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## Innocent I and Rufus of Thessalonica\*

Innocent I's letter to Rufus (Ep. 13 [ed. Silva-Tarouca, cf. note 4]), bishop of Thessalonica, is a crucial piece of evidence in the development of what is known as the papal vicariate of Thessalonica. This paper corrects the opinion that holds that this letter of 412 must have been written after Rufus had been bishop for some time, implying that at first either he had not enjoyed the responsibilities his predecessor Anysius had or that those responsibilities were augmented at this time. Here it is proposed that this is Innocent's first letter to Rufus, spelling out the responsibilities previously held by Anysius to the new Thessalonian bishop. This is possible because it is argued that Ep. 16 to Marcianus (where Rufus is mentioned) does not have to be dated to 409 or 410 but can be dated later. As the bishop responsible for Illyricum Orientale, a responsibility that endured even though this prefecture had been transferred politically to Constantinople, Innocent had certain rights, and it was the exercise of these rights that Rufus was granted. Those rights are explored in detail in this paper and comment is made about the implications this has for the development of papal primacy.

The division of the Roman empire into two after the death of Theodosius I in 395 never provided a completely fixed boundary in the years that followed, at least conceptually if not in reality, as the reported military ambitions of Stilicho towards Illyricum Orientale in the decade or so after Theodosius' death and Justinian's military campaigns in Italy in the next century reveal. While this was true politically it was also true ecclesiastically. The area of the Balkans peninsula, a constitutive element in today's mind of the Byzantine Empire and of Greek Orthodoxy, was, for more than a century after Theodosius' death, under Roman ecclesiastical supervision through the bishop of Thessalonica acting as papal vicar.<sup>1</sup> While that responsibility was challenged by 421,<sup>2</sup> it was still the basis for an appeal to Rome in 531 against the involvement of the bishop of Constantinople in Illyrian ecclesiastical affairs, as evidenced by the letters of the *Collectio Thessalonicensis*. While Spinka is wrong to date the final political division to 379, and certainly wrong to date the establishment of the papal vicariate of Thessalonica to Sixtus III in 437, he is right, I believe, in his assertion that "it was this discrepancy between the political and the ecclesiastical jurisdiction over Illyricum which gave rise to the age-long struggle between the rival patriarchal sees."<sup>3</sup>

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<sup>1</sup> A.E. LAIOU, Thessaloniki and Macedonia in the Byzantine Period, in: Byzantine Macedonia: Identity, Image and History, ed. J. BURKE – R. SCOTT (*Byzantina Australiensia* 13). Melbourne 2000, 2, does not consider Thessalonica to be important for Byzantine history until the late sixth century. I am arguing that what is happening early in the fifth century is of great importance for relationships within Christianity between East and West in later centuries. For the situation in the latter stages of the fifth century see C. PIETRI, La géographie de l'Illyricum ecclésiastique et ses relations avec l'Église de Rome (Ve–VIe siècles), in: Villes et peuplement dans l'Illyricum protobyzantin. Actes du Colloque organisé par l'École française de Rome (Rome, 12–14 mai 1982) (*Collection de l'École française de Rome* 77). Rome 1984, 21–62.

<sup>2</sup> Cod. Theod. XVI 2, 45. R. MIHAJLOVSKI, Ante Pacem at Heraclea Lyncestis: From Constantine to Justinian, in: Nis and Byzantium 5 (Nis, 3–5 June 2006), ed. M. RAKOCIJA. Nis 2007, 182, points out that the law was unsuccessful.

<sup>3</sup> M. SPINKA, A History of Christianity in the Balkans: A Study in the Spread of Byzantine Culture among the Slavs. Hamden, Conn. 1968 (Reprint Chicago 1993), 13.

This paper is interested in how that arrangement between Rome and Thessalonica worked in its earliest years in existence, years that ought not be overlooked as they often tend to be. A fresh investigation into the papal vicariate of Thessalonica is in order to help us appreciate and understand part of the origin of what would become the tensions between the churches of Rome and Constantinople, the ramifications of which endure to this day. The argument here is that the letter of Innocent I of Rome to Rufus of Thessalonica in 412 was written at the start of Rufus' episcopate, extended to him the same privileges as had been enjoyed by his predecessor Anysius, confirms that Rome's interest in the area had been prompted initially by anxiety over the influence of the church of Milan, and that this was an exercise of the Roman bishop's patriarchal not universal authority.

On 17 June 412 Innocent I, bishop of Rome between 402 and 417, wrote to his episcopal colleague, Rufus of Thessalonica, a letter concerning the responsibilities the latter was to exercise throughout the churches of Illyricum Orientale on behalf of the Roman bishop.<sup>4</sup> The letter (Ep. 13) is found in the *Collectio Thessalonicensis*, a group of letters preserved only in one ninth- or tenth-century manuscript (Vatican. lat. 5751) sent from the church of Thessalonica to Rome in 531 during the dispute over the election of Stephen as bishop of Larissa in which the bishop of Constantinople had become involved.<sup>5</sup> These letters from earlier Roman bishops were sent to remind Boniface II in Rome that Constantinople did not have jurisdiction in this case because of a long-standing tradition that tied the churches of the region to Rome instead. Innocent had written to Rufus' predecessor, Anysius, about these delegated responsibilities in a briefer and less detailed letter, which is also in the *Collectio Thessalonicensis*.<sup>6</sup>

#### HOW LONG WAS RUFUS A BISHOP BEFORE HE BECAME PAPAL VICAR?

The first important question to ask in considering Epistula 13 is how long into Rufus' episcopate did Innocent write it? I shall argue that Innocent wrote it very soon after Rufus was elected to the position, and that he was extending to the bishop of Thessalonica the same delegated privileges and responsibilities enjoyed by his predecessor Anysius. The alternative views, which are rejected here, would be either that Rufus was only granted those same faculties some way through his episcopate, perhaps as a means of emphasising that they were not tied to the office of bishop of Thessalonica and were entirely the gift of the Roman bishop to be given if and when he chose (meaning that Rufus spent the first years of his episcopate not being papal vicar at all), or that Rufus began his time as bishop only enjoying a limited delegated authority as vicar, as had Anysius (according to this argument), which was then expanded in 412 to include all that is described in this letter. Do the letters of the *Collectio Thessalonicensis* reveal such a gradual augmentation in the position of the church of Thessalonica?

To a large extent the answer to this question will be determined by one's interpretation of Innocent's letter to Anysius. I have argued that we should take Innocent's words in that earlier letter – *ut omnia quae in illis parentibus gererentur, sanctitati tuae ..., traderent cognoscenda* – to mean that Innocent, at the time of his own appointment in late 402, thought that his predecessors Anastasius, Siricius and

<sup>4</sup> Innocent, Ep. 13 (PL 20, 515–517). P. JAFFÉ, *Regesta Pontificum Romanorum I: A S. Petro ad a. MCXLIII*, rev. F. KALTENBRUNNER. Leipzig 21885 (= JK), no. 300. See C. SILVA-TAROUCA, *Epistularum Romanorum Pontificum ad Vicarios per Illyricum aliosque Episcopos: Collectio Thessalonicensis (Textus et Documenta Series Theologica 22)*. Rome 1937, 21–22, for the current critical edition. I am preparing a critical edition of all Innocent's letters, funded by the Australian Research Council. Here I am accepting the emendation of *Honorio X* to *Honorio IX* proposed by P. COUSTANT, *Epistolae Romanorum Pontificum et quae ad eos scriptae sunt a S. Clement I usque ad Innocentium III 1*. Paris 1721, col. 815, and accepted by SILVA-TAROUCA, *Epistularum*. Cf. F.X. SEPPELT, *Geschichte der Päpste von den Anfängen bis zur Mitte des zwanzigsten Jahrhunderts*. Munich 1954, 138, who rejects this emendation and dates Ep. 13 to 415 (by emending *Theodosio V* to *Theodosio VI*).

<sup>5</sup> Vatican. lat. 6339 is a sixteenth-century copy and Vatican. Barb. lat. 3386a is a seventeenth-century copy of Vatican. lat. 5751. See F. MAASSEN, *Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande bis zum Ausgange des Mittelalters*. Graz 1870, 766–767; L. KÉRY, *Canonical Collections of the Early Middle Ages (ca. 400–1140): A Bibliographical Guide to the Manuscripts and Literature (History of Medieval Canon Law)*. Washington, D.C. 1999, 40–41.

<sup>6</sup> Innocent, Ep. 1 (SILVA-TAROUCA, *Epistularum* 20–21 = JK 285).

