

Maria Constantinou

Synodal Decision-Making Based on Archived Material

The Case of the *Endemousa* Synod of Constantinople 536

Introduction

The Acts edited by Eduard Schwartz in the third volume of the *Acta Conciliorum Oecumenicorum*,¹ despite not pertaining to an ecumenical council but rather to the *Endemousa* (“Resident”) Synod held at Constantinople in 536 in five consecutive sessions (2, 6, 10, 21 May and 4 June),² are comparable in terms of form and style to

This article is part of a project that has received funding from the European Research Council (ERC) under the European Union’s Horizon 2020 research and innovation programme under grant agreement No 677638.

1 ACO III *Collectio Sabbaitica*) Schwartz, 23–189. I cite the text of the Acts according to the numbered sub-section of section 5, as well as the page and line number of Schwartz’s edition. All translations in this paper are my own. The ACO III volume contains also a series of doctrinal texts, a collection of seven fictitious letters from bishops addressed to Peter “the Fuller” and Justinian’s letter against Origenism. Schwartz argues that the collection was compiled at the monasteries of Theodosius and the Great Laura of Sabas in Palestine at some point between 542 and 544; see Schwartz, “Praefatio”, in ACO III, VIII–XI; E. Schwartz, “Das Nicaenum und das Constantinopolitanum auf der Synode von Chalkedon”, *ZNW* 25 (1926), 72. He considered the collection as a “publizistische Sammlung” compiled for polemical reasons, that is, directed against the Acephali and the Origenists (hence the title he gave the collection). The table and summary of contents on the outset of the Acts (ACO III 1–3, 25–27) imply that the Acts of the Synods of Constantinople and Jerusalem alongside Justinian’s constitution formed a separate collection consisting of two books which was later incorporated in that form in the collection Schwartz edited. Cf. A. von Stockhausen, “Die Edition der Konzilsakten und das Problem der Sammlungen: Editionsphilologische Überlegungen anhand der *Acta Conciliorum Oecumenicorum* III”, in *Crux interpretum: Ein kritischer Rückblick auf das Werk von Eduard Schwartz*, ed. A. von Stockhausen & U. Heil (Berlin 2015), 131 n.13.

2 The *Endemousa* Synod was the standing, permanent synod of the bishops and clergy residing in or near Constantinople; see M. McCormick, “Endemousa Synodos”, in *ODB*, 697; P.J. Hajjar, *Le Synode Permanent (Σύνοδος Ἐνδημούσα) dans l’église byzantine des origines au XI^e siècle* (Rome 1962). The medieval manuscripts preserving the Acts designate it, nevertheless, as “the fifth holy Synod”; see ACO III, 3 app.: Πρακτικά τῆς ἐν κωνσταντινουπόλει ἁγίας πέμπτης συνόδου and Πρακτικά τῆς ἁγίας πέμπτης συνόδου τῆς ἐν κωνσταντινουπόλει πραχθείσης; cf. Schwartz, “Praefatio”, in ACO III, X. The Synod of 536 was unique as an *Endemousa* in that it was convoked on the instructions of the emperor Justinian and was attended by bishops from most places of the empire, as well as delegates from the see of Rome; see also the discussion further below. Cf. A. Grillmeier, *Christ in Christian Tradition, Vol. II, From the Council of Chalcedon (451) to Gregory the Great (590–604), Part 2, The Church of Constantinople in the Sixth Century*, trans. J. Cawte & P. Allen (London 1995), 351.

the Acts of the great ecumenical councils of late antiquity.³ They are presented as the verbatim records of the Synod's proceedings and incorporate a considerable number of earlier documents laid before the meeting, many of them encompassing more documents, while the majority of contemporary and quoted texts are accompanied by long lists of subscriptions. The structure of the text of the Acts becomes even more complex by the fact that the first four sessions of the Synod of Constantinople are incorporated in the record of proceedings of another Synod convened a month later at Jerusalem (19 September) with the task of ratifying the *Endemousa's* verdicts. The minutes of the fifth session, which were perhaps not cited at the Synod of Jerusalem,⁴ form an independent record and are placed first in the collection edited by Schwartz.⁵ The partition of the records into two separate "books", as the table of con-

3 Cf. F. Millar, "Rome, Constantinople and the Near Eastern Church under Justinian: Two Synods of C.E. 536", *JRS* 98 (2008), 71.

4 Millar, "Rome, Constantinople" (cf. fn. 3) 71, 78, states that the original record of the Synod of Jerusalem must have included also the proceedings of the fifth session of Constantinople but these were "silently omitted" by the compiler of the dossier because he had already placed them in the beginning; it does seem curious to him that the verdict of Jerusalem's Synod (*ACO* III 132.186–188) concerns only Anthimus, though. Von Stockhausen, "Die Edition" (cf. fn. 1) 133, adopts Millar's view without offering a solution to the problem. In my view, it is more plausible to suggest that the reason the verdict names only Anthimus is that the Synod in Jerusalem dealt only with his case, which also explains the quotation and insertion in the record of the minutes of only the first four sessions of the *Endemousa*. This is consistent with the summary of the contents of the second "book", which mentions only the proceedings against Anthimus: Τὰ πεπραγμένα ἐν Ἱεροσολύμοις παρὰ Πέτρῳ ἀρχιεπισκόπῳ κατὰ Ἀνθίμου, ἐν οἷς ἐμπεφάνισται καὶ τὰ ἐν Κωνσταντινουπόλει παρὰ Μηναῖ πατριάρχῃ περὶ τοῦ αὐτοῦ πραχθέντα ἐν τέτρῃσι πραξειδίοις ὧντινων ἐνταγέντων καὶ αὐτὸς Πέτρος ὁ Ἱεροσολύμων τὴν κατ' αὐτοῦ ψῆφον ἐποίησατο. καὶ ἐν τούτοις δὲ τινὰ κατὰ Σεβήρου καὶ τῶν αὐτοῦ συγγραμμάτων εὑρίσκεται ([the second book contains] the record of the proceedings held at Jerusalem against Anthimus with patriarch Peter presiding, at which the record of the proceedings concerning the same man, held in four sessions at Constantinople with Patriarch Menas presiding, are presented. After these were inserted [into the record], Peter of Jerusalem himself decreed against Anthimus as well. In these there are also some [clauses] against Severus and his writings" *ACO* III 2.26,31–35). Certainly, the latter information on Severus' writings does not seem to correspond to the content of the verdict of the Jerusalem Synod included in the collection, nevertheless references to Severus and his writings are present in the documents quoted during the first session of Constantinople, the minutes of which are incorporated. All this of course does not preclude that a discussion on the dossier of the fifth session was held at Jerusalem on a later date. In fact, Peter's and the Synod's pronouncement might imply exactly that: οὕτω γὰρ καθ' ἑτέραν εἰσόμεθα καὶ τὰ ἐπὶ τῷ ἀναθεματισμῷ παρακολουθήσαντα Σεβήρου καὶ Πέτρου καὶ Ζωόρα τῶν δυσσεβεστάτων, κἄν τὰ μάλιστα οὐκ ἄγνωστα ἡμῖν ταῦτα καθέστηκε ("for thus we will find out some other day [or tomorrow] what followed concerning the anathematisation of the impious Severus, Peter and Zooras, even though these events have not been unknown to us at all" *ACO* III 51.125,32–34). cf. J. Speigl, "Die Synode von 536 in Konstantinopel", *Ostkirchliche Studien* 43 (1994), 144–145, who argues that a verdict on Severus by the Synod of Jerusalem 536 was not necessary.

5 Schwartz, "Praefatio", *ACO* III VIII–X; "Das Nicenum" (cf. fn. 1) 75–76, states that he follows the arrangement found in the medieval manuscripts preserving the collection. For a criticism of the in-

tents and summary on the outset of the Acts reveals,⁶ reflects the difference in scope of each of the two “segments” of the *Endemousa*: the first four sessions deal with the case of the already deposed patriarch of Constantinople Anthimus, that is, the reason the Synod was summoned in the first place, whereas the objective of the last session is to condemn anew the already anathematised miaphysites Severus (former patriarch of Antioch) and Peter (former metropolitan of Apamea), as well as to anathematise for the first time the Syrian monk Zooras. In both cases the Synod conducts trials *in absentia*. In the case of Anthimus, the formal procedure of the triple summons is followed:⁷ after the exposition of his errors through the quotation of various petitions and memoranda, three delegations are sent out to find and summon him before the Synod, but each time they fail. Upon the delegations’ reports of their unsuccessful search of Anthimus, the Synod sets new deadlines for him to appear; since these are never met and Anthimus does not express his repentance in any way, the fourth session concludes with a verdict sentencing him to degradation, excommunication and banishment from Trapezus and Constantinople.⁸

Following this announcement, acclamations demanding the anathematisation of Severus, Peter and Zooras break out.⁹ Severus and Peter had already been condemned by the see of Rome and by regional synods soon after Justin’s accession to the throne, but the matter did not seem to have been resolved yet. In his statement addressed to the attendees pronouncing the acclamations, the patriarch Menas who presided over the Synod requested that they had to wait until he attained the emperor’s consent to convene the Synod again in order to deal with their demands.¹⁰ His wording nevertheless implied that the Synod would grant their petitions, since they (he and the Synod) “follow and obey the apostolic see, and are in communion with those with whom the apostolic see is and condemn those who have been condemned by it”.¹¹ The record of the Synod’s last session appears to follow this very agenda: another trial *in absentia* is conducted, this time not through the summoning of the

consistencies of Schwartz’s editorial practice in *ACO III*, see von Stockhausen, “Die Edition” (cf. fn. 1) 134–136.

6 *ACO III* 1–2.25–26.

7 On the triple summons, see e.g. the canons in *ACO II* 2.1.2 p. 118 §90; 2.1.3 p. 101 [460] §10 (Canon 5 of Antioch).

8 *ACO III* 127.181,10–14.

9 The acclamations are said to have been initiated by “those from the Oriens, some of the other bishops and the monks and the clergy” (οἱ ἐκ τῆς Ἀνατολῆς, καὶ τινὲς δὲ τῶν ἄλλων ἐπισκόπων καὶ οἱ μοναχοὶ καὶ ὁ κλήρος ἐβόησαν, *ACO III* 128.181,15–16). On the acclamations at church councils, see e.g. C. Roueché, “Acclamations in the later Roman Empire: new evidence from Aphrodisias”, *JRS* 74 (1984), 181–199; C. Roueché, “Acclamations at the Council of Chalcedon”, in *Chalcedon in Context, Church Councils 400–700*, ed. R. Price & M. Whitby (Liverpool 2009), 169–177; L.M. Frenkel, “Individual Christian voices in the narratives of late antique acclamations”, *Religion in the Roman Empire* 2 (2016), 196–226. See also Philip Forness’ paper in this volume.

10 *ACO III* 130.181,33–182,2.

11 *ACO III* 130.182,3–5: τῶι ἀποστολικῶι θρόνῳ ἐξακολουθοῦμέν τε καὶ πειθόμεθα καὶ τοὺς κοινωτικούς αὐτοῦ κοινωτικούς ἔχομεν καὶ τοὺς ὑπ’ αὐτοῦ κατακριθέντας καὶ ἡμεῖς κατακρίνομεν.

accused, but by means of presenting earlier documents as evidence for the previous verdicts on the case with the purpose of their ratification.

