, 25, 10; See Arnold, *The Early Episcopal Career*, 156; Barry, *Bishops in Flight*, 145.
in line with a long previous tradition and was also a consequence of the political-
theological thought that was so successfully inaugurated by Eusebius of Caesarea. In
this regard, as the representative of God on Earth, the emperor became a supreme
judge and the source of all authority.

Nevertheless, even though Constantine was able to realize the usefulness
of the Church’s synodal structure, it is likely that the bishop of Rome was aware
of his intentions from the outset, and Miltiades’ actions in the early stages of
the Donatist schism, when he chose to summon a traditional synod instead of
accepting the emperor’s request for arbitration, must be understood in this light.\footnote{86}
The zeal with which the bishop of Rome guarded his prerogatives was noticed by
Athenasius himself, and he would, along with other Eastern prelates who had also
been wronged by the Eusebians, appeal to Rome for reparations,\footnote{87} relying on the
apostolic nature of Episcopal authority to avoid being subjugated by the imperial
Church. The Synod of Serdica (343) would be a milestone in the development of
this aspect, taking shape as the answer of the apostolic Church to the mechanisms
and synodal model of councils such as those of Caesarea (334), Tyre or Jerusalem
(335), which attempted to use civil authority to uphold the religious interests of one
faction over another.\footnote{88} Athenasius recurrently denounced that the reasons behind
the severe and implacable attitude of his opponents lie in their refusal of the doctrine
of Nicaea and, in particular, of the ὁμοούσιος. Even though this position was adopted
for purely apologetic and even polemic purposes, it was nevertheless, as Vincent
Twomey points out, “entirely consistent with his rejection of the imperial Church
based on one earthly monarch representing on earth the one divine monarch in

\footnote{86} When Rome disregarded Donatist protests and they appealed to Constantine, who summoned
a new council in Arles (314), the bishop of Rome refused to attend it and sent two legates. He did,
however, reserve his final decision, inaugurating a practice that continues to this day. See Barnes, “The
und Bischofsgericht, 6–26; Idem, “Die Petition der Donatisten an Kaiser Konstantin (Frühjahr 313) –

\footnote{87} The patriarch of Alexandria cleverly laid the groundwork to obtain the support of the Roman
see and the Western prelates by sending an encyclical letter in 338 in which he explained all the
vicissitudes of the ten years since his election, laying the blame on the Eusebian faction. In response,
Julius of Rome summoned a council in 340 to hear the cases of Athenasius of Alexandria and Marcellus
of Annyra free from all civil tutelage (Socrates Scholasticus, HE 2, 15, 5; Hermias Sozomenos,
HE 3, 8, 6); See David M. Gwynn, The Eusebians. The Polemic of Athenasius of Alexandrian and the
Werke«, Texte und Untersuchungen zur Geschichte der altchristliche Literatur 164, eds. Annette von
Stockhausen and Hanns C. Brennecke, (Berlin: De Gruyter, 2010), 91–97.

\footnote{88} Hess, The Early Development of the Canon Law, 60–64; Twomey, Apostolikos Thrónos, 453–462.
heaven, – which, in practice, undermined the teaching of Nicaea that the Logos was consubstantial with the Father.”

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