Damasus had placed such an authority in the bishops of Thessalonica, which he was prepared to renew. In fact, however, he was extending it beyond what any of them had granted, which, taking Siricius as the Roman bishop who had delegated the most to a bishop of Thessalonica prior to Innocent, had been limited to the approval of episcopal elections in the region.<sup>7</sup> Thus, *omnia* should be taken at face value to mean that Innocent delegated all his authority over the churches of Illyricum Orientale (the civil dioceses of Dacia and Macedonia), which the Roman bishops considered ecclesiastically still to be a part of their own *prouincia* (even though politically the area was now administered by the eastern empire) to Anysius. Therefore, the authority delegated to Anysius was not limited. My argument is that Innocent might have been mistaken in his thinking, as expressed in both his letter to Anysius and in that to Rufus, that he merely was imitating his predecessors. Thus, by accident rather than design this Roman bishop, while still new and inexperienced, had unknowingly expanded the authority delegated to the bishops of Thessalonica to act on his behalf. We shall consider below how much greater this responsibility for *omnia* was in comparison with what Siricius had granted.

On this understanding, therefore, the third option above, viz., that Innocent was extending to Rufus something greater than had been enjoyed by Anysius, either at the beginning or part-way through Rufus' episcopacy in Thessalonica, should be rejected, as Innocent had granted such authority previously to Anysius (although believing he was only renewing, not extending, a prerogative his predecessors had granted already).<sup>8</sup> Indeed, Innocent's words in Epistula 13 to Rufus confirm this: *non primitus haec ita statuentes ...*<sup>9</sup> As far as Innocent was concerned, Rufus was receiving nothing more than any of his predecessors in Thessalonica had enjoyed. In other words, what we find in Epistula 13 about the delegated authority entrusted to Rufus is nothing more than a spelling out of the same authority granted earlier to Anysius (an authority which Innocent believed mistakenly his Roman predecessors had granted already to Anysius and his predecessors).<sup>10</sup>

But what about the position that Rufus began his time as bishop not enjoying any of the extra responsibilities that Anysius had, beyond being metropolitan bishop of Thessalonica, and that some time later Innocent delegated him as vicar by means of this letter we are considering (Epistula 13)? In other words, did Rufus undergo a probation period before he was deemed worthy to be invested with the delegated authority, which Anysius had enjoyed?<sup>11</sup> This depends on the interpretation of Innocent's statement that he was enclosing material with this letter that included an earlier letter.<sup>12</sup> Was this a reference to an earlier letter from Innocent to Rufus? On that reading, therefore, Rufus would have been for some time not everything that Anysius had been before him. However, the reference to Innocent's earlier letter need not be to one sent previously to Rufus but could be to his letter to Anysius, a copy of which Innocent enclosed to demonstrate that he was imitating his apostolic predecessors, as he claimed,<sup>13</sup> which itself

<sup>7</sup> G.D. DUNN, Innocent I and Anysius of Thessalonica. *Byz 77* (2007) 141–147. Siricius, Ep. 4 (SILVA-TAROUCA, Epistularum 19 = JK 257). If, however, Siricius' letter is less forthcoming about what responsibilities actually were delegated to Thessalonica (in that he did not mention the role of Thessalonica in appeals) and was actually referring not just to the election of bishops but to the provisions contained in Ambrose's 378 letter to Gratian and the emperor's response (see below), then Innocent was not mistaken in thinking that he was renewing what existed already.

<sup>8</sup> This is why I would reject the position of S. SCHIMA, Innozenz I. – Ein Zeitgenosse des Johannes Chrysostomus und sein Kirchenbild, in: Giovanni Crisostomo. Oriente e Occidente tra IV e V secolo. XXXIII Incontro di studiosi dell'antichità cristiana (Roma, 6–8 maggio 2004) (*Studia Ephemeridis Agustinianum* 93). Rome 2005, 681, who sees Ep. 13 as "eigentlicher Gründungsakt des Vikariats von Thessalonike ...".

<sup>9</sup> Innocent I, Ep. 13, 2 (SILVA-TAROUCA, Epistularum 22).

<sup>10</sup> M. WOJTOWYTSCH, Papsttum und Konzile von den Anfängen bis zu Leo I. (440–461): Studien zur Entstehung der Überordnung des Papstes über Konzile (*Päpste und Papsttum* 17). Stuttgart 1981, 211, calls Ep. 13 "eine gewisse Präzisierung dieser reichlich verschwommenen Bevollmächtigung" of Ep. 1.

<sup>11</sup> R. POPOVIĆ, Le Christianisme sur le sol de l'Illyricum Oriental jusqu'à l'arrivée des Slaves. Thessalonica 1996, 190, believes Rufus had been bishop since 407.

<sup>12</sup> Innocent I, Ep. 13, 3 (SILVA-TAROUCA, Epistularum 22): *Itaque et ex priore nostra epistola, et ex his chartulis, bene recensitis, quid agere debeas, recognosce.*

<sup>13</sup> Innocent I, Ep. 13, 2 (SILVA-TAROUCA, Epistularum 22): *... praecessores meos apostolicos imitati ...*

could be demonstrated with the archival material from his predecessors. Although Caspar implied that this was not Innocent's first letter to Rufus,<sup>14</sup> the second explanation seems preferable to me in that we do not have to postulate the existence of a missing letter.

Pietri supports the idea that Rufus had been a bishop for some time before Innocent wrote to him in 412, but he bases it on different evidence. His position needs to be refuted before we are able to continue. For him, the letter Innocent wrote from Ravenna to Rufus and the other Macedonian bishops (mentioned in Epistula 16)<sup>15</sup> must be dated prior to 409 or 410, when we know from other sources that Innocent was in Ravenna (and at which time he must have written Epistula 16).<sup>16</sup> On this basis Rufus would have been bishop for several years before Innocent sent him Epistula 13. However, as has been argued elsewhere, we need not consider that Innocent only visited the emperor Honorius in Ravenna the once.<sup>17</sup> There is no good reason to tie Epistula 16 to 409 or 410 as Innocent might have had cause to visit the emperor in the new capital on any number of occasions not recorded for us by the ecclesiastical historians. In other words, Innocent might not have stayed in Ravenna for the entire time between March 409 and August 410 (between the second embassy to Honorius and the sack of Rome),<sup>18</sup> and his reference in Epistula 16 to having set himself up in Ravenna because of the needs of the Roman people could be to an ongoing period sometime after August 410.<sup>19</sup> Indeed, Green, following Coustant, dates Epistula 16 to 413.<sup>20</sup> Thus, Pietri's reason for thinking that Rufus must have been bishop for some time before Innocent sent Epistula 13 to him vanishes.<sup>21</sup>

Jalland had argued that Innocent's letter was a reminder to Rufus of what his responsibilities as Rome's vicar were. He suggested that "Rufus had been disposed to keep matters too much in his own hands, and had given occasion for complaint against decisions made in defiance or in ignorance of Canon Law."<sup>22</sup> For him, Innocent's letter functioned as a reprimand, but he could only reach this interpretation by assuming that the letter was written after Rufus had been in office for some time. If we remove that presumption then this letter does not have to be seen as a reprimand but may be seen rather as an explanation to Rufus as a new bishop about just what his relationship with and delegated responsibilities from Rome entailed. Gaudemet avoids the question of how long Rufus had been bishop before Innocent wrote this letter to him, and his very point that it "précise le territoire ... et les pouvoirs de l'évêque de Thessalonique"<sup>23</sup> would not be opposed to the argument advanced in this paper.

Thus, I agree with Green, that Epistula 13 clearly is Innocent's first piece of communication with Rufus.<sup>24</sup> On this reading, Rufus did not begin without any responsibilities as vicar for the bishop of Rome,

<sup>14</sup> E. CASPAR, *Geschichte des Papsttums von den Anfängen bis zur Höhe der Weltherrschaft, I: Römische Kirche und Imperium Romanum*. Tübingen 1930, 309, n. 2: "Es war nicht der erste Brief, denn es wird in c. 3 auf einen früheren, sowie auf ein beigelegtes, im römischen Archiv durch den Presbyter Senecio zusammengestelltes Dossier von Instruktionen verwiesen."

<sup>15</sup> Innocent I, Ep. 16 (*PL* 20, 519–526 = JK 299).

<sup>16</sup> C. PIETRI, *Roma Christiana: Recherches sur l'Église de Rome, son organisation, sa politique, son idéologie de Miltiade à Sixte III (311–440)* (*Bibliothèque des Écoles françaises d'Athènes et de Rome* 224). Rome 1976, 1089. He is referring to Zosimus, *Historia nea* V 45, 5 (ed. F. PASCHOUD, Zosime. *Histoire nouvelle III/1: Livre V [Collections des Universités de France]*. Paris 1986, 67) and Orosius, *Hist. adv. pag.* VII 39, 2 (ed. K. ZANGEMEISTER, *Pauli Orosii Historiarum adversum Paganos libri VII accedit eiusdem Liber Apologeticus [Corpus Scriptorum Ecclesiasticorum Latinorum 5]*. Vienna 1882, 545).

<sup>17</sup> M.R. GREEN, *Pope Innocent I: The Church of Rome in the early Fifth Century* (DPhil diss) Oxford 1973, 186, n. 58.