This trial *in absentia* by proxy of documents in the fifth session of the Synod of Constantinople is the focus of this paper. The examination of the way a case—whose outcome seems premeditated—is constructed upon some dossiers of documents carefully selected to be read out and inserted into the record of the proceedings as evidence will offer some insight into the process of synodal decision-making based on archived material. In this framework, some observations regarding the editing process that shaped the form of these dossiers and minutes in general will also be made.

The context of the Synod

Before advancing to the discussion of the text of the Acts, it would be useful to briefly present the historical background of the Synod.¹² Following the Council of Chalcedon, unrest and conflicts over adherence to its resolutions broke out. The West adhered from the beginning to the Chalcedonian formula of faith, while in the East some groups strongly opposed to it. The *Henoticon* (CPG 5999), issued by the emperor Zeno in 482, temporarily reconciled the differences between the supporters and some of the opponents of Chalcedon in the East, but led to a breach with Rome, the so-called “Acacian Schism” (484–519). During the reign of Anastasius (491–518), who was sympathetic to the non-Chalcedonian cause, Severus became the leader of the miaphysite side and in 512 was elected bishop of Antioch.¹³

When Anastasius died in July 518 and Justin I was elevated to the throne, there was a change in ecclesiastical policy. An *Endemousa* Synod held in Constantinople some days after Justin’s enthronement condemned Severus and endorsed the Council

¹² For the historical and theological context of the *Endemousa* Synod of 536, see e.g. Millar, “Rome, Constantinople” (cf. fn. 3) 64–70; Speigl, “Die Synode von 536” (cf. fn. 4) 106–121; W.H.C. Frend, *The rise of the monophysite movement. Chapters in the history of the church in the fifth and sixth centuries* (Cambridge 1972), 255–273; Grillmeier, *Christ* (cf. fn. 2) 344–355; C. Lange, *Mia energeia: Untersuchungen zur Einigungspolitik des Kaisers Heraclius und des Patriarchen Sergius von Constantinopel* (Tübingen 2012), 339–354; P.T.R. Gray, “The Legacy of Chalcedon: christological problems and their significance”, in: *The Cambridge companion to the age of Justinian*, ed. M. Maas (Cambridge 2005), 221–232; V.L. Menze, *Justinian and the making of the Syrian Orthodox Church* (Oxford/New York 2008), 186–208; H. Leppin, *Justinian. Das christliche Experiment* (Stuttgart 2011), 181–191; K.H. Uthemann, “Kaiser Justinian als Kirchenpolitiker und Theologe”, in: *Justinian*, ed. M. Meier (Darmstadt 2011), 118–140 [= *Augustinianum* 39 (1999), 5–83].

¹³ Some recent studies on Severus are: J. D’Alton & Y. Youssef (ed.), *Severus of Antioch: His Life and Times* (Leiden 2016); P. Allen P. & C.T.R. Hayward, *Severus of Antioch* (London/New York 2004); F. Alpi, *La route royale: Sévère d’Antioche* Vol. I–II (Beirut 2009); L. van Rompay L., “Severus, Patriarch of Antioch (512–538), in Greek, Syriac, and Coptic Traditions”, *Journal of Canadian Society for Syriac Studies* 8 (2008), 3–22.

of Chalcedon.¹⁴ Further synods in other eastern provinces adopted the resolutions of the Synod of Constantinople, while in Syria Secunda proceedings were held against the metropolitan bishop of Apamea, Peter, who was also deposed and anathematized.¹⁵ In the years that followed, Severus, Peter and other miaphysites took refuge in Alexandria, where the miaphysite faction was prevalent. While being in exile, Severus continued to administer his patriarchate through letters, never ceasing to promote the miaphysite cause, while being very productive in terms of his theological writing.

With Justinian's ascension to the throne in 527, the imperial religious policy was directed towards the unity of the church.¹⁶ This is best exemplified in the religious conversations held between the pro-Chalcedonians and miaphysite bishops in 532/533, which, nevertheless, were brought to no conclusion.¹⁷ Severus himself was invited to the conversations, but did not arrive to Constantinople until 535.¹⁸

In the same year Epiphanius, the Chalcedonian bishop of Constantinople, died, and Anthimus, formerly bishop of Trapezus, was appointed in his place.¹⁹ Anthimus had participated in the religious conversations of 532/533 on the Chalcedonian side, but was accused of moving towards a miaphysite position.²⁰ Anthimus' stance, as well as his uncanonical translation from the see of Trapezus to that of Constantinople alarmed the supporters of Chalcedon who tried to convey their complaints to the then pope Agapetus.²¹ When the pope Agapetus arrived in Constantinople in March

14 The documents related to the *Endemousa* of 518 are included in *ACO* III; see the discussion further below.

15 On the regional synods following the *Endemousa*, see the discussion further below.

16 On Justinian's "uniting" religious policy, see e.g. Gray, "The Legacy of Chalcedon" (cf. fn. 12) 227–232; Menze, *Justinian and the making* (cf. fn. 12) 186–191; Leppin, *Justinian* (cf. fn. 12) 92–95.

17 The sources for the *collatio Severianis* are the pro-Chalcedonian account of Innocentius of Maroneia, preserved in *ACO* VI,2 Schwartz, 169–184, and a series of miaphysite-oriented letters and texts in Syriac (*PO* 13,192–196 and in S.P. Brock, *Studies in Syriac Christianity. History, Literature and Christianity* (Aldershot 1992), XIII [= "The Conversations with the Syrian Orthodox under Justinian", *OCP* 47 (1981), 87–121]). On the conversations, see S.P. Brock, *Syriac Perspectives on Late Antiquity* (Aldershot 1984), XI [= "The Orthodox-Oriental Orthodox Conversations of 532, *Apostolos Barnabas* 41 (1980), 219–227]; J. Speigl, "Das Religionsgespräch mit den severianischen Bischöfen in Konstantinopel im Jahre 532", *AHC* 16 (1984), 264–285; Menze, *Justinian and the making* (cf. fn. 12) 58–66; Grillmeier, *Christ* (cf. fn. 2) 361–363.

18 Severus' arrival in Constantinople is recorded by John of Ephesus, *Beat. Or.* 48 (= *PO* 18,687).

19 On Anthimus, see E. Honigmann, "Anthimus of Trebizond, Patriarch of Constantinople (June 535–March 536) in *Patristic Studies*, ed. E. Honigmann (Vatican City 1953), 185–193; A. di Berardino (ed.), *Patrology V: The Eastern Fathers from the Council of Chalcedon (451) to John of Damascus (†750)*, trans. A. Walford (Cambridge 2006), 69–71, 97.

20 Ps.-Zacharias (9.21–26) mentions the correspondence between Anthimus, Severus and the miaphysite bishop of Alexandria Theodosius.

21 See the discussion further below.

536 on different grounds,²² he refused to acknowledge communion with Anthimus. Through Agapetus' intervention Anthimus was deposed (or forced to resign) and Menas was elected in his place on 13 March.²³ Agapetus died suddenly on 22 April, but Anthimus' deposition had still to be ordained canonically by a Synod,²⁴ that is, the *Endemousa* Synod in question. The synod did not comprise of only bishops from various places of the empire residing in Constantinople, but also delegates from the see of Rome who were despatched to the capital by Agapetus before his own arrival.²⁵ Furthermore, large groups of monks from the Chalcedonian monasteries of Constantinople and the Eastern provinces, whose communication with Agapetus and Justinian appears to have played a decisive role for the summoning of the Synod and the course of its proceedings, were admitted in order to present their petitions and memoranda.²⁶

The case of Severus, Peter and Zooras in the documents from 536

As mentioned above, the pronouncement of the verdict condemning Anthimus in the end of the fourth session of the *Endemousa* was ensued by an outburst of acclamations calling for the condemnation of Severus, Peter and Zooras.²⁷ A narrative frame informs that thereupon monks from Jerusalem handed over a petition (first designated as a *χάρτης*, then as a *λίβελλος*). A cry demanding that the petition be promptly received and read out initiates a new series of acclamations asking for the expulsion and anathematisation of the *παραβαπτιστές*, that is, those performing irregular baptisms. More acclamations insist on the burning down of the “dens of the heretics”, with special reference to the monasteries of Peter, as well as on the anathematisation of the trio of the heretics, i.e. Severus, Peter and Zooras. The very last cry in particular, “anathematise the anathematised now”, insinuates the condemnations to

²² It is said that Agapetus was dispatched by the Ostrogoth king Theodahad in order for him to intercede with Justinian to convince him to avert his plans to conquer Italy. For sources on these events, see Millar, “Rome, Constantinople” (cf. fn. 3) 65.

²³ For the divergent accounts of the events surrounding Anthimus' deposition, see e.g. Leppin, *Justinian* (cf. fn. 12) 186–187.

²⁴ E.g. *ACO* III 53.128,15–16; 68.140,19–34; 69.149,33–35.

²⁵ See *ACO* III 4.27,27–29.

²⁶ For the monks as the moving force of the synod, see A. Hasse-Ungeheuer, *Das Mönchtum in der Religionspolitik Kaiser Justinians I. Die Engel des Himmels und der Stellvertreter Gottes auf Erden* (Berlin/Boston 2016), 203–211; Millar, “Rome, Constantinople” (cf. fn. 3) 81.

²⁷ *ACO* III 128.181,15–19.

which Severus and Peter had been subjected in the past and as such is telling for what is about to follow in the fifth session of the Synod.²⁸

It is important to note here that the acclamations are not as much out of context as they may seem when considered that the principal aim of the *Endemousa* was to ratify Anthimus' deposition and to formally condemn him. The monks' memorandum (§62)²⁹, which is the only document composed exclusively for the purpose of the Synod, indeed deals precisely and solely with that: it enumerates Anthimus' misdeeds and presents the formal procedure the monks expected to be followed in his case.³⁰ However, all the other documents brought forward and read out during the first session of the Synod in support of the charges against Anthimus contain extensive references also to the three men against whom acclamations were pronounced. The earliest-generated documents from 536 are two petitions addressed to Agapetus, as well as the latter's synodical letter for the consecration of Menas, all brought before the Synod by the *notarius* and *secundocarius* of the Roman see,³¹ while the most recent one is a petition addressed to Justinian, evidently composed after Agapetus' death.³²

