

The Canonical Deposition of Dioscorus of Alexandria (451): Marcian's Vindication

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Following a trial at Session I of the Council of Chalcedon (451), imperial officials declared Dioscorus, the archbishop of Alexandria, deposed from the episcopacy, pending the approval of Marcian, emperor of the eastern Roman Empire (r. 450–457). Officially, this was his punishment for his role in the unjust depositions of Flavian, deceased archbishop of Constantinople, and Eusebius, bishop of Dorylaeum, at the Second Council of Ephesus (i.e., Ephesus II) (449), which Pope Leo called the “Robber Council.”¹ Dioscorus had chaired it, and five other bishops who played key roles there were also provisionally deposed on the same grounds.² Acclamations at the end of Session II indicate, however, that Dioscorus and the five were understood to be only suspended from the council, not deposed.³ It later emerged that Marcian had given only tentative approval for the depositions pending the conciliar bishops’ approval.⁴ So, at Session III, the council held an exclusively ecclesiastical trial for Dioscorus; under the leadership of the Roman legates—no imperial officials were present—they decided to depose him for various disciplinary offenses.⁵ At Session IV, they decided to restore

¹ Leo asserted this epithet in a letter to Empress Pulcheria (20 July 451). Cf. Document 11 in Richard Price and Michael Gaddis, ed. and trans., *The Acts of the Council of Chalcedon*, 3 vols., Translated Texts for Historians 45 (Liverpool: Liverpool University Press, 2005), 1:105–7. Subsequent references to these volumes will be cited in the abbreviated form Price-Gaddis, followed by volume and page numbers and then by session and paragraph numbers. Where session and paragraph numbers are absent, the references are to the commentary of Price and Gaddis, not to primary documents.

² Price-Gaddis 1:364, Session I.1068.

³ Cf. Price-Gaddis 2:27–28, Session II.30, 34, 41, 44. This will be argued more fully below.

⁴ Price-Gaddis 2:66–67, Session III.78.

⁵ Cf. Price-Gaddis 2:38–116.

to the council the other five who had been deposed; they had renounced Ephesus II at Session I, and later signed Leo's *Tome*.⁶

This is a basic outline of the events surrounding Dioscorus' deposition at Chalcedon, a council summoned by Marcian to resolve a series of problems stemming from Ephesus II.⁷ Most importantly, the council bishops were mandated to "confirm the true and venerable orthodox faith."⁸ The decision to call the council, moreover, was largely owing to Pope Leo's request, and among the decisions made prior to and at the Council of Chalcedon were a series of doctrinal and disciplinary matters upon which Leo had insisted. His doctrinal demands pertained to the approval of his *Tome*, which supported dyophysitism, as well as condemnations of Eutyches' monophysitism and Nestorianism. Of Leo's many disciplinary demands, one of the most important was the deposition of Dioscorus for his offenses at Ephesus II as president, but only if he did not repent; similarly, he urged the reconciliation of repentant bishops who had lapsed at Ephesus II.⁹ Many of

⁶ Cf. Price-Gaddis 1:161, Session I.184 and Price-Gaddis 1:188, Session I.282–284. The acceptance of Leo's *Tome* was the official reason that the conciliar bishops called for their reinstatement at Session IV, to which Marcian assented (Price-Gaddis 2:146–47, Session IV.11–16).

⁷ Most significantly, these included its declaration that the monophysitism of Eutyches, an archimandrite from Constantinople, was orthodox; its deposition of eight bishops affiliated with dyophysitism or Antiochene theology; and Dioscorus' refusal, as chair of Ephesus II, to allow Deacon Hilary, the legate of Pope Leo, to present the latter's *Tomus ad Flavianum* (i.e., *Tome*), which was anti-Eutychian monophysitism and pro-dyophysitism. These outcomes from Ephesus II had resulted in a schism between the East and the West as Leo and Emperor Valentinian III refused to recognize it. Cf. Price-Gaddis 1:31–33; Susan Wessel, *Leo the Great and the Spiritual Rebuilding of a Universal Rome* (Supplements to Vigiliae Christianae 93; Boston: Brill, 2008), 271, 276–81. Despite Leo's requests to Theodosius, he refused, and supported Eutyches, whose "conservative Cyrillian position" had been re-established as "orthodox" at Ephesus II. The emperor also recognized that the latter's monophysitism had wide support in the eastern empire, and likely wanted to avoid further ecclesiastical changes at a time when the empire was expecting attacks from Attila the Hun. For these reasons, he did not want Ephesus II overturned; George A. Bevan, "The Case of Nestorius: Ecclesiastical Politics in the East, 428–451 CE," PhD diss., University of Toronto, 2005, 412.