<sup>18</sup> Zosimus V 45, 5 (67 PASCHOUD); Sozomen, *Historia ecclesiastica* IX 7, 1 (ed. J. BIDEZ, rev. G.C. HANSEN, *Sozomenus. Kirchengeschichte [GCS 4]*. Berlin <sup>2</sup>1995, 398); Orosius, *Hist. adv. pag.* VII 39, 2 (545 ZANGEMEISTER).

<sup>19</sup> Innocent I, Ep. 16 (*PL* 20, 519).

<sup>20</sup> GREEN, *Pope Innocent 49*; COUSTANT, *Epistulae* col. 819.

<sup>21</sup> L.-S. le Nain de TILLEMONT, *Mémoires pour servir à l'histoire ecclésiastique des six premiers siècles* 10. Brussels <sup>2</sup>1701–1712, 829, like PIETRI, dated Ep. 16 to 409–410, but argued that Ep. 13 was Innocent's first to Rufus, and so that it had to be dated prior to then.

<sup>22</sup> T.G. JALLAND, *The Church and the Papacy: An Historical Study*. London 1944, 273.

<sup>23</sup> J. GAUDEMET, *L'Église dans l'Empire romain (IVe–Ve siècles)* (*Histoire du Droit et des Institutions de l'Église en Occident* 3). Paris <sup>2</sup>1989, 405.

<sup>24</sup> GREEN, *Pope Innocent* 186, n. 58.

which were only granted to him later, but he was given the privilege of enjoying the same delegated authority as had Anysius, his predecessor, from the start of his episcopate.

Yet, a further objection may be raised: if Innocent was conferring upon Rufus what Anysius had enjoyed, why are those responsibilities described in more detail in the later letter if he were not receiving an augmentation to them? The answer may be quite simple. Innocent's letter to Anysius was written when Innocent was a new bishop. Anysius was continuing in office and did not need the new bishop of Rome to spell out what he himself supposedly knew and exercised already, and Innocent did not presume to instruct his colleague. However, the roles were reversed in Epistula 13. Now Innocent was the experienced bishop and Rufus the *nouus episcopus*. The bishop of Rome felt obliged to explain to the new bishop of Thessalonica what being a vicar of Rome meant. Thus, he explained here what he took for granted in the earlier letter. Even though Rufus might have heard Anysius describe his own role or could read for himself the archival material in Thessalonica, which would form the earliest sections of the *Collectio Thessalonicensis*, Innocent took the opportunity of making sure that there would be no misunderstanding.

Another objection that could be raised is that if Innocent, because he was new and inexperienced, had been mistaken in thinking that Anysius had been granted more responsibility as vicar by Anastasius and Siricius, which he was prepared to renew (when in fact he was augmenting those responsibilities), then why a decade later did he not correct this? There is any number of possible explanations. For one, Innocent might not have wanted to admit his mistake. For another, he probably found that the new arrangement with Thessalonica, even if established accidentally, had worked well under Anysius and there was no reason to revert to what had operated under his predecessors, even when Rufus replaced Anysius.

If we may assert that Innocent did not augment the responsibilities of the bishop of Thessalonica as vicar during his episcopate but merely defined them for Rufus as an incoming bishop, we may turn our attention now to just how Innocent saw his own ecclesial position with regard to the churches of Illyricum Orientale.

## ROME'S AUTHORITY OVER THE CHURCHES OF ILLYRICUM ORIENTALE

In commenting upon the authority of a number of bishops of Rome of the fourth and fifth centuries, Innocent included, to appoint bishops of Thessalonica as vicars Kendrick concluded: "these documents shew that the power exercised was founded on the divine commission to Peter."<sup>25</sup> While a number of the other Roman bishops referred to Peter and sometimes to themselves as his successor with regard to the vicariate in Illyricum Orientale, such references being typical of the development of Roman episcopal letters into papal decretals,<sup>26</sup> Innocent had not, at least not in this letter (nor in the one to Anysius).<sup>27</sup> Instead, he provided other scriptural reasons that justified the appointment of the bishops of Thessalonica as vicars or delegates acting on behalf of the bishop of Rome. From the Hebrew Scriptures he appealed to Ex. 18:21–26, where Moses followed his father-in-law's advice and appointed others to handle minor judicial matters, reserving to himself more important ones.<sup>28</sup> From the New Testament In-

<sup>25</sup> F.P. KENRICK, *The Primacy of the Apostolic See Vindicated*. Philadelphia 1845, 185.

<sup>26</sup> D. JASPER, *The Beginning of the Decretal Tradition: Papal Letters from the Origin of the Genre through the Pontificate of Stephen V*, in: D. JASPER – H. FUHRMANN, *Papal Letters in the Early Middle Ages (History of Medieval Canon Law)*. Washington, D.C. 2001, 15.

<sup>27</sup> E.g., Innocent I, Ep. 25, 2 (R. CABIÉ, *La lettre du Pape Innocent Ier a Décentius de Gubbio [19 mars 416]. Texte critique, traduction et commentaire*. Louvain 1973, 18). SCHIMA, *Innozenz 682*, calls Innocent's reference to Ex. "eigene abendlandbezogene Version der Petrusdoktrin". What Innocent provided was an argument any metropolitan, primate or patriarch (to use modern terms) could have employed within his own area of responsibility. Of itself there was nothing Petrine (in the sense of universal) about Innocent's claim, although it is not excluded. Nonetheless, I take the scriptural references as reinforcing a patriarch's rights over other bishops in his patriarchate, not the Roman bishop's supposed rights over the whole church.

<sup>28</sup> On the significance of the apostles as successors of Moses in early Christian literature see A.M. JAVIERRE, *El tema literario de la sucesion en el Judaismo Helenismo y Cristianismo primitivo (Bibliotheca Theologica Salesiana 1/1)*. Zurich 1963, 404, n. 39.

nocent could point to the decision of the twelve to appoint assistants from among their disciples (*suis discipulis*) to handle the other matters and needs of the community (Acts 6: 1–6), as well as to the decision of Paul to leave Titus behind in Crete to care for things there (Tit. 1:5) and the instructions Paul wrote to Timothy to manage affairs in Asia (1 Tim. 1:3, 18–19).<sup>29</sup> Kendrick was wrong to include Innocent as among those who appealed to Peter when discussing their responsibilities for Illyricum Orientale.

What is particularly interesting, beside the omission of any Petrine reference, is the use of Acts 6. There was a strong and widespread tradition within the early Christian churches that identified the seven men, including Stephen, chosen in Acts 6 to this ministry of service as the first deacons.<sup>30</sup> Whether the author of Acts was describing the institution of the office of deacons or not is another question,<sup>31</sup> but certainly by Innocent's time this passage was understood widely that way. Deacons were an inferior and subordinate class of clergy to bishops. The none too subtle point that could be read into Innocent's statement is that he viewed the relationship between himself and the bishop of Thessalonica who was to exercise Rome's responsibilities over the other bishops of Illyricum Orientale as similar to that between a bishop and one of his deacons. The ecclesiology here is not one of episcopal collegiality but one of subordinate hierarchy. Yet, it should not be taken as a statement that some bishops are superior to other bishops in all things.

He was referring specifically to the developing rights of metropolitan bishops to oversee certain activities within the churches of their *prouvinciae* (such as the overseeing the election of new bishops, with what amounts to a right of veto over the appointment of new bishops within the province), and the rights of a select few bishops (Rome, Antioch, and Alexandria) to an authority over several provinces, which the ecumenical synod of Nicaea had recognised less than a century earlier.<sup>32</sup> L'Huilier argues persuasively that canon 6 of Nicaea ought not to be understood as referring to any rights of these three bishops over metropolitans within their traditional areas of responsibility, but to the fact that these three were each the sole metropolitan over several provinces, representing an arrangement that predated Diocletian.<sup>33</sup> However, very quickly, the canon was taken as endorsing a suprametropolitan (if we may use this term for what would later come to be called patriarchal) status for these three as other metropolitans emerged within those areas.<sup>34</sup> Nedungatt makes the point that even as Rome's suprametropolitan prerogatives

<sup>29</sup> Innocent I, Ep. 13.1 (SILVA-TAROUCA, *Epistularum* 21).