28 ACO III 129.181,20–32: Καὶ ἐπιδιδόντων τῶν μοναχῶν Ἱεροσολύμων χάρτην ἅπαντες ἐβόησαν· Πολλὰ τὰ ἔτη τοῦ πατριάρχου, τὸν λίβελλον τῶν μοναχῶν ἄρτι δέξαι. ὁ λίβελλος ἄρτι ἀναγνωσθήτω. τοὺς κατ' οἶκον βαπτίζοντας ἔξω βάλε. τὸ σπήλαιον τοῦ Ζωόρα ἄρτι στρέψον. πολλὰ τὰ ἔτη τοῦ πατριάρχου, τὸν παραβαπτιστὴν ἄρτι ἀναθεμάτισον. τοῦ Χριστιανοῦ βασιλέως πολλὰ τὰ ἔτη, ὀρθοδόξου βασιλέως πολλὰ τὰ ἔτη, τὰ σπήλαια τῶν αἰρετικῶν ἄρτι καῶσι. πολλὰ τὰ ἔτη τοῦ πατριάρχου, τὰ μοναστήρια Πέτρου ἄρτι στρέψον. νικᾷ ἡ πίστις τοῦ βασιλέως· ὀρθόδοξος βασιλεύει· τίνα φοβήσαι; Πέτρος μοναστήρια διὰ τί ἔχει; πάντας τοὺς αἰρετικούς ἐκεῖ ἔχει. Σεβήρον καὶ Πέτρον καὶ Ζωόραν ἄρτι ἀναθεμάτισον. ἡ τριάς τοὺς τρεῖς ἀναθεματίζει. ἀνάθεμα Σεβήρω καὶ Πέτρῳ καὶ Ζωόραι. Σεβήρον τὸν Μανιχαῖον ἄρτι ἀναθεμάτισον. πολλὰ τὰ ἔτη τοῦ πατριάρχου, τοὺς ἐχθροὺς τοῦ Χριστοῦ ἄρτι ἀναθεμάτισον, τοὺς αἰρετικούς ἄρτι ἀναθεμάτισον. τοὺς ἀναθεματισθέντας ἄρτι ἀναθεμάτισον, νικᾷ ἡ πίστις τῶν Χριστιανῶν (“after the monks from Jerusalem handed out a papyrus, everyone cried out: “Many years to the patriarch, receive the petition of the monks now! Let the petition be read out now! Throw out those who perform baptisms in the houses! Destroy the den of Zooras! Many years to the patriarch! Anathematise the *parabaptist* (the one performing irregular baptisms) now! Many years to the Christian emperor, many years to the orthodox emperor! Let the dens of the heretics be burned down now! Many years to the patriarch! Destroy Peter’s monasteries now! The faith of the emperor prevails; an orthodox rules; who are you afraid of? For what purpose does Peter have monasteries? He keeps all the heretics there. Anathematise Severus, Peter and Zooras now! The Trinity anathematizes the three. Anathema to Severus, Peter and Zooras! Anathematise Severus the Manichaean now! Many years to the patriarch! Anathematise Christ’s enemies now, anathematise the heretics now! Anathematise the anathematised now, the faith of the Christians prevails!”).

29 This numbering, used henceforth, refers to the subsections of section 5 in ACO III.

30 ACO III 62.134–136. However, there might be an allusion to Severus and Peter in the end of the διδασκαλικόν (ἐνωρκούμεν τὴν αὐτοῦ εὐσέβειαν τὴν ἐπὶ τούτοις δικαίαν κρίσιν τοῦ ἐν ἁγίοις Ἀγαπητοῦ πληρώσαι “we plead his reverence to fulfil Agapetus’, [now] among saints, righteous judgement against them” ACO III 62.136,6–7), albeit too vague. Cf. Speigl, “Die Synode von 536” (cf. fn. 4) n. 55.

31 ACO III 68; 69; 71. Among these, the synodical letter may be the earliest, written shortly after the deposition of Anthimus, while the monks' petition was composed certainly after Easter of 536, i.e. 23 March, as the reference to the baptisms Zooras performed on the day of Easter (ACO III 68.139,2) in-

The first petition (§68) delivered to Agapetus from the monks of Constantinople, Jerusalem and other monasteries of the East residing in Constantinople dedicates more than half of its length to the misdeeds of the Aposchists and Acephaloi, as Severus and his followers were called,³³ focusing on the unrest they caused in Constantinople through the παρασυνάξεις (“irregular eucharists”) and the παραβαπτίσματα they were holding.³⁴ Zooras is presented as the principal perpetrator of the baptisms, while the support “the heretics” had gained among the upper class, even in the imperial circle, appears to have caused great concern.³⁵ Agapetus’ mission, according to the monks, was to expel, with the emperor’s assistance, Severus, Peter, Zooras and their followers.³⁶ Significantly, the monks recall that the heretics had been condemned by the see of Rome and by other patriarchs in the past, while the then emperor (i.e. Justin) adopted their judgement.³⁷ Hence, Agapetus had to endorse those decrees, as well as intercede with the emperor urging him to follow suit. Additionally, the latter would have to issue a law ordaining that the “heretical” writings of Severus be burnt, as it happened in the case of Nestorius’ writings.³⁸

The petition of the bishops from the diocese of the Oriens and of the *apocrisarii* and clerics from Jerusalem and Antioch (§69) addressed to Agapetus is in the same vein. Severus is said to have been excommunicated and condemned by the see of Rome, by many patriarchs and by God, through written, perpetual anathemas, hence he was to be exiled to a remote place of the empire, together with his “stu-

dicates. The exact time of composition of the bishops’ petition cannot be determined with certainty, but it is clear that it was shortly after Anthimus’ deposition as well (ἐξοστρακίσαντας ἀρτίως Ἄνθιμον “having newly ostracised Anthimus” *ACO* III 69.47,19–20). Cf. Speigl, “Die Synode von 536” (cf. fn. 4) 112–113.

32 See *ACO* III 59.133,1–2.

33 *ACO* III 68.137,9. The Chalcedonians designated as Acephali (“headless”) or Aposchists (“separatists”) the miaphysites who were seceded from Peter Mongus when he signed the *Henoticon* in exchange for his appointment as the patriarch of Alexandria (482), remaining thus “without a head”. They later joined Severus and his adherents. See e.g. Alpi, *La route royale* (cf. fn. 13) I 297.

34 *ACO* III 68.137,7–139,5.

35 It is mentioned that their paraliturgical activities frequently took place in private houses and in suburban villas of the upper class (*ACO* III 68.138,8–11; 138,19–20), while among those baptised by Zooras were some children of the imperial guards (*ACO* III 68.139,1–5).

36 *ACO* III 68.138,24–29.

37 *ACO* III 68.141,15–19: τοὺς γε μὴν τὴν τοῦ θεοῦ ἐκκλησίαν ἀρνησαμένους καὶ ἕξω ταύτης δικαίως καταστάντας αἰρετικούς Σεβήρον καὶ Πέτρον καὶ Ζωόραν καὶ τοὺς τὰ ὅμοια τούτοις φρονούντας, ἐφ’ οἷς τὴν ὑμετέραν κρίσιν ἐξεδέχετο ὁ εὐσεβέστατος βασιλεὺς, ἤδη κατακεκρμένους ὑπὸ τε τοῦ ἀποστολικοῦ ὡμῶν θρόνου καὶ τῶν ἄλλων πατριαρχικῶν θρόνων (“also the men who denounced the church of God and were righteously expelled from it, that is, Severus, Peter, Zooras and those who think alike, your judgement against whom was adopted by the most pious emperor, since they had been already been condemned by your apostolic see as well as by the other patriarchal sees”). Zooras had not been condemned in the past, but in the petition he is grouped with the other two.

38 *ACO* III 68.141,24–28. They also emphasise that the emperor had already promised to them that he would carry out the canonical verdicts of Agapetus (*ACO* III 68.140,33–35).

dent” Peter, as well as Zooras.³⁹ In the concluding part of the petition, Agapetus’ aspired course of action is outlined clearly: he had to reaffirm the previous judgments of the see of Rome against them, as well as persuade the emperor to issue a law dictating that their writings be burned.⁴⁰

More vague is Agapetus’ reference to the matter in his synodical letter (§71) informing the bishop of Jerusalem Peter about Anthimus’ deposition and Menas’ appointment: Peter should reject the “others” who share Anthimus’ error and of whom the latter has become an accomplice, since these men had been condemned by the verdict of the see of Rome.⁴¹ Justinian’s task as regards this case is best demonstrated in the document presented first in the opening session of the Synod, that is, a petition (§59) addressed to him from the same monks who appealed to Agapetus. The monks draw on their earlier petition and entreat Justinian to adopt and execute Agapetus’ verdicts concerning Anthimus and the other heretics, as well as ratify them with a law.⁴²

Interestingly, in none of the petitions presented in the first session of the Synod is there a precise reference to the summoning of an *Endemousa* in order to settle all the matters raised.⁴³ What does appear in the monks’ petition to Agapetus, though, is a reference to a deadline that the bishop of Rome had to set for Anthimus to appear before him to profess his orthodoxy, in order for him to be allowed to return to his former see in Trapezus.⁴⁴ Additionally, there is a mention to a hearing that would need to take place before Agapetus, in which all the other bishops, clerics and archimandrites causing disturbances in the capital would have to appear.⁴⁵ Related to a hearing may be also the monks’ declaration that in due course they would give de-

³⁹ ACO III 69.148,24–32.

⁴⁰ ACO III 69.149,27–30: βεβαιούντες καὶ αὐτίς τὰς κατ’ αὐτῶν πρώην ἐξενεχθείσας ἐκ τοῦ ἀποστολικοῦ ἡμῶν θρόνου ἐνθέσμους καὶ δικαίας καὶ εὐσεβεῖς ἀποφάσεις, εἰσηγούμενοι τῷ ἐννομητῶν ἡμῶν βασιλεῖ καὶ τὰ ἐκείνων ἀσεβῆ συγγράμματα νομοθετῆσαι πυρὶ παραδίδοσθαι (“by ratifying anew the lawful, righteous and pious sentences made against them in the past by your apostolic see, also proposing to our most righteous emperor to issue a law dictating that their impious writings be delivered to fire”).

⁴¹ ACO III 71.152,32–34.

⁴² ACO III, 59.133,6–13: μὴ παριδεῖν τὴν δικαίαν κρίσιν τοῦ εἰρημένου ἁγίου ἀνδρός, ἀλλὰ ταύτην ἐπεξελεθεῖν τὴν τε ἐκκλησίαν τοῦ θεοῦ καὶ πάντα τὸν κόσμον ἐλευθεροῦντας τῆς λύμης Ἀνθίμου τε καὶ τῶν εἰρημένων αἰρετικῶν. [...] τὰ οὖν παρ’ ἐκείνου δικαίως καὶ κανονικῶς κεκριμένα πληροῦντες καὶ διὰ γενικῆς ἡμῶν νομοθεσίας ταῦτα κυροῦντες καὶ τοιαῦτα τοῦ λοιποῦ τολμᾶσθαι ἀπαγορεύοντες τὴν μὲν ἐκείνου μακαρίαν ψυχὴν θεραπεύετε (“[We adjure your reverence] not to overlook the righteous judgement of the said holy man, but to execute it, liberating the church of God and the entire world from the outrage of Anthimus and of the said heretics. [...] Thus, if you bring into completion what he has lawfully and in accordance with the canons decreed, as well as ratify these with a general law forbidding such things to be endeavoured thereafter, you will heal his blessed soul”).

⁴³ Cf. Speigl, “Die Synode von 536” (cf. fn. 4) 113.

⁴⁴ ACO III 68.140,27–34.

⁴⁵ ACO III 68.140,34–141,3.

tails of the bishops, clerics, and monks who were Nestorian or Eutychian.⁴⁶ In the bishops' petition to Agapetus, while Anthimus' case is requested be brought to a conclusion,⁴⁷ the course of action with regard to Severus and his accomplices centres on the confirmation of the previous verdicts of the see of Rome and on Justinian's issuing of a law ordaining that Severus' writings be burnt. Similarly, the petition to Justinian demands the confirmation and execution of Agapetus' decrees with a law. It appears that in these documents a distinction is made between the course of action that had to be followed in the case of Anthimus on the one hand and that of Severus, Peter and Zooras on the other: the former matter was incomplete, thus needed be brought to a conclusion (through the formal procedure), while what was required in the latter case was merely the emperor's ratification of the previous verdicts, as well as their enforcement with a law.⁴⁸ In other words, for the monks and the bishops, the indictment—which entailed banishment from Constantinople—of the “heretics” already condemned by the see of Rome needed no further enquiry.

As mentioned above, the first task of bringing about a conclusion to Anthimus' case was completed in the first four sessions of the *Endemousa*. The monks and bishops seized the opportunity upon the announcement of the verdict on Anthimus to repeat the demands concerning the definitive indictment of the men declared anathematised in the past, thus establishing the purpose of the next session of the Synod, that is, to present the evidence for the previous verdicts on the case in order for them to be adopted and ratified.⁴⁹ All this entailed the retrieval of documents issued eighteen years earlier. The difficulty of this task, along with the time needed for the acquiring of the emperor's consent to re-summon the Synod, may explain, in my view, the interval of fourteen days between the final two sessions of the *Endemousa* (21 May-4 June).

The hearing of the fifth session begins with the reading out of three more petitions. The first one (§11), addressed to Justinian from seven bishops from Syria Secunda, was composed before the summoning of the Synod, or at least before the com-

46 ACO III 68.141,35–37. Cf. Speigl, “Die Synode von 536” (cf. fn. 4) 116, who wonders if this implies the summoning of a Synod.

47 ACO III 69.149,33–35: ἀξιούμεν δέ, ἀγιώτατοι, καὶ τῆι κατὰ Ἄνθιμον ἱεραὶ ὑμῶν ψήφωι πέρας ἐπιθεῖναι τέλος καὶ τοῖς πατρικοῖς ὑμῶν κανόνιν ἀρμόδιον (“we plead, most holy ones, that you add to your holy judgement against Anthimus a definitive conclusion, and one that suits the canons of your fathers”).

48 Cf. Speigl, “Die Synode von 536” (cf. fn. 4) 118.

49 The emphasis on the previous verdicts is aptly presented in the Acts' introductory remarks on the sequence and time of the events: εἶτα ὕστερον τῆι δ τοῦ Ἰουνίου μηνὸς τῆς αὐτῆς ἰδ ἰνδικτιῶνος ἐπράχθη τὰ κατὰ Σεβήρου καὶ Πέτρου καὶ Ζωόρα παρὰ τῶι αὐτῶι Μηνῶι καὶ διὰ τῶν προκομισθέντων ἐδείχθη ὅτι καὶ πάλαι καὶ πρόπαλαι ἀνεθεματίσθησαν. (“later, on the fourth of June of the same fourteenth indiction the proceedings against Severus, Peter and Zooras, with the same Menas presiding, took place, and through the documents brought forward it was shown that they had been anathematised long and very long ago”) ACO III 3.27,2–5.

pletion of the fourth session, as the request for Anthimus' expulsion reveals.⁵⁰ No precise demand with regard to Severus and Peter is presented, but there is instead the bishops' pronouncement that they "reject and anathematise the anathematised Severus and Peter and consider them alien to the orthodox communion by reason of being heretic and always rejoicing at the division of the holy churches of God".⁵¹ This document's importance—and perhaps the reason it was read out first—lies in the doctrinal statements it comprises, by which the adherence to the four ecumenical Councils, especially to the formula of faith of Chalcedon and the Tome of Leo, is declared, thus representing the theological direction of the Synod.⁵²

The ensuing two petitions, both composed by the monks of Constantinople, Jerusalem, Syria Secunda and the Three Palestines residing in Constantinople are closely interconnected. The first one (§12), addressed to the emperor, mentions that some days earlier the monks pleaded the emperor in person to execute the requests included in the petition they had submitted to Menas—that is, the next document to be read out.⁵³ This reflects the proviso concerning the emperor's consent for the re-summoning of the Synod as it was pronounced by Menas in the end of the fourth session. The monks reiterate their request in their written petition,⁵⁴ confirming thus how crucial the recording of requests in writing was, so that they could be inserted as evidence thereof in the Acts. The succeeding, much more extensive, petition to Menas, to the Roman delegates and the *Endemousa* (§14) enumerates in detail the crimes and canonical offenses committed by Severus, Peter and Zooras. It lays particular emphasis

50 ACO III 11.31,19–25. It was certainly written after Agapetus' death, since the bishops mention that the petition they had sent to the pope did not reach him while he was alive (ACO III 11,31,32–34).

51 ACO III 11.31,25–28: Σεβήρον δὲ καὶ Πέτρον τοὺς ἀναθεματισθέντας καὶ νῦν ἀποστρεφόμεθα καὶ ἀναθεματίζομεν καὶ ἄλλοτριους ἔχομεν τῆς τῶν ὀρθοδόξων κοινωρίας ἀρετικῶν ὄντας καὶ χαίροντας αἰεὶ τῇ διαίρεσει τῶν ἁγίων τοῦ θεοῦ ἐκκλησιῶν.

52 Cf. Speigl, "Die Synode von 536" (cf. fn. 4) 132–133.

53 ACO III 12.32,26–29: διδάσκομεν τοίνυν ὡς εἰσόδου τετυχηκότες πρὸ τούτων φανερῶν ἡμερῶν παρὰ τῇ ὑμετέρῃ εὐσεβείᾳ ἐδεήθημεν τῶν εὐσεβῶν ὑμῶν ἰχνῶν τὸν ἐπιδεδομένον παρ' ἡμῶν λίβελλον τῷ ἁγιωτάτῳ καὶ μακαριωτάτῳ πατριάρχῃ Μηνᾷ προσδεχθῆναι καὶ κανονικῶςπραχθῆναι ("hence we remind that some days ago we were granted entry by your reverence and we pleaded at your pious feet that the petition we handed over to the most holy and most blessed patriarch Menas be accepted and action be taken in accordance with the canons").

54 ACO III 12.32,29–33,4: ἐπεὶ τοίνυν ὑπὲρ τῶν αὐτῶν δεόμεθα, θεσπισάτω ἡ ὑμετέρα φιλόθεος γαληνότης δι' εὐσεβοῦς ὑμῶν κελεύσεως καταπεμπομένης πρὸς τὸν εἰρημένον μακαριώτατον ἄνδρα τὸν εἰρημένον λίβελλον τὸν γενόμενον κατὰ τῶν λυμαινόντων τὴν ἁγίαν τοῦ θεοῦ ἐκκλησίαν, [...] ὡς ἐδεήθημεν, προσδεχθῆναι καὶ κανονικῶς τὰ γε ἐγκείμενα αὐτῷ πέρας δέξασθαι συνιόντων κατὰ ταῦτὸν τοῦ τε εἰρημένου πατριάρχου Μηνᾶ καὶ τῶν ὁσιωτάτων καὶ θεοφιλεστάτων Ῥωμαίων καὶ τῆς ἐνδημούσης κατὰ ταύτην τὴν βασιλίδα πόλιν ἁγίας συνόδου ("since we plead for the same things, your God-beloved serenity should regulate, through your pious command which is to be conveyed to the said most blessed man, the aforesaid petition directed against those maltreating the holy church of God [...] just as we had pleaded, the requests included in it should be granted and be given a conclusion in accordance with the canons, since the said patriarch Menas, the most sacred and God-beloved Romans and the holy *Endemousa* Synod of this royal city have gathered [here] at the same time").

on the fact that Severus' and Peter's misdeeds, as well as the eternal and insoluble anathemas with which they have been afflicted are well-known to everyone through the proceedings held in Rome, Constantinople, Antioch and Jerusalem, and through the respective protocols.⁵⁵ The main demand is that Menas and the Synod follow these verdicts, imposing the same anathema on Severus, Peter and their followers, and subsequently go to plead the emperor in person to banish them from Constantinople. An additional clause refers to Zooras, who should also be condemned and expelled from the capital, along with others who are hiding in the houses and suburban estates. Moreover, the emperor should issue and forward to all archpriests and magistrates a general constitution by which he would forbid irregular eucharists and baptisms to take place, ordaining that all the properties where such paraliturgical activities had been held should be passed over to the local churches; additionally, he should order that all Severus' writings against the Synod of Chalcedon and the Tome of Leo be delivered to fire.⁵⁶ The rest of the petition outlines the course of action of the Synod: Menas and the assembly may find out what has been decreed on the case from the Roman delegates, the *notarii* of the patriarchate and those from the diocese of the Oriens who presented reports, so as to follow suit.⁵⁷

55 ACO III 14.41,35–42,2: καὶ τί δεῖ περὶ τούτων τὸν λόγον ἐπεκτείνειν πάντων τῶν ἀνὰ πᾶσαν τὴν οἰκουμένην ἐπισταμένων τὰς ἀνοσίους πράξεις τῶν εἰρημένων Ἀκεφάλων αἰρετικῶν Σεβήρου καὶ Πέτρου καὶ τὰς μιὰς αὐτῶν καὶ ἀθέους καὶ βλασφήμους καὶ φόνους χαϊρούσας ψυχάς; ταῦτα γὰρ φανερώς δείκνυσι τὰ τε ἐν τῇ πρεσβυτέρᾳ Ῥώμῃ, ἡνίκα ὁ τῆς ὀσίας μνήμης Ὁρμίσδας τὸν ἀποστολικὸν ἐκεῖνον διεῖπε θρόνον, καὶ ἐν ταύτῃ τῇ βασιλίδι πόλει καὶ ἐν Θεουπόλει καὶ ἐν Ἱεροσολύμοις πραχθέντα τε καὶ συστάνα ὑπομνήματα τὸν μισαρὸν ἐκείνων βίον ἅσαι διαγγέλλοντα καὶ τοὺς αἰώνιους καὶ ἀλύτους ἀναθεματισμοὺς οἷς βέβληνται οἱ εἰρημένοι διὰ τὰς ἀπηγορευμένας αὐτῶν πράξεις ἃς εἰργάσαντο (“but why should we speak further on this subject since everybody in the entire world knows the impious deeds of the said heretical Acephali, Severus and Peter, and their impure, atheist, blasphemous and murder-rejoicing souls? For these are demonstrated manifestly in the proceedings held at the Elder Rome, when Hormisdas of sacred memory ruled that apostolic see, and those held at this royal city, Theopolis and Jerusalem, as well as in the compiled minutes that proclaimed to everyone their abominable life and the eternal and insoluble anathemas with which the aforesaid had been inflicted on account of the unlawful deeds they had perpetrated”).