<sup>30</sup> Irenaeus, *Adv. haer.* I 26, 3 (ed. A. ROUSSEAU, Irénée de Lyon. *Contre les hérésies: Livre I* [SC 264]. Lyon <sup>2</sup>2006, 348), III 12, 10 (ed. A. ROUSSEAU – L. DOUTRELEAU, Irénée de Lyon. *Contre les hérésies: Livre III* [SC 211]. Lyon <sup>2</sup>2002, 224), IV 15, 1 (ed. A. ROUSSEAU – B. HEMMERDINGER – C. MERCIER – L. DOUTRELEAU, Irénée de Lyon. *Contre les hérésies: Livre IV* [SC 100]. Lyon <sup>2</sup>2006, 550); Ps.-Tertullian, *Adv. omnes haer.* I 6 (ed. A. KROYMANN, *Quinti Septimi Florentis Tertulliani Opera II* [*Corpus Christianorum Series Latina* 2]. Turnhout 1954, 1402); Eusebius, *Historia ecclesiastica* II 1, 1 (ed. E. SCHWARTZ, *Eusebius Werke. Die Kirchengeschichte* [GCS 6]. Berlin <sup>2</sup>1999, 102), III 29, 1 (260 SCHWARTZ), VI 43, 11 (618 SCHWARTZ) – which may be evidence that by the time of Cornelius the number of deacons might have been fixed at seven in the church of Rome in imitation of Acts 6; Jerome, *Epp.* 146, 1–2 (ed. I. HILBERG, *Hieronymus. Epistularum III: Epistulae CXXI–CLIV* [*Corpus Scriptorum Ecclesiasticorum Latinorum* 56/1]. Vienna <sup>2</sup>1996, 308–312); 147, 4 (319 HILBERG); Augustine, *Tract. in Ioh.* 109, 5 (ed. D.R. WILLEMS, *Sancti Aurelii Augustini In Iohannis Euangelium Tractatus CXXIV* [*Corpus Christianorum Series Latina* 36]. Turnhout 1954, 621). Cf. John Chrysostom, *Hom. in Acta Apost.* 14, 3 (*PG* 60, 116–117).

<sup>31</sup> See E.P. ECHLIN, *The Deacon in the Church: Past and Future*. New York 1971, 6–8; J.M. BARNETT, *The Diaconate: A Full and Equal Order*. New York 1981, 27–31; J.E. OLSON, *One Ministry Many Roles: Deacons and Deaconesses through the Centuries*. St. Louis 1992, 24; G. HAMMANN, *Die Geschichte der christlichen Diakonie: Praktizierte Nächstenliebe von der Antike bis zur Reformationszeit*. Göttingen 2003, 24–27.

<sup>32</sup> Council of Nicaea I, can. 4 and 6 (ed. G. ALBERIGO, *The Oecumenical Councils from Nicaea I to Nicaea II* [325–787] [*Corpus Christianorum, Conciliorum Oecumenicorum Generaliumque Decreta* 1]. Turnhout 2006, 21–23). See H. CHADWICK, *Faith and Order at the Council of Nicaea: A Note on the Background of the Sixth Canon*. *Harvard Theological Review* 53 (1960) 171–195. I. ORTIZ DE URBINA, *Nicée et Constantinople*. Paris 1963, 102, notes that Nicaea acknowledged Rome's rights over Latium and probably southern Italy, not the whole church. D.H. MAROT, *Note sur la Pentarchie*. *Irénikon* 32 (1959) 436 states that Rome's authority was over Italy. No mention is made at the time of Nicaea to Illyricum.

<sup>33</sup> On Diocletian's arrangement see: A.H.M. JONES, *The Later Roman Empire* 284–602. Oxford 1964, 883–884.

<sup>34</sup> P. L'HUILLIER, *The Church of the Ancient Councils: The Disciplinary Work of the First Four Ecumenical Councils*. Crestwood, N.Y. 1996, 46–48. Cf. CHADWICK, *The Council of Nicaea* 190, who thinks of the canon affirming the rights of Alexandria over

developed, they were exercised differently between Italia Suburbicaria, Italia Annonaria, and the rest of the West.<sup>35</sup> It was this latter status and its responsibility, in its developing suprametropolitan manifestation, that Innocent was delegating, in part, to Rufus. In many matters for the management of their own church, each bishop was indeed the equal of every other, and in being metropolitan over their own province, each metropolitan bishop had their rights preserved, but in exercising some of Rome's particular responsibilities for matters between the provinces of Illyricum Orientale, the bishop of Thessalonica was answerable to Innocent.

If it were true that an integrated ecclesial structure (in the sense of there being metropolitans) developed in Illyricum only late in the fourth century as Green argues, it was certainly there by the time this letter was written.<sup>36</sup> Perhaps it developed a little earlier in the fourth century, not long after Nicaea. As many as half the approximately ninety-four bishops (the Nicenes) who assembled at Serdica in 343 to support the rehabilitation of Athanasius might have been from Illyricum.<sup>37</sup> Even though Thessalonica was noted in the canons of that synod as a great city (with the problem that it was attracting non-incardinated clergy), there is no mention of any metropolitan status.<sup>38</sup> The appeals canons from Serdica, whereby a bishop judged by a provincial synod of bishops may appeal to Rome (or the judges themselves may appeal) for a determination as to whether a new trial, with bishops from a neighbouring province, should be held or not, are interesting.<sup>39</sup> Perhaps, given that the Greek text refers to the ἐπίσκοπος τῆς μητροπόλεως,<sup>40</sup> by the time of Serdica metropolitan bishops had been appointed in the various provinces of Illyricum, over which the church of Rome presided as suprametropolitan. Whatever the understanding of Serdica argued for in later centuries,<sup>41</sup> it would appear that the provisions were intended to apply only to that area over which the bishop of Rome exercised his suprametropolitan supervision and not to the universal church.<sup>42</sup>

This suprametropolitan structure did not develop smoothly it would seem. From canon 2 of the Council of Constantinople in 381 we see a concept of the churches of the several provinces that formed a

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the metropolitan of Libya. Possibly for the same reason, B. DALY, *Primacy and Collegiality in the Fourth Century: A Note of Apostolic Canon 34*. *The Jurist* 68 (2008) 9–10, refers to those mentioned in can. 34 of Apostolic canons (ed. METZGER, *Les Constitutions apostoliques III* [SC 336]. Lyon 1987, 284–285) and in canon 6 of Nicaea I as primates rather than simply as metropolitans.

<sup>35</sup> G. NEDUNGATT, *The Patriarchal Ministry in the Church of the Third Millennium*. *The Jurist* 61 (2001) 11–12. Cf. A. GARUTI, *Il papa patriarca d'occidente? Studio storico-dottrinale*. Bologna 1990; P. LOIACONO, *Il Pontefice Patriarca d'Occidente*, in: *Incontro fra canoni d'oriente e d'occidente, III* (Atti del Congresso internazionale, Bari 23–29 settembre 1991), ed. R. COPPOLA. Bari 1994, 135–156.

<sup>36</sup> GREEN, *Pope Innocent 42*. For an overview of early Christianity in this area see POPOVIĆ, *Christianisme sur le sol de l'Illyricum*.

<sup>37</sup> For the date of 343 see: T.G. ELLIOTT, *The Date of the Council of Serdica*. *The Ancient History Bulletin* 2/3 (1988) 65–72; T.D. BARNES, *Athanasius and Constantius: Theology and Politics in the Constantinian Empire*. Cambridge, Mass. 1993, 71; POPOVIĆ, *Christianisme* 153; H. HESS, *The Early Development of Canon Law and the Council of Serdica* (*Oxford Early Christian Studies* 22). Oxford 2002, 39. On the number of Illyrian bishops see: A.L. FEDER, *Studien zu Hilarius von Poitiers II* (*Sitzungsberichte der kaiserlichen Akademie der Wissenschaften in Wien, phil.-hist. Klasse* 166/5). Vienna 1910, 63–70; L.W. BARNARD, *The Council of Serdica 343 A.D.* Sofia 1983, 56–58; HESS, *Early Development* 101–102; L. AYRES, *Nicaea and its Legacy: An Approach to Fourth-century Trinitarian Theology*. Oxford 2004, 123.

<sup>38</sup> HESS, *Early Development* 224 (canon 20 in the Latin version), 238 (canon 16 in the Greek version), 252 (canon 21 in the Theodosian Text).

<sup>39</sup> HESS, *Early Development* 212, 214–216, 222–224 (canons 3b and c, 4, 7 and 17 in the Latin version), 226–228, 236 (canons 3b and c, 4, 5, and 14 in the Greek version), 242–244, 252 (canons 4, 5, 6, 7 and 18 in the Theodosian Text). See S.N. TROIANOS, *Der apostolische Stuhl im früh- und mittelbyzantinischen kanonischen Recht*, in: *Il primato del vescovo di Roma nel primo millennio: Recherche e testimonianze*. Atti del symposio storico-teologico Roma, 9–13 Ottobre 1989 (*Collana Atti e Documenti* 4), ed. M. MACCARRONE. Città del Vaticano 1991, 245–259.

<sup>40</sup> HESS, *Early Development* 236 (canon 14 in the Greek version), 252 (canon 18 in the Theodosian Text). Even the Latin text of canon 9b (HESS, *Early Development* 216) (about episcopal journeys to the imperial court) refers to the bishop *qui in maxima ciuitate, id est metropolis* ...

<sup>41</sup> HESS, *The Early Development* 179–200, for an assessment of the various interpretations of these canons.