56 ACO III 14.42,29–44,4.

57 ACO III 14.44,4–15: τὰ δὲ κανονικῶς πραχθέντα ἐπὶ τοῖς εἰρημένοις προσώποις δυσωποῦμεν τὴν ὑμετέραν μακαριότητα καὶ τὸν ἱερὸν ὑμῶν σύλλογον ἐπιζητῆσαι παρὰ τε τῶν συνεδρευόντων ὑμῖν ὀσιωτάτων Ῥωμαίων καὶ τῶν προσκαρτερούντων ὑμῖν θεοσεβεστάτων νοταρίων, ἔτι γε μὴν καὶ τῶν τὰς ἀποκρίσεις ποιουμένων θεοφιλῶν ἀνδρῶν τῆς Ἀνατολικῆς διοικήσεως, ὥστε τούτων φανερῶν γινομένων ἐξακολουθῆσαι τὴν ὑμετέραν μακαριότητα καὶ τὴν συνεδρεύουσαν ὑμῖν ἁγίαν σύνοδον τοῖς ὀρίσεισι κατ' αὐτῶν παρὰ τῶν τοὺς εἰρημένους πατριαρχικοὺς θρόνους κατακοσμησάντων ἁγίων ἡμῶν πατέρων (“what has been canonically transacted against the said persons, we entreat your beatitude and your holy assembly to find out from the most sacred Romans who sit in council with you, from the most religious *notarii* who serve you, as well as from the God-beloved men from the diocese of Oriens who had made reports, so that, once this is made manifest, your beatitude and the holy council sitting with you will follow what has been ordained against them by our holy fathers who had adorned the said patriarchal thrones”).

The question that arises is whether any of the petitions read out at the beginning of the fifth session may be identified with the λίβελλος that the monks from Jerusalem brought forth after the pronouncement of the Synod's verdict on Anthimus. It would be reasonable to assume that the document in question is the monks' petition to Menas and the Synod (§14); however, this document includes references to the completion of the judgement on Anthimus,⁵⁸ as well as to their petition to Justinian (§12), which, they say, has been conveyed to the Synod by the imperial notary together with the emperor's order for the Synod to examine the requests included in the latter document.⁵⁹ These discrepancies may be explained if one assumes that the monks' petition submitted in the fifth session was a revised, "updated" version of the one they were about to present at the end of the fourth session.⁶⁰ Or it may as well be plausible that the text of the petition was modified by the editor(s) at the time it was inserted in the Acts in order to be compliant with the development of the events. The clauses "anticipating" that the petition to Justinian and the latter's command would be transmitted by the imperial notary to the Synod may be explained in the same way. Of course, all the aforementioned assumptions become redundant if one postulates that the acclamation referring to the petition of the monks from Jerusalem itself is the result of editorial intervention; such "bridging" acclamations strategically inserted in the record to establish connections between different parts of the minutes are not uncommon in conciliar Acts.⁶¹ Indeed, the fact that the subsequent proceedings follow the monks' petition to Menas and the Synod on a point-by-point basis may indicate either that Menas and the Synod observed faithfully the monks' instructions, or that the editor(s) used the petition as a guide for the drafting of the minutes.⁶²

58 ACO III 14.38,25–27: τῆς ἐπὶ Ἀνθίμῳ κρίσεως πληρωθείσης καὶ τῆς κατ' αὐτοῦ ψήφου παρ' ὑμῶν τῶν ἀγιωτάτων δικαίως ἐξενεχθείσης ("since the judgment on Anthimus has been completed and the verdict against him has been righteously pronounced by you").

59 ACO III 14.39,3–7: καὶ ἐν τῇ προσδοθείσῃ τῷ εὐσεβεστάτῳ ἡμῶν βασιλεῖ δεήσει τῇ καὶ καταπεμφθείσῃ τῇ ὑμῶν ἀγιωσύνη παρὰ τῆς αὐτοῦ εὐσεβείας διὰ Θεοδώρου τοῦ περιβλέπτου ραιφερενδαρίου, διακομίσαντος καὶ τὴν αὐτοῦ εὐσεβῆ κέλευσιν προστάττουσαν τῇ ἀγίᾳ ὑμῶν συνόδῳ περὶ πάντων τῶν περιεχομένων ἐν τῇ δεήσει ὑμᾶς διασκοπήσαι ("and in the petition submitted to our most pious emperor, also sent by his reverence to your holiness through Theodorus, the admirable *refendarius*, who in addition conveyed to your holy Synod his pious order enjoining you to examine thoroughly everything contained in the petition").

60 Similarly, Speigl, "Die Synode von 536" (cf. fn. 4) 133 n.74, suggests that the petition of the monks to patriarch Menas and the synod is a compilation based on earlier petitions, since the material was at their disposal any time and could be reformulated at the end of the fourth session.

61 See, for example, T. Graumann, "'Reading' the First Council of Ephesus (431)", in *Chalcedon in Context, Church Councils 400–700*, ed. R. Price & M. Whitby (Liverpool 2009), 33, with regard to the Council of Ephesus 431.

62 Cf. Speigl, "Die Synode von 536" (cf. fn. 4) 136.

The dossier of documents from 518–521

The monks' demand to investigate the evidence of the previous decisions on the case is the key point leading to the insertion of the dossiers of older documents. This is initiated by Menas' enquiry, addressed first to the delegates of the Roman see, whom he requested to present what they knew on the case.⁶³ The precedence given to the Italian representatives reflects the emphasis laid on the previous judgments of the Roman see which is evident in the petitions, while it is indicative of the significance of their attendance at an *Endemousa*.⁶⁴ Their statement is said to have been presented orally in Latin and recorded by the Roman lector and *secundocarius* of the *notarii* so as to be subsequently read out in Latin by the same man.⁶⁵ The Latin original as well as its Greek translation are included in the Acts,⁶⁶ and although there is no transitional phrase in between stating that the latter was read out as well,⁶⁷ it could be presumed that it was read out by the imperial *notarius* and *secretarius* Christodorus.⁶⁸ The statement itself serves as an introduction to the first dossier comprising the relevant evidence from Rome: the Italian delegates proclaim that the see of Rome had long ago decreed on Severus and Peter, and the verdicts were to be read in Pope Hormisdas' letters to the monks of Syria Secunda and to the patriarch Epiphanius of Constantinople.⁶⁹

63 ACO III 15.52,5–8.

64 As F. Millar, "Linguistic Co-existence in Constantinople: Greek and Latin (and Syriac) in the Acts of the Synod of 536 C.E", *JRS* 99 (2009), 96–97, notes, this is also demonstrated by the placement of the Italian bishops' names first after that of the patriarch Menas in the list of the attendees (ACO III 4.27,20–29), as well as by the inclusion of the names of deacons, *notarii*, *ecdici*, subdeacons and other clerics from Italy in the same list (ACO III 4.29,3–7).

65 This is clear since the quoted statement begins with an introductory phrase (*sancti episcopi partium Italiae et viri venerabiles sedis apostolicae diaconi* dixerunt "the holy bishops from places in Italy and the devout deacons of the apostolic see said" ACO III 16.52,12–13), even though there is already a narrative frame in the Greek text (καὶ ἀνέγνω φωνὴν Μηνᾶς ὁ θεοσεβέστατος ἀναγνώστης καὶ σεκουνοκῆριος νοταρίων τοῦ ἀποστολικοῦ θρόνου τῆς πρεσβυτέρας Ῥώμης ἔχουσιν οὕτως "Menas, the most religious lector and *secundocarius notarius* of the apostolic see of the Elder Rome, read out the statement being as follows" ACO III 15.52,10–11).

66 It is normally assumed that the majority of bishops in the East could not understand Latin, thus a Greek translation was necessary. See F. Millar, *A Greek Roman Empire. Power and Belief under Theodosius II (408–450)* (Berkeley/London 2006), 17–20. For a comprehensive review of the presence of Latin in the Acts of the Synod of Constantinople 536, see F. Millar, "Linguistic Co-existence" (cf. fn. 64).

67 There is merely a title: Ἑρμηνεῖα τῆς προκειμένης διαλαλιᾶς ("translation of the preceding statement" ACO III 16.52,19).

68 Christodorus read out the translation of the Latin documents submitted by the Italian representatives (ACO III 19.52,30–31), as well as the translation of the Italian delegates' statement at the end of the Synod (ACO III 37.110,12–13).

69 ACO III 16.52,12–17 (Latin) 17.52,19–25 (Greek translation).

Following the patriarch Menas' instructions, these letters are handed over to be read out and inserted in the minutes. In the narrative frame it is stated that they were first read out in Latin and then in Greek translation,⁷⁰ but only the latter is included in the Acts. In the first document (§20),⁷¹ dated to 10 February 518, thus stemming from before Justin's ascension to the throne, Hormisdas refers to Severus and Peter as successors and equal in heresy with those condemned by synodical decrees in the past and thus likewise condemned.⁷² In the second letter of Hormisdas addressed to Epiphanius,⁷³ dated to 26 March 521, the condemnation of Severus and his followers (Peter of Apamea is not mentioned by name) appears as a given.⁷⁴

After the quotation of the two Hormisdas' letters, the patriarch Menas requested from the *notarii* to present any other documents (χάρται) pertinent to the case.⁷⁵ There follows a narrative according to which the deacon, *notarius* and χαρτοφύλαξ⁷⁶ Kosmas brought forward the relevant documents which were in turn read out by four different *notarii* (§23).⁷⁷ The documents in question are associated

70 See fn.68.

71 The original Latin text is published in *Collectio Avellana* (no.140). It constitutes Hormisdas' reply to a letter sent from the monks of Syria Secunda which is not included in the Acts, but is preserved in Latin in *Collectio Avellana* (no.139).

72 ACO III 20.55,14–24.

73 The original Latin text is published in *Collectio Avellana* (no.237).

74 As it was composed at a time when the restoration of communion with the East was completed, Hormisdas entrusts the removal of the last remnants of the heretics to the bishop of Constantinople and the emperor (ACO III 22.59,21–23). Cf. Menze, *Justinian and the making* (cf. fn. 12) 88.

75 ACO III 22.59,21–23.

76 This is the first time a reference to a χαρτοφύλαξ appears in conciliar Acts. V. Leontaritou, *Εκκλησιαστικά αξιώματα και υπηρεσίες στην πρώιμη και μέση βυζαντινή περίοδο* [=Ecclesiastical offices and services during the early and middle Byzantine period] (Athens 1996), 628, makes a distinction between the *notarius* and χαρτοφύλαξ Kosmas and the later (from the 7th century onwards) χαρτοφύλακες that held the distinct office of the χαρτοφύλαξ, merely responsible for church's archive (often called χαρτοφυλάκιον). For a comprehensive review of the office of the χαρτοφύλαξ, see *ibid.*, 628–660. Nevertheless, I do believe that the fact that the χαρτοφύλαξ Kosmas is the one who brings forth all the archived documents, should be taken as an indication that he was the *notarius* in charge of the archive.

77 ACO III 23.59,24–38: Καὶ προκομισθέντων τῶν χαρτῶν διὰ Κοσμᾶ τοῦ θεοσεβεστάτου διακόνου νοταρίου καὶ χαρτοφύλακος Μακάριος ὁ θεοσεβέστατος διάκονος καὶ νοτᾶριος τὸν ἐκ προσώπου τῶν Θεουπόλεως κληρικῶν λίβελλον καὶ τὴν ἀναφορὰν τῆς ἐνδημούσης τηνικαῦτα τῆι βασιλίδι πόλει συνόδου, ἀμφοτέρα πρὸς τὸν ἐν ἁγίοις Ἰωάννην ἀρχιεπίσκοπον γενόμενον τῆς αὐτῆς βασιλίδος πόλεως, ἀνέγνω καὶ Καλώνυμος ὁ θεοσεβέστατος διάκονος καὶ νοτᾶριος ἀπὸ κώδικος τὴν πρὸς Ἰωάννην τὸν τῆς ὁσίας μνήμης ἀρχιεπίσκοπον γενόμενον Ἱεροσολύμων ἐπιστολὴν καὶ τὴν πρὸς Ἐπιφάνιον τὸν τῆς θεοφιλοῦς μνήμης τῆς Τυρίων γενόμενον ἐπίσκοπον ἀνέγνω, ἔτι μὴν καὶ τὴν πεμφθεῖσαν ὑπὸ τε αὐτοῦ Ἰωάννου τοῦ τῆς Ἱεροσολυμιτῶν ἐπισκόπου καὶ τῆς ὑπ' αὐτὸν συνόδου πρὸς τὸν ἐν ἁγίοις Ἰωάννην ἐπιστολὴν ἀνέγνω· καὶ Στέφανος ὁ θεοσεβέστατος νοτᾶριος καὶ διάκονος τὴν σταλεῖσαν ἀναφορὰν σὺν τοῖς πεπραγμένοις παρὰ Ἐπιφανίου ἐπισκόπου γενομένου Τύρου καὶ τῆς ὑπ' αὐτὸν συνόδου ἀνέγνω, καὶ Παῦλος ὁ θεοσεβέστατος νοτᾶριος καὶ διάκονος τὴν σταλεῖσαν ἀναφορὰν σὺν τοῖς πεπραγμένοις ὑπὸ τῶν ἐπισκόπων δευτέρας Συρίας πρὸς τὸν ἐν ἁγίοις Ἰωάννην γενόμενον ἀρχιεπίσκοπον τῆς βασιλίδος πόλεως· ἄτινα συμπάντα καὶ ἐντέτακται (“And after the documents were

with the *Endemousa* and three regional synods that took place shortly after Justin's ascension to the throne with the main task of condemning Severus, Peter of Apamea and their associates, as well as declaring their adherence to the four ecumenical Councils—above all the Council of Chalcedon.⁷⁸ One could assume that the fact that four different *notarii* are presented as having read out the documents which, accordingly, pertain to four different synods may point to four physically separate sets of documents, assembled into a single one in the Acts. Indeed, there seems to be a relative thematic consistency among the texts read out by each *notarius*. More specifically, the documents read out by the first *notarius*, consisting of a petition of the bishops from Antioch to the patriarch John of Constantinople and the *Endemousa*, as well as the relation (ἀναφορά) of the *Endemousa*, are clearly associated with the *Endemousa* Synod of 20 July 518. The immediate aftermath of this synod is evidenced in the texts read out by the second *notarius*, i. e. two letters sent from the patriarch of Constantinople to the patriarch of Jerusalem and the bishop of Tyre informing them about the decisions of the *Endemousa* and asking for their concurrence, as well as the reply to the former letter, which attests a synod held in Jerusalem (August 518).⁷⁹ The response to the second letter of the patriarch, which comprises a relation of the Synod of Tyre (September 518),⁸⁰ is quoted by the third *notarius*, while the

brought forward by Cosmas, the most religious deacon, *notarius* and *chartophylax*, Macarius, the most religious deacon and *notarius*, read out the petition from the clerics from Theopolis and the report of the *Endemousa* Synod that took place at that time in the imperial city, both [addressed] to John, [now] among saints, former archbishop of the same imperial city, and Calonymus, the most religious deacon and *notarius*, read out from a codex the letter to John of sacred memory, former archbishop of Jerusalem, and the letter to Epiphanius of God-beloved memory, former bishop of Tyre, and also read out the letter sent from the same John, bishop of Jerusalem, and the council under him to John, [now] among saints. And Stephanus, the most religious *notarius* and deacon, read out the relation sent along with the [record of] the proceedings transacted by Epiphanius, former bishop of Tyre and the synod under him, and Paul, the most religious *notarius* and deacon, [read out] the relation sent, along with [the record of] the proceedings, from the bishops of Syria Secunda to John, [now] among saints, archbishop of the imperial city; all these have been inserted [into the record]”).

78 On these synods, see e.g. J. Speigl, “Synoden im Gefolge der Wende der Religionspolitik unter Kaiser Justinus (518)”, *Ostkirchliche Studien* 45 (1996), 3–20; A.A. Vasiliev, *Justin the First. An introduction to the epoch of Justinian the Great* (Cambridge Mass. 1950), 146–160; F. Millar, “Presenting a case against Peter of Apamea Before the *Praeses* of Syria Secunda in 519”, in *Empire, Church and Society in the late Roman Near East. Greeks, Jews, Syrians and Saracens (Collected Studies, 2004–2014)* (Leuven/Paris/Bristol 2015), 74–92 [= “Un dossier d'accusation déposé auprès du *praeses* de Syrie Seconde pour transmission à Justin I^{er}”, *AntTard* 18 (2010), 231–242].

79 The dating of the synod of the Three Palestines is not specified in the Acts, but as Millar, “Presenting a case” (see fn.79) 75, suggests, it may be identified with a synod of bishops convened on 6 August 518 in Jerusalem mentioned by Cyril of Scythopolis (*Life of Sabas*, 60); on this synod, see also F. Millar, “Not Israel's land then: the Church of the Three Palestines in 518”, in *Empire, Church and Society in the late Roman Near East. Greeks, Jews, Syrians and Saracens (Collected Studies, 2004–2014)* (Leuven/Paris/Bristol 2015), 361–385 [= *JJS* 57 (2006), 139–158].

80 The Synod of Tyre is mentioned in the *Chronicle of Seert*, *PO* 7,139. See Vasiliev, *Justin* (cf. fn. 78) 150 with n.22. On this Synod, see P. Blaudeau, “Crise et clameurs populaires à Tyr (16 Septembre 518):

fourth *notarius* read out the documents concerned with proceedings held at Syria Secunda in the summer of 519.⁸¹ Of course, all this does not preclude that the larger dossier of older documents in the Acts consisted of only two smaller separate dossiers, one pertaining to the *Endemousa* Synod of 518—read out by the first *notarius*—and another one (accordingly, the *codex* from where Calonymus read out)⁸² pertaining to the regional synods that followed, which in turn comprised three subsets of documents organised in chronological order, corresponding to the three localities of the synods (i. e. Jerusalem, Tyre, Syria Secunda)—each read out by a different *notarius*.

Interestingly, a juxtaposition of the narrative frame and the texts incorporated in the ensuing dossier of the Acts demonstrates that some of the latter are not mentioned in the introduction as read out by the *notarii*. This could mean that the documents omitted were read out at the Synod of 536, but were passed over as only complementary to the ones mentioned, or that they were indeed not quoted but were anyway inserted in the Acts as supplementary evidence. Another assumption is that even the documents announced in the introductory frame may in reality have not been read out—in full or at all—and the claim of them having been quoted is a concealed reference to their insertion in the minutes during the editorial process.⁸³ The reference to four different *notarii* could serve to mark the distinct subjects of the four sets of documents—regardless of the number of the physically separate dossiers—, while the texts mentioned as having been quoted should have a “signalling” function, which would explain their presence in the narrative frame as well as their ordering within the different “dossiers”. The following analysis of the dossier of the documents incorporated in the Acts in comparison with the preceding narrative will shed some light on these issues.

The first part of the dossier with texts pertaining to the *Endemousa* contains four documents (§24–27), all with titles attached to them. The first one, mentioned also in the narrative frame, is a petition of the clergy and monks of Antioch addressed to the patriarch of Constantinople John and the *Endemousa*, and contains a series of charges brought against Severus (§24);⁸⁴ this was in all likelihood composed shortly after Justin’s enthronement and certainly before the synod.⁸⁵ The ensuing text, that is, the

entre vive sollicitation des élites et pièce justificative du discours épiscopal”, *Rivista di storia del cristianesimo* 2 (2006), 423–448.

81 On the dating of the proceedings in Syria Secunda, see the detailed analysis of Millar, “Presenting a case” (cf. fn. 78) 85–87, 91–92.

82 See the text in fn.77.

83 For this kind of editorial reworking, cf. Graumann, ““Reading” the First Council” (cf. fn. 61) 31, 34–35.

84 *ACO* III 24.60–61.

85 See Menze, *Justinian and the making* (cf. fn. 12) 29 with n. 67, who assumes that the monks and clerics from Antioch who composed the petition had been most likely already resident in Constantinople in the time of Anastasius’ reign, intending to express their discontent for Severus, which they did once Justin ascended to the throne.

relation (ἀναφορά) of the *Endemousa* synod in the form of a letter sent to the patriarch John (§25), is said to have been read out by the first *notarius*, too. This relation does not include detailed minutes of the synod's proceedings, but rather an abbreviated form thereof, its main focus being on the decisions reached. The latter are presented in the form of a list of five points summarising the requests put forward in a petition submitted by the monks of Constantinople. The point most relevant to the *Endemousa* Synod of 536 is the last one, concerned with Severus' condemnation, which is also the most detailed: there it is emphasised that in Severus' case it was necessary to carry out the proper procedure in accordance with the ecclesiastical order, thus they had to read out his blasphemous words amidst the entire council before making a resolution.⁸⁶ This testifies to the first trial *in absentia* to which Severus was subjected. The aforementioned petition of the monks of Constantinople, which apparently set the goals of the *Endemousa* synod, is referred to as attached to the synod's relation and is, in fact, included in the dossier (§26), although it is not mentioned in the opening narrative frame.⁸⁷ In both the monks' petition and the *Endemousa's* relation it is emphasised that the demands were initially raised by the people in the Great Church of Constantinople on 15 and 16 July 518.⁸⁸ A detailed record of the people's acclamations and the patriarch's pronouncements addressed to the crowd during these turbulent meetings is explicitly said to be attached to the monks' petition,⁸⁹ and is also incorporated in the dossier of the Acts (§27) without it being referred to in the introductory frame. Hence, it becomes obvious that the physical form of documents §25–27 was as follows: the record of the acclamations (§27) was attached to the monks' petition (§26), which was in turn attached to the relation of the *Endemousa* (§25). This explains the reverse chronological order in which they were placed in the dossier of the Acts.⁹⁰ The “dossier” of the documents related to the *Endemousa* appears thus to be divided into two subsets: the first is the petition of the monks from Antioch against Severus, whose function was to expose the charges against Severus (as this is not fulfilled by the other documents in the “*Endemousa* dossier”), while the second consists of the relation of the *Endemousa* which encompasses the other two documents. Thus, it makes sense that only §24 and §25 are mentioned in the introduction.

According to the narrative frame, the second *notarius* read out the letters sent from John of Constantinople to the patriarch John of Jerusalem and to the bishop of Tyre Epiphanius, as well as the former's reply. All three documents are included in the dossier of the Acts with titles attached to them (§28–30). John's of Constanti-

⁸⁶ ACO III 25.64,11–14.

⁸⁷ ACO III 25.63,1–2: ἀναγνωσθῆναι τοίνυν ποιήσαντες τοὺς λιβέλλους, οὓς καὶ ὑπετάξαμεν τῷδε τῷ τύπῳ (“after we asked for the reading out of the petitions, which we have appended to this verdict”).