<sup>42</sup> B. DUPUY, *Les appels de l'Orient à Rome du concile de Nicée au concile de Chalcedoine*. *Istina* 32 (1987) 369. However, when he discusses Illyricum in particular, he considers it to be a "région orientale intermédiaire" rather than a part of the West.

civil diocese being grouped as a unit, the ἐπαρχίας, some of which had an acknowledged head (like Alexandria for Egypt and Antioch for Oriens) and others of which (like Asia, Pontus, and Thrace) did not. In contrast with Nicaea, it would seem by the time of Constantinople, the bishops of Rome, Alexandria, and Antioch, were indeed the metropolitans of other metropolitans.<sup>43</sup> The thrust of the canon was to restrict the activity of the leading bishop of an eparchy to within his own area.<sup>44</sup> Socrates describes this move by the council as the appointment of patriarchs, although that may be an anachronistic application of the title,<sup>45</sup> yet it is appropriate to describe the authority of these four bishops (if we include the church of Constantinople) as proto-patriarchal, if not simply as patriarchal, in that it is an authority that is wider than a metropolitan's but not universal.

The documents in Theodoret associated with an episcopal synod in Illyricum and the information sent by the emperors and the synod itself to the bishops of Asia<sup>46</sup> are highly contentious with regard to whether such a gathering even took place, its date, and whether or not Ambrose attended.<sup>47</sup> No matter their authenticity, they contain nothing that reveals the existence of a metropolitan structure throughout Illyricum.

There were metropolitan bishops throughout Illyricum Orientale by the time of Innocent; these are the *primates*, among whom Rufus was to be first.<sup>48</sup> The imprecise use of terms by Innocent needs to be noted. Surely he was calling *primates* those whom the Council of Nicaea had spoken of as the metropolitan bishop in each province. This suggests that the precise distinctions between metropolitans, primates, and patriarchs, which would become characteristic among the episcopal hierarchy later, was not firmly in place at this time, at least in Innocent's mind, although the basic concept of a hierarchy among bishops was.

The more immediate context for understanding Rome's relationship with the churches of Illyricum Orientale as exemplified in the letters of the *Collectio Thessalonicensis* comes from Epistula 13 in the *Collectio Avellana*, a rescript from Gratian to Aquilinus, the vicar of Rome,<sup>49</sup> written in late 378 or very early in 379.<sup>50</sup> The emperor's rescript was in response to a letter from a synod of bishops, which had met

<sup>43</sup> ORTIZ DE URBINA, Nicée et Constantinople 213–216.

<sup>44</sup> Council of Constantinople I, can. 2 (I 65 ALBERIGO). There is no mention of Rome. Rather than argue that this was an implicit recognition of Rome's universal (i.e. non-geographically limited) authority, it seems more likely that what was happening in the West was of little concern to the bishops at the council. See K.J. HEFELE, *A History of the Council of the Church from the Original Documents*, vol. II: A.D. 326–A.D. 429 (trans. H.N. OXENHAM). Edinburgh 1894, 354–356.

<sup>45</sup> Socrates Scholasticus V 8, 13–20 (ed. G.C. HANSEN, *Socrates Scholasticus. Historia ecclesiastica* [GCS 1]. Berlin 1995, 280–281).

<sup>46</sup> Theodoret, *Historia ecclesiastica* IV 7, 1 – IV 9, 9 (ed. L. PARMENTIER, rev. F. SCHEIDWEILER – G.C. HANSEN, *Theodoretus Cyri. Kirchengeschichte* [GCS 5]. Berlin 1998, 220–227).

<sup>47</sup> J. ZEILLER, *Les origines chrétiennes dans les provinces danubiennes de l'empire romain* (*Bibliothèque des écoles françaises d'Athènes et de Rome* 112). Paris 1918, 308–343; J.-R. PALANQUE, *Saint Ambrose et l'empire romain. Contribution à l'histoire des rapports de l'Église et l'État à la fin du quatrième siècle*. Paris 1933, 496–499; R. GRYSO, *Scolies Ariennes sur le concile d'Aquilée* (SC 267). Paris 1980, 107–121, emend the imperial authors in order to redate this synod from 375 to 378–379, at which time Ambrose could have been in Sirmium for the episcopal ordination of Anemius, as recorded in PAULINUS, *Vita Ambr.* 11, 1–2 (M. PELLEGRINO, *Vita sancti Ambrosii* [*Verba Seniorum* n.s. 1]. Rome 1961, 64). G. BARDY, *Sur un synode de l'Illyricum* (375). *Bulletin d'ancienne littérature et d'archéologie chrétienne* 2 (1912) 259–274; N.B. MCLYNN, *Ambrose of Milan: Church and Court in a Christian Capital* (*The Transformation of the Classical Heritage* 22). Berkeley 1994, 92–94 and D.H. WILLIAMS, *Ambrose of Milan and the End of the Nicene-Arian Conflicts* (*Oxford Early Christian Studies* 56). Oxford 1995, 123–126, either reject or seriously doubt the authenticity of these documents in Theodoret and therefore Ambrose's participation in any such synod. WILLIAMS, *Ambrose of Milan* 126, 128, 141–142, thinks that Ambrose met Gratian in Sirmium in 378 (though not in connection with the 375 ordination, at which he was probably not in attendance), while G. GOTTLIEB, *Ambrosius von Mailand und Kaiser Gratian* (*Hypomnemata. Untersuchungen zur Antike und zu ihrem Nachleben* 40). Göttingen 1973, 48 and MCLYNN, *Ambrose of Milan* 100, do not.

<sup>48</sup> Innocent I, Ep. 13,3 (22 SILVA-TAROUCA): ... *et inter ipsos primates primus* ...

<sup>49</sup> On this office see: JONES, *Later Roman Empire* 47.

<sup>50</sup> Gratian, Ep. ad Aquilinum (ed. O. GÜNTHER, *Epistulae imperatorum pontificum aliorum inde ab a. CCCLXVII usque ad a. DLIII datae Avellana quae dicitur Collectio*, 2 vols [*Corpus Scriptorum Ecclesiasticorum Latinorum* 35]. Vienna 1895, 54–58). See K.M. GIRARDET, *Gericht über den Bischof von Rom. Historische Zeitschrift* 259 (1994) 1–38. It is to be dated after Cod.



in Rome under Damasus, requesting imperial recognition of and assistance for executing an ecclesiastical judicial system for hearing cases against clergy and bishops,<sup>51</sup> as an extension of an imperial law of 376, by which ecclesiastical matters were to be heard by ecclesiastical diocesan courts, and of another imperial instruction.<sup>52</sup> The examples offered in the synodal letter, whereby bishops judged by other bishops, are restricted to Italy (where Damasus was involved) and Africa (where there is no mention of the Roman bishop).<sup>53</sup> The synod asked for imperial force to be used to remove bishops who have been deposed or to force reluctant bishops to appear in Rome. Further, it asked that bishops in more remote areas be accused before their metropolitan bishop or, in the case of metropolitans themselves, by Rome or its delegates. A condemned bishop was to have the right to appeal an unfavourable decision to Rome or to a panel of at least fifteen neighbouring bishops.<sup>54</sup> A number of scholars believe that Ambrose was in attendance at this Roman synod, that he was the author of the synodal letter, and that he delivered it to Gratian at Sirmium.<sup>55</sup>

While the synod had asked this judicial arrangement for the churches of their own region, viz., the praetorian prefecture of Italy, Illyricum and Africa,<sup>56</sup> the emperor granted it for that prefecture and for that of Gaul (Gaul, Spain and Britain) as well.<sup>57</sup> I accept the preference of Liebeschuetz and Hill for understanding *in longinquioribus partibus* as referring to remote parts of the prefectures, like Illyricum Orientate, rather than to the eastern parts of the empire.<sup>58</sup> In this I agree with the understanding of Anastos that the Roman synod and Gratian's legislation dealt only with the West.<sup>59</sup> This legislation expressed one key aspect of Rome's patriarchal authority, which was its role in appeals. It is to be noted that Illyricum was part of the West at this time. Liebeschuetz and Hill speak of this as an extension of Rome's jurisdiction,<sup>60</sup> but, while that might be true with regard to northern Italy,<sup>61</sup> perhaps another way of understanding it is to see it as the legislative realisation of Rome's long-held claims to a primacy over the churches within the prefecture.<sup>62</sup>

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Theod. XVI 6, 2 of October 377 (referred to in the synodal letter to the emperors – Ambrose, Ep. extra coll. 7.7 [ed. M. ZELZER, Sancti Ambrosi Opera X: Epistulae et Acta III: Epistularum Liber Decimus, Epistulae extra Collectionem, Gesta Concilii Aquileienseis (*Corpus Scriptorum Ecclesiasticorum Latinorum* 82/3). Vienna 1982, 194]) and, given its addresses were Gratian and Valentinian, and that the response (Ep. 13) is from those same emperors, before the appointment of Theodosius as emperor in January 379.