⁸⁸ On these events, see Vasiliev, *Justin* (cf. fn. 78) 136–144.

⁸⁹ ACO III 26.68,2: τὰς δὲ ἐκβοήσεις καὶ προσφωνήσεις ὑπετάξαμεν.

⁹⁰ Cf. Millar, “Presenting a case” (see fn.79) 75.

nople letters evidently accompanied copies of the *Endemousa* report, that is, the second subset of the first “dossier”,⁹¹ which he forwarded to his colleagues asking for their concurrence.⁹² The reply from John of Jerusalem and the Synod of the Three Palestines briefly states that they confirmed the *Endemousa*’s condemnation of Severus and expressed their adherence to the four Councils, without including a verbatim record or a description of the assembly’s proceedings.⁹³

Epiphanius’ of Tyre reply to John of Constantinople (designated as ἀναφορά only in the narrative frame), read out by the third *notarius*, is also incorporated in the dossier of the Acts (§31). There another document (§32) which is not explicitly mentioned in the narrative frame and bears no title itself is attached to it: that is, the record of the acclamations pronounced by the “multitude” congregated in the church of Tyre, once they received the news about the events that took place in Constantinople.⁹⁴ It may be assumed that the reference to “the proceedings” which were sent along with the relation in the narrative frame was meant to denote this very document;⁹⁵ besides, the record of the acclamations is explicitly said to be embedded to Epiphanius’ letter, thus forming one unit with it. Epiphanius’ letter, written on behalf of the Synod of Tyre as well, informs John and the *Endemousa* about their ratification of Severus’ condemnation which they carried out by bringing forth further accusations against him with regard to his intervention in the affairs of the church of Tyre.⁹⁶ As such, this letter constitutes crucial evidence for Severus’ offences on account of which he is being “retried” at the Synod of 536.⁹⁷ Interestingly, the record of the acclamations at Tyre (§32) attests the existence of more letters related to the *Endemousa* which are not included in the dossier of the Acts. More specifically, according to its introductory paragraph, in addition to the ἀναφορά of the *Endemousa* (§25) and John’s of Constantinople accompanying letter to Epiphanius (§29), two more letters

91 The complete subset must have been forwarded to the provinces, as the references to the decrees of the *Endemousa*, the monks’ petitions and the people’s demands contained in John’s of Constantinople letters reveal (ACO III 28.76,33–34; 37; 29.77,9–12). There is no evidence suggesting that the petition of the monks and clergy of Antioch (§24) was also forwarded.

92 ACO III 28.76,34–35; 29.77,12–14.

93 ACO III 30.78,16–29.

94 ACO III 31.84,9–12: τὰς δὲ παρὰ τοῦ πλήθους τῶν Χριστιανῶν τῆς Τυρίων ἀφεθείσας ἐπὶ τῆς ἐκκλησίας φωνάς, ὅτε μεμαθήκασι τὰ πεπραγμένα παρὰ τῆς ὑμῶν ὁσιότητος, εὐφροσύνης ἐμφορηθέντες, καθυπετάξαμεν τῷ προκειμένῳ γράμματι, τὸν ἔνθεον αὐτῶν ζῆλον ἐντεῦθεν παριστῶντες τῇ ὑμετέραι θεοφιλείᾳ (“the acclamations uttered by the crowd of the Christians in the church of Tyre, once they became aware of the proceedings carried out by your sanctity and were filled with joy, we have appended to this letter, demonstrating in this way to your God-belovedness their godly-inspired zeal”).

95 ACO III 23.59,33–35: τὴν σταλεῖσαν ἀναφορὰν σὺν τοῖς πεπραγμένοις.

96 ACO III 31.81,26–82,25.

97 The Tyre synod also seized the opportunity to place charges against a certain *paramonarius* of the church of Theotokos at Tyre called John who was in communion with Severus (ACO III 31.82,28–83,12); their request is that John of Constantinople and the *Endemousa* rectify that condemnation as well (ACO III 31.83,22–26).

addressed to Epiphanius were read out in the church of Tyre: one from Theophilus, bishop of Heraclea who presided over the *Endemousa*, and one from the bishops who attended the Constantinople synod.⁹⁸ The absence from the Acts of these two documents which did not originate from the patriarchate of Constantinople may be an indication that the documents included in the “Tyre dossier”—and most likely in the entire dossier of older documents—were generated from the patriarchal archive of Constantinople; this suggestion will be discussed in more detail further below. In terms of the “dossiers” (or the larger dossier’s) format, the fact that the replying letters from Jerusalem and Tyre are not placed—and/or are not read out—immediately after the respective letters sent from John of Constantinople (i.e. John’s of Constantinople letter to Epiphanius is not read out by the third *notarius* as it would suit a “thematic” dossier related to Tyre, while the reply from Jerusalem is grouped with John’s of Constantinople letters to both Jerusalem and Tyre) speaks against the idea of four separate dossiers and offers, by contrast, support for the idea of one larger dossier including various documents pertaining to the regional synods.

As for the documents read out by the fourth *notarius*, according to the narrative frame, those were the relation (ἀναφορά) and “the proceedings” sent by the bishops of Syria Secunda to the patriarch John of Constantinople.⁹⁹ The relation is the first document from Syria Secunda contained in the dossier of the Acts (§33) and, as it appears, encompassed all the remaining documents of the dossier (§34–36, most likely what is designated as “proceedings” in the introductory paragraph). In this letter, the Syrian bishops express their concurrence with the *Endemousa*’s indictment of Severus, while they inform the patriarch and the Synod of Constantinople about their own denunciation of the metropolitan bishop of Apamea Peter, requesting for it to be ratified by the *Endemousa*.¹⁰⁰ The varied evidence of Peter’s prosecution is said to be attached to the relation in the form of petitions (λίβελλοι) the Syrian bishops received from the clergy and the monks of Apamea,¹⁰¹ as well as copies of the acts of accusatory processes against Peter conducted (in Peter’s absence) before the governor of the province Ioannis Palladius Eutygianus.¹⁰² The petition of the clergy of Apamea is

98 ACO III 32.85,3–11.

99 ACO III 23.59,36–37: τὴν σταλεῖσαν ἀναφορὰν σὺν τοῖς πεπραγμένοις ὑπὸ τῶν ἐπισκόπων δευτέρως Συρίας πρὸς τὸν ἐν ἀγίοις Ἰωάννην γενόμενον ἀρχιεπίσκοπον τῆς βασιλίδος πόλεως.

100 ACO III 33.92.8–9.

101 ACO III 33.91,28–29: οἷα λιβέλλων ἡμῖν ἐπιδοθέντων ὑπὸ τοῦ θεοφιλοῦς τῆς Ἀπαμῆων κλήρου καὶ τοῦ τάγματος τῶν εὐλαβῶν μοναχῶν (“since petitions were handed over to us by the most God-beloved clergy of Apamea and by the order of the most devout monks”); 33.92.6–7: δεόμεθα τῶν ἁγιωτάτων ὑμῶν διὰ ταύτης ἡμῶν τῆς μετρίας ἐπιστολῆς, ἣ καὶ ἐντέτακται τὰ ἐπιδοθέντα διδασκαλικά (“through this humble letter of ours, to which also the memoranda handed over to us are attached, we beseech you, most holy ones”).

102 ACO III 33.91.15–18: πρὸς γὰρ εὐμάθειαν τῶν μακαριωτάτων ὑμῶν καὶ τὰ ἴσα τῶν παρὰ τοῦ μεγαλοπρεπεστάτου τῆς ἐπαρχίας ἀρχοντος γνωρισθέντων τοῖς ἐνδοξοτάτοις ἀρχουσιν ἐνετάξαμεν τῆιδε τῆι συνοδικῇ τῶν ἐλαχίστων ἡμῶν ἐπιστολῇ (“in order that you are well informed, most blessed ones, we have also attached to the present synodic letter from our insignificant persons the copies

incorporated in the form of a memorandum (διδασκαλικόν) in the minutes of the first process carried out before the governor (§34), where it served as the exposition of Peter's offences.¹⁰³ The record itself is an excerpt beginning in medias res; it includes numerous clerics' testimonies on Peter's misdeeds and ends in the governor's declaration that the record of the process would be sent to the higher state officials, who in turn would bring them to the emperor's attention, in accordance with the clerics' request.¹⁰⁴ Moreover, Eutychianus agrees to satisfy the bishops' demand to incorporate the record of acclamations raised by the clergy.¹⁰⁵ The latter record apparently constituted a separate document which was indeed appended to the acts of the process, with no title or further information on the acclamations' circumstances attached.¹⁰⁶ There follows a copy of the minutes of a second process against Peter (§35), also an excerpt containing a verbatim record of the clergy's depositions and requests, nevertheless concerning different accusations.¹⁰⁷ The last document associated with the proceedings in Syria Secunda, which is also the last one in the dossier of the Acts, is a copy of the petition the monks of Apamea had submitted to the bishops of Syria Secunda (§36).¹⁰⁸ As mentioned above, this was in all likelihood also attached to the bishops' letter sent to the patriarch John of Constantinople. This petition enumerates the offences of both Severus and Peter, while it contains appeals for the ratification of Severus' condemnation by the *Endemousa* as well as for the condemnation of Peter of Apamea.¹⁰⁹ It is apparent that the collection of texts from Syria Secunda was compiled by the bishops of Syria Secunda themselves, as it was necessary for them, apart from expressing their concurrence with the *Endemousa's* de-

of the reports communicated to the most glorious officials by the most magnificent governor of the province"). Millar, "Presenting a case" (cf. fn. 78) 79–80, has observed that this is only the second example of such a record embedded in the minutes of a church synod in the documentation available to us; the first one is the record of the process conducted before the governor of Osrhoene against the bishop of Edessa Ibas in 449, preserved in the Syrian Acts of the Second Council of Ephesus; on this, see F. Millar, "Greek and Syriac in fifth-century Edessa: the case of Bishop Hibas", *Semitica et Classica. International Journal of Oriental and Mediterranean Studies* 5 (2012), 151–165.

103 ACO III 34.93,18–98,3. The text bears no title, but is referred to as a διδασκαλικόν in the deacons' first deposition and the governor's pronouncement (ACO III 34.93,7; 12).

104 ACO III 34.102,20–25. On this kind of protocols recording the governor's transactions, see R. Haensch, "Die Statthalterarchive der Spätantike", in *Archives and Archival Documents in Ancient Societies. Trieste 30 September-1 October 2011*, ed. M. Faraguna (Trieste 2013), 341 with n.25.

105 ACO III 34.102,28–29: ἐντάττον τοῖς ἐπὶ τοῦ παρόντος πεπραγμένοις καὶ τὰς προελθούσας ἐκβοήσεις ὑπὸ τοῦ πλήθους τοῦ εὐαγοῦς κλήρου τῆς εἰρημένης ἀγιωτάτης ἐκκλησίας ("inserting in the minutes of the present proceedings also the acclamations coming from the multitude of the holy clergy of the said most holy church").

106 ACO III 34.102,30–103,22. Cf. Millar, "Presenting a case" (cf. fn. 78) 83.

107 ACO III 35.103,24–104,11. This process dealt with the restoration to the diptychs of the bishops' names erased by Peter of Apamea.