<sup>51</sup> Ambrose, Ep. extra coll. 7 (191–197 ZELZER).

<sup>52</sup> Cod. Theod. XVI 2, 23. The law of 376 did not provide any mechanism for the implementation of decisions of ecclesiastical courts nor recognise any system for dealing with inter-church disputes. Further, it seems that an imperial directive had granted Damasus and his episcopal colleagues the responsibility of investigating other bishops (Ambrose, Ep. extra coll. 7, 2–4 [192–194 ZELZER]). For more on the history of episcopal courts see J. HARRIES, *Law and Empire in Late Antiquity*. Cambridge 1999, 191–211.

<sup>53</sup> Ambrose, Ep. extra coll. 7, 5–8 (194–195 ZELZER).

<sup>54</sup> Ambrose, Ep. extra coll. 7, 9 (195–196 ZELZER).

<sup>55</sup> McLYNN, Ambrose of Milan 91; T.D. BARNES, Ambrose and Gratian. *Antiquité Tardive* 7 (1999) 169; J.H.W.G. LIEBESCHUETZ – C. HILL, Ambrose of Milan: Political Letters and Speeches (*Translated Texts for Historians* 43). Liverpool 2005, 11, 246. They argue that after the Roman synod Ambrose went to Sirmium in the summer of 378 bearing the synodal letter, where he joined in the episcopal ordination of Anemius, and was asked by Gratian to write *De fide*. WILLIAMS, Ambrose of Milan 138, 159, does not consider Ambrose in relation to the Roman synod.

<sup>56</sup> Ambrose, Ep. extra coll. 7, 9 (195–196 ZELZER).

<sup>57</sup> Gratian, Ep. ad Aquilinum 10–12 (57–58 GÜNTHER).

<sup>58</sup> LIEBESCHUETZ – HILL, Ambrose of Milan 245. PIETRI, *Roma Christiana 741–748*, does not mention bishops from the eastern empire. Cf. McLYNN, Ambrose of Milan 91.

<sup>59</sup> M.V. ANASTOS, Constantinople and Rome: A Survey of the Relations between the Byzantine and the Roman Churches, in: IDEM, *Aspects of the Mind of Byzantium: Political Theory, Theology, and Ecclesiastical Relations with the See of Rome*, ed. S. VRYONIS Jr – N. GOODHUE. Aldershot 2001, 11.

<sup>60</sup> LIEBESCHUETZ – HILL, Ambrose of Milan 245.

<sup>61</sup> The question of Rome's jurisdiction over Milan and the north before 379 is beyond the scope of this paper. On Christianity in northern Italy at this time see R. LIZZI, Ambrose's Contemporaries and the Christianization of Northern Italy. *JRS* 80 (1990) 156–173.

<sup>62</sup> The fact that the synod made no claims over the prefecture of Gaul is interesting and in need of explanation. If Ambrose attended this synod in Rome, some explanation as to why he agreed with this recognition of Rome's local primacy needs to be offered.

By 405, in the second Sirmundian constitution of Honorius to Hadrianus, the praetorian prefect of Italy and Africa, the rescript of Gratian about using imperial authority to remove deposed bishops was repeated, but without any reference to the authority of the Roman bishop over other bishops in the West.<sup>63</sup> A version of this law is also in the Theodosian Code, again without the reference to Rome's authority.<sup>64</sup> The position of Liebeschuetz and Hill that what Damasus sought to impose never became the regular practice, as witnessed by Ambrose's more dynamic involvement in Illyricum and the lack of legislative repetition of the relevant part of Gratian's rescript seems sound.<sup>65</sup>

Even though Innocent did not use the term patriarch, there is a consistency in the evidence from the time of Nicaea until Innocent for us to conclude that the Roman bishops saw their authority over other bishops as geographically limited, and which can be described appropriately using the later term patriarchal.<sup>66</sup> But what of Epistula 24 from Innocent to Alexander, bishop of Antioch?<sup>67</sup> Is this not an example of Rome's claim to universal not just patriarchal authority in the early fifth century, as some claim?<sup>68</sup> I shall deal with this letter in some detail on another occasion, but suffice it here to say that Innocent was not delegating or attempting to delegate some of his own responsibilities to his Antiochene counterpart, but was reminding him of what Nicaea had determined already and offering him Roman encouragement to resolve the situation in Cyprus.<sup>69</sup>

Caspar saw Alexander as Rome's "Mittelsmann," a term found in another letter from Innocent about Alexander,<sup>70</sup> and which Caspar equated with the role played by Thessalonica in relation to Rome, for he saw Epistula 24 as the application of the Western decretal practice to the East.<sup>71</sup> However, the contexts of Epistulae 21 and 24 are different, in that, while in the former Acacius of Beroea, who had been excommunicated by Rome for his part in the exile of John Chrysostom,<sup>72</sup> did employ Alexander, his metropolitan, as mediator, in the latter there is no indication that Antioch was to report to Rome about anything. To be sure, Caspar argued, and has been endorsed by Wojtowysch, that Innocent avoided the use of the imperative in writing to Alexander and that it was part of a long-term plan ("ein fernes Ziel") to win influence ("Einfluß") over the dynamics of ecclesiastical politics in the East and to counter the hostility of Constantinople (brought about by the exile of John Chrysostom) by supporting Antioch.<sup>73</sup>

LIEBESCHUETZ – HILL, Ambrose of Milan 248, speak of Damasus' vision of "universal jurisdiction of the papacy", yet their arguments are about a primacy limited to two prefectures (on the limited reading of *in longinquiore partibus*).

<sup>63</sup> Constitutiones Sirmundianae 2 (Codex Theodosianus I [ed. P. KRUEGERI – Th. MOMMSEN]. Hildesheim 1990, 908–909). On the Sirmundian constitutions see M. VESSEY, The Origins of the Collectio Sirmundiana: A New Look at the Evidence, in: The Theodosian Code: Studies in the Imperial Law of Late Antiquity, ed. J. HARRIES – I. WOOD. London 1993, 187–199. J.F. MATTHEWS, Laying Down the Law: A Study of the Theodosian Code. New Haven – London 2000, 131, surprisingly says that Gratian's law is now lost.

<sup>64</sup> Cod. Theod. XVI 2, 35 (not XVI 2, 25 as reported by LIEBESCHUETZ – HILL, Ambrose of Milan 247, n. 4).

<sup>65</sup> LIEBESCHUETZ – HILL, Ambrose of Milan 247–248.

<sup>66</sup> NEDUNGATT, Patriarchal Ministry 5–6, 12–13, 15–16.

<sup>67</sup> Innocent I, Ep. 24 (PL 20, 547–551 = JK 310).

<sup>68</sup> E.G. WELTIN, The Ancient Popes (*The Popes Through History* 2). Westminster, MD 1964: "To reward Antioch he [Innocent] made it a vicariate ... Alexander should act as the Pope's spokesman, his mediator, his middleman in the whole East the same way Rufus did in Illyricum."

<sup>69</sup> Innocent I, Ep. 24, 1 (PL 20, 547–548). See R. SCHIEFFER, Der Papst als Patriarch von Rom, in: Il primato del vescovo di Roma nel primo millennio: Ricerche e testimonianze. Atti del simposio storico-teologico Roma, 9–13 Ottobre 1989 (*Collana Atti e Documenti* 4), ed. M. MACCARRONE. Città del Vaticano 1991, 442; V. PERI, La Chiesa di Roma e le missioni "ad gentes" (sec. VIII–IX), in: Il primato del vescovo di Roma nel primo millennio: Ricerche e testimonianze 600.

<sup>70</sup> Innocent I, Ep. 21 (PL 20, 544 = JK 307): ... *apud mediatorem nostrum amabilem Alexandrum* ...

<sup>71</sup> CASPAR, Geschichte des Papsttums 322: "Sie bedeutete eine Angleichung an das Dekretalenformular, welches das Papsttum im eigenen abendländischen Bereich ausgebildet hatte, und welches Innocenz I. jüngst auch auf den Verkehr mit dem östlichen Vorposten römischer Obödienz, Thessalonich, angewendet hatte, dessen Bischof er gleichfalls als seinen 'Mittelsmann' (*intercessor*) bezeichnete."

<sup>72</sup> Palladius, Vita Chrysos. 20, 433–437 (ed. A.-M. MALINGREY – P. LECLERCO, Palladius. Dialogue sur la vie de Jean Chrysostome, t. 1 [SC 341]. Lyon 1988, 430–432).

<sup>73</sup> CASPAR, Geschichte des Papsttums 324: "So meldet ein Meister politischer Taktik Ansprüche an, indem er sie zunächst unauffällig einfließen läßt; blieb der Widerspruch aus – und wie sollte er im vorliegenden Falle, bei so reichlich und in verbindlichsten

One may certainly agree that Rome was indeed attempting to increase its influence and to make its opinion indispensable among the major eastern bishops, yet this does not mean that we should see Epistula 24 as “dekretalenmäßig”<sup>74</sup> (for it is not even a primitive form of the later binding, authoritative statements Rome would make to its enquiring suffragans), nor see Innocent believing that he had any jurisdiction over Antioch. What we find in the letter is consistent with an interpretation of Innocent seeing himself as the leading patriarch, whose opinion was going to be sought and respected by the other patriarchs, but who did not issue them with decrees. As Pietri rightly expresses it, this was an invitation from Innocent to Alexander, not a directive. It was Nicaea that gave Antioch its authority over the civil diocese, not Rome.<sup>75</sup>

While my colleague, Bronwen Neil, points to statements in *Liber pontificalis*, which indicate that Innocent and his predecessor Siricius had issued decrees for the universal church, and that Rufinus’ translation of the *Epistola Clementis ad Iacobum* reinforced notions of papal primacy,<sup>76</sup> it must be remembered that *Liber pontificalis* may well reflect later understandings of Roman ecclesial authority than that of the early fifth century itself and that Rufinus might have been asserting Roman primacy within the prefecture, where the prestige of Milan had eclipsed it in recent decades, rather than as a universal reality.

#### RESPONSIBILITIES OF THE PAPAL VICAR IN THESSALONICA

Innocent described the geographic extent of Rufus’ delegated responsibility: over the churches found in Achaëa, Thessaly, Old and New Epirus, Crete, Mediterranean Dacia, Dacia Ripensis, Moesia, Dardania, and Praevalitana.<sup>77</sup> These provinces, together with Macedonia, constituted the two civil dioceses of Macedonia and Dacia, which now formed the prefecture of Illyricum Orientale.<sup>78</sup> Green has suggested that the province of Macedonia was not mentioned because it was the province over which Rufus was metropolitan.<sup>79</sup> One should be clear, Rome was not creating Rufus as metropolitan by this letter, but rather authorising him to act as metropolitan of the metropolitans, so to speak, a position held by the bishop of Rome but delegated to a great extent to Anysius and Rufus.<sup>80</sup>

It was stated above that in the administration of their own church there was equality among bishops. Innocent accepted this and referred to it in Epistula 13 to Rufus. He commented that the primacy Rufus

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Formen gespendetem Preise des Petrusstuhls von Antiochia, wachgerufen werden – dann mochte man der günstigen Gelegenheit einer künftigen Stunde harren, um schrittweise weiterzukommen mit der Erhöhung der römischen Kathedri Petri über die gesamten Kirchen des Erdkreises.” WOJNOWYTSCH, Papsttum und Konzile 225.

<sup>74</sup> CASPAR, *Geschichte des Papsttums* 323.

<sup>75</sup> PIETRI, *Roma Christiana 1327–1328*.

<sup>76</sup> B. NEIL, Rufinus’ Translation of the *Epistola ad Iacobum*. *Augustinianum* 43 (2003) 32–33. *Liber pontificalis* 40 and 42 (ed. L. DUCHESNE, *Le Liber pontificalis. Texte, introduction et commentaire*, I. Paris 1952, 216, 220). M. HUMPHRIES, Rufinus’s Eusebius: Translation, Continuation, and Edition in the Latin Ecclesiastical History. *Journal of Early Christian Studies* 16 (2008) 145, n. 10, is incorrect in asserting that Rufinus’ activity was in support of Anastasius’ assistance to John Chrysostom, since it was actually Innocent’s assistance.

<sup>77</sup> Innocent I, Ep. 13, 2 (21–22 SILVA-TAROUCA): ... *per Achaiae, Thessaliae, Epiri veteris, Epiri nova, (et) Cretae, Daciae Mediterranea, Daciae Ripensis, Moesiae, Dardaniae et Praevali ecclesias* ... . For a brief summary of the contents of the letter see WOJNOWYTSCH, *Papsttum und Konzile* 212.

<sup>78</sup> *Notitia Dignitatum, Orientis* 3, 4–19 (O. SEECK, *Notitia Dignitatum accedunt Notitia urbis Constantinopolitanae et Latercula provinciarum*. Berlin 1876) notes that Macedonia primus belonged to the diocese of Macedonia while Macedonia salutaris was split between the two dioceses. On the *Notitia* and the importance of matters in Illyricum for interpreting it see P. BRENNAN, *The Notitia Dignitatum. Entrepreneurs sur l’antiquité classique* 12 (1996) 147–178; P. BRENNAN, *The User’s Guide to the Notitia Dignitatum. Antichthon* 32 (1998) 34–49.

<sup>79</sup> GREEN, *Pope Innocent* 46.

<sup>80</sup> Thus, I would qualify the statement of B. STUDER, *Les pontifes romains de Sirice à Léo le grand*, in: *Initiation aux Pères de l’Église IV. Du concile de Nicée (325) au concile de Chalcédoine (451)*. Les Pères latins, ed. A. DI BERARDINO. Paris 1986, 741, that the bishop of Thessalonica “il considère celui-ci comme vicaire du pontife romain et métropolitain des évêques illyriens.” Although Innocent’s language was not precise, Rufus was more than simply a metropolitan (as the term is understood today).

was to exercise on Rome's behalf must not compromise the primacy other metropolitans held within their own *prouvinciae*.<sup>81</sup> One may take it that Innocent himself saw his own position also as not compromising the position of metropolitan bishops within their own areas of responsibility.

In the middle section of the letter Innocent emphasised that Rufus was not entitled to the delegated responsibility enjoyed by Anysius simply because he was the new bishop of Thessalonica. What had been granted supposedly to Acholius and Anysius was *pro eorum meritis*.<sup>82</sup> As Macdonald has pointed out: "the Pope made it clear that Rufus derived his special authority not from apostolic foundation, nor from the civil position of Thessalonica, but from Rome."<sup>83</sup> There is no mention of Rufus' merits having been tested by several years to warrant Innocent granting him the same position as his predecessors in Thessalonica had enjoyed. So it would seem, if we accept this as his first letter to Rufus soon after the latter's election, that Innocent was indeed making him vicar though his merits were untried. This leads to the conclusion that, even if Innocent would not admit it, the office of vicar now was becoming tied to the office of bishop of Thessalonica. Of course, Innocent wanted to stress that the position was entirely a gift and should not be expected or presumed; it was *apostolicae sedis fauore*.<sup>84</sup>

One should note that, while in the western Mediterranean a reference to the apostolic nature of the Roman church did distinguish it from all others since it had two apostles exercising their ministry and dying there, it was less than accurate for the bishop of Rome to describe his church as *the* apostolic see when communicating with some churches further east. Indeed, the church in Thessalonica had been founded by Paul (Acts 17:1–8), and it had just as much right to describe itself as an apostolic see.

How was Rufus to care for the churches of the prefecture and act on behalf of the metropolitan of metropolitans yet not denigrate the authority and position of the metropolitans? Towards the end of the letter Innocent explained just what delegated authority was being granted to Rufus, which was the equivalent, I have argued, to the *omnia* granted in his letter to Anysius. While Siricius had asked Anysius only to act in the bishop of Rome's place in giving approval to the election of new bishops, what Innocent envisaged was the role of appeal judge. Not only was Rufus the conduit through whom matters that needed Rome's involvement were to be channelled, but he was to be the one to determine what was serious or important enough to be sent to Rome and what could he could handle himself.<sup>85</sup> One presumes that Innocent was not motivated by a desire to decrease the number of appeals to Rome but rather by a desire to have them handled more expeditiously by someone with better local knowledge.

Indeed, one could argue that while Siricius only had limited expectations with regard to Illyricum, Innocent could well have believed that Gratian's rescript of 378 was still very much in force and that every effort needed to be made to ensure that it continued to be in force. In reality, I am arguing, unbeknown to himself, Innocent was trying to revive not perpetuate Damasus' vision.

Innocent explained to Rufus that if the nature of the business demanded it then he could form a panel of bishops, if he so wished, to assist him in his deliberations. This recalls the Roman synod and Gratian's rescript, which suggests that the very establishment of the vicariate in Illyricum had been a way of implementing that rescript. They needed to be individuals of sound faith and impartial judgement, but the decision as to whether or not a case needed such a collegiate investigation was left entirely with Rufus himself.<sup>86</sup>

<sup>81</sup> Innocent I, Ep. 13, 3 (22 SILVA-TAROUCA): ... *saluo earum primatu* ...

<sup>82</sup> Innocent I, Ep. 13, 2 (22 SILVA-TAROUCA).

<sup>83</sup> J. MACDONALD, Who instituted the Papal Vicariate of Thessalonica? In: *Studia Patristica IV. Papers presented to the 3rd International Conference on Patristic Studies, Oxford 1959*, ed. F.L. CROSS (TU 79). Berlin 1961, 482.

<sup>84</sup> Innocent I, Ep. 13, 3 (22 SILVA-TAROUCA).