108 This petition must be dated to the spring of 519; see Millar, "Presenting a case" (cf. fn. 78) 84, 92.

109 ACO III 36.108,33–35.

crees, to present the evidence for Peter's eviction and the process that led to it, in order for the *Endemousa* to ratify their own handling of the case.

The verdicts of the Synod of 536

Upon the completion of the quotation of documents, the patriarch Menas requested from the attendees of the assembly to express their views on the proceedings and the documents quoted.¹¹⁰ Contrary to what one would expect, no discussion on the contents of the documents ensued. There follow instead the concluding statements-verdicts pronounced by the three main “parties” of the *Endemousa*: the Italian delegates (§37), the *Endemousa* Synod (§38) and the patriarch Menas (§39). The Italian delegates more or less repeat what they had expressed in their initial statement:¹¹¹ it is well-known that Severus and Peter had long ago been convicted by Hormisdas, thus they themselves follow that judgement. They make no mention of the synods and the verdicts attested in the documents contained in the dossier; however, they add denouncing clauses against Severus' writings and Zooras,¹¹² i.e. what was missing from Hormisdas' letters. By contrast, the *Endemousa's* verdict emphasises that through the quoted documents Severus and Peter were proven as excluded from the catholic church and the orthodox faith, however in the meantime they had not complied with the decrees issued against them.¹¹³ Hence, the Synod had to follow the previous decisions and anathematise Severus and Peter by its own verdict; in addition, Zooras and whoever else performed irregular eucharists and baptisms, as well as Severus' writings, were to be subjected to the same condemnation.¹¹⁴ The verdict pronounced by Menas is more detailed, nevertheless its main ideas are very similar: Severus, Peter and their followers, among whom is Zooras, despite having been condemned by the see of Rome, Constantinople, Jerusalem and the entire diocese of the Oriens, not only did they not show repentance, but escalated their illicit behaviour against the Church.¹¹⁵ Menas utilises a more “technical” language when referring to their infringement of the canon dictating that whoever is condemned by one synod, must not take up any priestly function until he is proven innocent by another

110 ACO III 37.110,8–9: Ὁ ἀγιώτατος ἀρχιεπίσκοπος εἶπεν· Ἡ συμπαροῦσα ἡμῖν ἅγια σύνοδος ἦν ἐπὶ τοῖς πεπραγμένοις τε καὶ ἀνεγνωσμένοις ἔχει γνώμη, εἰπάτω (“The most holy archbishop said: If the holy assembly here present with us has an opinion on what has been transacted and read out, let it speak”).

111 The form of this statement is similar to that of their earlier one, in that it appears to have been pronounced orally and recorded in Latin, then read out in Latin and in Greek translation. Only the latter is included in the Acts in this case.

112 ACO III 37.110,14–23.

113 ACO III 38.111,1–15.

114 ACO III 38.111,15–26.

115 ACO III 39.112,25–30.

synod, for otherwise he would lose any hope of being restored by a future synod.¹¹⁶ He then adds that with their conduct their previous condemnation was solidified, while by means of the new verdict any prospect of restoration was denied to them.¹¹⁷

Accordingly, the *Endemousa* Synod of 536 ended with a verdict concerning Severus, Peter and Zooras, that is, the subject of the fifth and last session of the synod only (the verdict concerning Anthimus was announced in the end of the fourth session). That this was not in the initial agenda of the synod, is declared in the beginning of the *Endemousa*'s verdict, explicitly stating that although what the monks had requested was “unexpected”, it was necessary for the synod to carry it out, since it was proposed for the profit of the Church.¹¹⁸ The importance of the decisions reached at the *Endemousa* of 536 is demonstrated by Justinian's issuing of a constitution (διάταξις) two months later, by which he ratified the synod's decrees, both with regard to Anthimus as well as Severus, Peter and Zooras.¹¹⁹

Conclusions: Decision-making in the fifth session of the *Endemousa* 536

We now turn to the question of what the Acts tell us about the decision-making process in the fifth session of the *Endemousa*. The assembly's aim, as best presented in the petition handed to Menas by the monks (§14), was to ratify and adopt the previous condemnations of Severus and Peter, as well as condemn for the first time Zooras and Severus' writings. No document presented at the Synod suggests a “proper” hearing was expected to take place, while certainly there were no thoughts of summoning the accused men to the synod. In fact, what may be deduced from the petitions to Agapetus and Justinian composed prior to the convocation of the *Endemousa*, is that the petitioners did not consider that a synod had to take place in order for the emperor to adopt the previous decrees and issue a law regulating them.¹²⁰ Nevertheless, since circumstances permitted it, a trial *in absentia* by proxy of documents attesting the previous decisions on Severus and Peter was conducted.

¹¹⁶ ACO III 39.112,14–19.

¹¹⁷ ACO III 39.113,2–4.

¹¹⁸ ACO III 38.110,25–27: Εἰ καὶ τι νεώτερον ἦν τὸ παρὰ τῶν εὐλαβεστάτων ἡγουμένων τῶν εὐαγῶν μοναστηρίων αἰτηθὲν ὡς ὑπὲρ τῶν ἀγιωτάτων ἐκκλησιῶν προτεινόμενον, προσδέξασθαι πάντως ἡμᾶς ἔδει.

¹¹⁹ The constitution, dated to 6 August 536, is incorporated in the Acts (ACO III 41.119–123). It is also extant thanks to a different line of transmission as *Novella* no. 42.

¹²⁰ Interestingly, in the petitions to Agapetus presented in the first session of the synod (§68, 69), the request is that Justinian should issue a law ordaining merely that the writings of Severus be burnt. It is only in the petition to Justinian (§59) that the emperor is asked to ratify Agapetus' decrees with a law.

The quotation of earlier documents, such as letters or reports of proceedings, is an essential feature of conciliar acts, most often utilised to extract information on a case, or question their accuracy or legitimacy.¹²¹ In the case of the Acts of the *Endemousa* 536, the citation of the dossiers of earlier documents appears to have a rather “bureaucratic” function, in that it is the means by which they are inserted in the record as evidence, albeit without spurring any corresponding debate or interrogation.¹²² This, together with the way the dossier of the documents from Constantinople, Jerusalem, Tyre and Syria Secunda is compiled, render an actual reading of—all or some of—these documents disputable. Already the claim in the narrative frame of specific documents being read out by the *notarii* raises some questions, as not all the documents contained in the dossier are included in the list. The preceding analysis has shown that the documents passed over or referred to vaguely as πεπραγμένα in the frame are in fact embedded to certain documents mentioned as read out by a *notarius*; in other words, the texts marked as quoted are either single documents (such as the bishops’ of Antioch petition, the letters of John of Constantinople to the bishops of Tyre and Jerusalem respectively, the reply of John of Jerusalem) or the first ones in a set of documents (such as the relation of the *Endemousa*, the letter of Epiphanius of Tyre, the letter of the bishops of Syria Secunda). If one presumes that the narrative frame is the result of editorial intervention, it may then be read as a list of the “visible” documents of the dossier, meaning that the editor(s) of the Acts having at his/their disposal the texts submitted to be inserted into the record, naturally put in the list preceding the dossier only the main ones, overlooking those embedded to them. An incomplete (or non-existent) actual citation of the documents attesting the previous decrees on the case would not come as a surprise, as it is clear that the attendees of the synod and the petitioners considered Severus’ and Peter’s condemnation as a given which merely needed confirmation, especially since the prelates from their bishoprics had decreed on the same issues some years earlier.

Interestingly, the entire fifth session of the *Endemousa* appears to have been conducted by means of presenting documents—or/and inserting them into the record. There are hardly any interjections or statements, apart from the patriarch Menas’ requests for the documents to be brought forward to be read out, as well as the Italian delegates’ statements, which appear as they could have been prepared prior to the synod, since nowhere do they comment on the proceedings or the documents pre-

¹²¹ For example, the first session of the Council of Chalcedon centered on the reading out of the records of the Second Council of Ephesus 449 (which in turn quoted the proceedings of the *Endemousa* Synod of 448); see R. Price & M. Gaddis, *The Acts of the Council of Chalcedon* (Liverpool 2005), I 111–112. Cf. Graumann, ““Reading” the First Council” (cf. fn. 61) 30.

¹²² However, one should not entirely preclude that there might have been a subsequent discussion which was recorded, but eventually not included in the Acts, as this would have impaired the impression of an unanimous decision that the Acts are supposed to show.

sented.¹²³ The fact that in the record of only the fifth session of the Synod are there titles attached to all the documents included, both to those from 536 and the earlier ones, suggests that these minutes consisted first and foremost of a series of texts. This particular form of the minutes is reflected in the summary of the contents of the first “book” on the outset of the Acts, rendered by means of a list of the documents incorporated,¹²⁴ which is in contrast with the contents of the second “book” comprising the records of the previous sessions of the Synod that is laid out in a continuous text.¹²⁵

Certainly, it is impossible to determine which of the documents incorporated in the Acts were in reality read out, but if we were to accept that the minutes of the fifth session are the product of editorial reworking, the assumption mentioned above that the monks’ petition to Menas and the *Endemousa* may have served as a guide for the minutes’ retractor(s) would seem attractive. Besides, the arrangement of the dossiers of older documents corresponds to the sequence in which the Synod would have to seek out the earlier proceedings and protocols, according to the petition: that is, first by inquiring the delegates of the Roman see, then the *notarii* of the patriarchate of Constantinople and lastly the emissaries from the diocese of the Oriens.¹²⁶

This statement leads us to the question of the origin of the earlier documents presented in the fifth session of the Synod. Other than Hormisdas’ letters which were explicitly brought forth by the *notarius* of the Roman see, all the other documents appear to have been generated from the patriarchal archive of Constantinople, since all the documents were either letters sent from or to the patriarch John of Constantinople.¹²⁷ Therefore, the Acts of the *Endemousa* of 536, other than explicating how older records and documents were used anew as evidence, are a prime attestation of the importance the Church laid on the practice of archiving documentation to be available on a different occasion.

123 This, of course, could be explained by their inability to understand Greek and thus follow the proceedings, or their intention to lay emphasis on Hormisdas’ decrees only.

124 *ACO* III 1.25–26.

125 Cf. fn.5.

126 See fn. 57. Similarly, in the verdict pronounced by Menas, the reference to the previous decrees corresponds perfectly to the sequence the relevant documents are arranged in the Acts (of the Roman see, the *Endemousa*, Jerusalem, the diocese of the Oriens, respectively), see fn. 115.

127 See also the discussion above on the record of the acclamations from Tyre mentioning additional documents related to the *Endemousa* of 518 which did not stem from the patriarch but were forwarded to them. On episcopal archives, see A. Camplani, “Setting a bishopric / arranging an archive: traces of archival activity in the bishopric of Alexandria and Antioch”, in *Manuscripts and archives. Comparative views on record-keeping*, ed. A. Bausi, C. Brockmann, M. Friedrich, S. Kienitz (Berlin 2018), 231–272; T. Graumann, “Documents, acts, and archival habits in early Christian church councils. A case study”, in *Manuscripts and archives. Comparative views on record-keeping*, ed. A. Bausi, C. Brockmann, M. Friedrich, S. Kienitz (Berlin 2018), 273–294.