<sup>85</sup> Innocent I, Ep. 13, 3 (22 SILVA-TAROUCA): ... *quicquid eos ad nos necesse fuerit mittere, non sine tuo postulent arbitrato. Ita enim aut per tuam experientiam quicquid illud est finietur; aut tuo consilio ad nos usque perveniendum esse mandamus.*

<sup>86</sup> Innocent I, Ep. 13, 3 (22 SILVA-TAROUCA): ... *ut cum aliqua ecclesiastica ratio vel in tua vel in memoratis provinciis agitanda cognoscendaque fuerit, quos velis episcoporum socios quibuscumque de ecclesiis assumas tecum, quorum et fide et moderatione quidquid necessitas causave flagitaverit, optimus dirigas arbiter, et praecipuus, quippe a nobis lectus, definias intercessor.*

What constitutes the ecclesiastical business that would come before Rufus in his capacity as representing the bishop of Rome was not spelt out in detail by Innocent. One may assume that it would have envisaged incidents where a dispute was between a bishop and his metropolitan, or between metropolitans, or about a metropolitan in his own church. These were the kinds of disputes that one once would have brought to a regular synod of bishops, but it seems here that Innocent was spelling out more than the fact that Rufus was to preside over such synods. Even though regular, those synods might not have been frequent enough for the kinds of problems that Innocent imagined would need to be handled. Perhaps Innocent was indicating that matters that could not be resolved at a synod were to be decided upon by Rufus. One could imagine further that cases that were to involve the bishop of Thessalonica himself as a party might have been the appropriate sort to send on to Rome. To resolve that question one needs to consider how Rufus operated, and discussion of later interactions between Rufus and Innocent will be the subject of a further paper in this series.

### THREATS TO ROME: MILAN OR CONSTANTINOPLE?

Is there any evidence to reach the conclusion, as Seppelt, Jones, and Schima do for example, that Innocent appointed Rufus to this position because of encroachments by Constantinople on Rome's interests in Illyricum Orientale?<sup>87</sup> One need only posit such a belief if one believes that Innocent was extending something more to Rufus than he had to Anysius, as Seppelt does. If, on the other hand, we conclude that what Innocent indicated to Rufus was only a more explicit version of what he had already granted Anysius, and if we accept that Anysius was designated as vicar in Illyricum Orientale because Innocent thought he was replicating what had been granted to recent bishops of Thessalonica by his predecessors like Damasus and Siricius, and if we understand that at that time of the initial establishment of the vicariate it was the fear of Milan usurping Rome's position in Illyricum Orientale rather than Constantinople, as scholars like Greenslade, Macdonald, Green, and Pietri have suggested,<sup>88</sup> then Constantinople need not be the decisive factor behind this move.<sup>89</sup>

Once the vicariate had been established it could be used to preserve Rome's prerogatives against any future encroachments, whether from Milan, Constantinople, or elsewhere, even if, during Innocent's time, Milan and Constantinople were not involving themselves in ecclesiastical affairs in Illyricum Orientale. The evidence for the kind of activity that would be discussed at the synod in Rome in 531, or even for what lay behind the 421 rescript of Theodosius II, was yet to arise. Of course, this depends upon the validity of the argument advanced in this paper that Epistula 13 was not creating anything new but was making explicit something that Innocent believed had existed from the time of Damasus.

Let it be said, however, that with the transfer of Illyricum Orientale to the East, there could well have been the start of an implicit and theoretical fear of what Constantinople might assert in the future, anticipated in Innocent's letters to Anysius and Rufus. Such a fear could arise with the obvious ambitions of the church of Constantinople, expressed in the third canon from the ecumenical synod of Constanti-

<sup>87</sup> SEPPELT, *Geschichte der Päpste* 139: "Dieser war dadurch in seinen Rechten gegenüber den jederzeit möglichen Ansprüchen und Übergriffen von Konstantinopel gesichert." Interestingly, he seems to date Ep. 13 to 415 on 138; and JONES, *The Later Roman Empire* 211. Cf. SCHIMA, *Innozenz* 680: "Der Grund für die besondere römische Fürsorge lag in der drohenden Ausweitung des konstantinopolitanischen Zuständigkeitsbereichs."

<sup>88</sup> S.L. GREENSLADE, *The Illyrian Churches and the Vicariate of Thessalonica*, 378–95. *Journal of Theological Studies* 46 (1945) 26–30; GREEN, *Pope Innocent* 48–49. Cf. MACDONALD, *Papal vicariate* 481–482; PIETRI, *Roma Christiana* 1077–1082. On Ambrose's involvement in Illyricum see GRAYSON, *Scolies Ariennes*, 107; MCLYNN, *Ambrose of Milan* 92–100 and WILLIAMS, *Ambrose of Milan* 122–127.

<sup>89</sup> Thus, the statement of M. SIMONETTI, *Roma e Papato*, in: *Letteratura Patristica*, ed. A. DI BERARDINO – G. FEDALTO – M. SIMONETTI (*I Dizionari San Paolo*). Milan 2007, 1043, that "Innocenzo I ... più volte ebbe occasione di ribadire il primato del vescovo di Roma ..." needs qualification. In Ep. 16 Innocent was asserting what I would call a patriarchal primacy over a particular location not a universal primacy.

nople in 381.<sup>90</sup> All I am wishing to argue for here is that the establishment of the vicariate should not be seen as having been motivated by fear of Constantinople, something which arose only over time. Certainly while John Chrysostom was bishop the friendliness between he and Innocent, as evidenced by the willingness of the Roman bishop to help his counterpart during his exile, provides no evidence that there was any tension between Constantinople and Rome over Illyricum Orientale.<sup>91</sup> Indeed, by the time of Rufus' election as bishop the episcopal relationship between Rome and Constantinople was more than tense and fear of what it might do in Illyricum Orientale could have been real. Yet, there is no evidence that the bishop of Constantinople actually had made any move in that regard.

The letter ends with news that the other bishops of the prefecture have been informed of these developments.<sup>92</sup> This and the information about material kept in the Roman archives, indicates the developing sophistication of the Roman ecclesial bureaucracy.

### CONCLUSION

I would contend that the Roman church's involvement in Illyricum Orientale in the years after civil oversight for the region had passed from the western to eastern empire played an important part in the development of papal primacy.<sup>93</sup> One can imagine that over the centuries the idea that the bishop of Rome had patriarchal responsibility for this area now technically outside his patriarchate (as Illyricum Orientale should have been from about the death of Theodosius I) could have been applied by extension to other areas as well, even though Illyricum Orientale was unique in that it had once belonged formally to Rome's patriarchate and was still considered by Rome to be part of it throughout the fifth century. Thus, we need not conclude, as does Pietri, that this letter is an example of "la sollicitude universelle du pontife de l'Église."<sup>94</sup> It was, rather, more patriarchal than universal and was part of an attempt to keep a politically eastern part of the empire as part of Rome's area of responsibility.<sup>95</sup>

It has been argued here that from the time of the Council of Nicaea we can see the emergence of what would later come to be described as patriarchal authority exercised by several bishops, and that Epistula 13 from Innocent I of Rome to Rufus of Thessalonica contributes to that development, making it a vital piece of evidence in tracing the history of ecclesiology and the course of events that have shaped world history over the centuries. This letter contains evidence of Innocent's primacy of jurisdiction over the churches of what we may describe as his own patriarchate and his ability to delegate some of that authority, but it does not provide evidence of any Roman claim to a universal primacy over the churches of other patriarchates.

<sup>90</sup> Council of Constantinople I, can. 3 (66 ALBERIGO).

<sup>91</sup> G.D. DUNN, Roman Primacy in the Correspondence between Innocent I and John Chrysostom, in: Giovanni Crisostomo. Oriente e Occidente tra IV e V secolo. XXXIII Incontro di studiosi dell'antichità cristiana (Roma, 6–8 maggio 2004) (*Studia Ephemeridis Augustinianum* 93). Rome 2005, 687–698; G.D. DUNN, The Date of Innocent I's Epistula 12 and the Second Exile of John Chrysostom. *GRBS* 45 (2005) 155–170.

<sup>92</sup> Innocent I, Ep. 13, 3 (22 SILVA-TAROUCA): *Nam voluntatem hanc nostram per unamquamque provinciam satis, ut decebat, litteris manifestavimus.*

<sup>93</sup> The transfer of parts of Illyricum between eastern and western empires and the significance of that for ecclesiastical oversight is not something considered by J.V.A. FINE, *The Early Medieval Balkans: A Critical Survey from the Sixth to the Late Twelfth Century*. Ann Arbor 1983.

<sup>94</sup> PIETRI, *Roma Christiana* 1090.

<sup>95</sup> SCHIMA, Innozenz 680: "Insofern ist es durchaus legitim, hier ein römischbischöfliches Selbstverständnis anzunehmen, das nicht auf die gesamte Kirche, sondern 'nur' auf die Kirche des Westens applizierbar war."