⁸ Cf. "First Letter of Marcian to the Council (September 451)" in Price-Gaddis 1:107 (cf. 2:2).

⁹ In a letter Leo stated that if Dioscorus or anyone else recanted, they should not be deposed from the episcopacy (*Ep.* 95.4, cited in Wessel, *Leo the Great*, 175). Similarly, in a letter to the Council of Chalcedon, Leo mandated, "if, as we desire, all abandon error, no one need lose his rank" ("Letter of Pope Leo to the Council from June 26, 451" in Price-Gaddis

these demands also coincided with the imperial agenda. Firstly, it is probable that Marcian was a dyophysite¹⁰ and that, as a condition of his marriage to Empress Pulcheria, also a dyophysite, he would endeavor to have Ephesus II overturned, along with its decrees in favour of Eutychian monophysitism.¹¹ Additionally, Marcian strove to appease Leo in ecclesiastical matters, in hopes that the western emperor Valentinian would recognize his elevation to the eastern imperial throne; Marcian hoped that Leo would advocate on his behalf.¹² In large part for these reasons, Marcian wanted Dioscorus deposed;¹³ to this end, he supported his accusers¹⁴ and enabled the processes so that it might occur. Knowing Marcian's sympathies, and based on procedural precedent from Ephesus I and Ephesus II, the bishops attending Chalcedon also likely anticipated that as part of their mandate to affirm orthodoxy, as Marcian had instructed them, they would be trying Dioscorus (and others) for alleged offenses.¹⁵

1:104). That Leo's intention had not changed was confirmed by Leo's legates at Session III: "We intended . . . to be lenient" (Price-Gaddis 1:70, Session III.94).

¹⁰ The following argue that Marcian was a dyophysite: Wessel, *Leo the Great*, 270; Peter L'Huillier, "The Council of Chalcedon," in *The Church of the Ancient Councils: The Disciplinary Work of the First Four Ecumenical Councils* (Crestwood, NY: St. Vladimir's Seminary Press, 1996), 195; Ramsay MacMullen, *Voting about God in Early Church Councils* (New Haven: Yale University Press, 2006), 85. In contrast, Bevan ("The Case of Nestorius," 420) contends that Marcian's christological beliefs are unknown, and that there is no evidence to support the position that his religious beliefs affected his decision to call the Council of Chalcedon, nor to defend dyophysitism.

¹¹ Bevan, "The Case of Nestorius," 425; Richard W. Burgess, "The Accession of Marcian in Light of Chalcedonian Apologetic and Monophysite Polemic," *Byzantinische Zeitschrift* 86–87 (1993–1994): 65, 67–68.

¹² Marcian's imperial elevation was a significant deviation from precedent tantamount to usurpation. Since the reign of Diocletian, it was a consistent practice for a senior Augustus to have the right to appoint a successor when his senior Augustus counterpart died. Thus, when Marcian was acclaimed emperor of the east on 25 August 450, Valentinian III as emperor of the West was denied this right, and a schism was formed between the two parts of the empire until February of 452; cf. Bevan, "The Case of Nestorius," 416–417, 421.

¹³ This was, after all, the verdict his imperial officials provisionally imposed at Session I (Price-Gaddis 1:364, Session I.1068), and which he later accepted.

¹⁴ This is clear from Session I when Eusebius of Dorylaeum requests that his written testimony against Dioscorus be read aloud, "in accordance with the wishes of our most pious emperor" (Price-Gaddis 1:130, Session I.13).

¹⁵ At Ephesus I and II, orthodoxy had been confirmed through the acceptance of particular doctrinal texts and the condemnation of heterodox views and persons (Price-Gaddis 2:2). In

Due to these imperial motivations, as well as analyses of the Acts of the council, many scholars contend that a key reason for Leo's demands being met at the council, in general, was unprecedented imperial influence.¹⁶ Of those who address Dioscorus' deposition in particular, a significant number also allege that imperial officials imposed or otherwise ensured the outcome, with different theories of exactly how and why such occurred.¹⁷ This paper offers a critique of this scholarly trend, which, in the case of

Dioscorus' case, he would be officially condemned for disciplinary offenses, including offenses against the orthodox. It seems very unlikely, however, that the conciliar bishops foresaw the emperor *mandating* that "Dioscorus and other opponents of Leo" be "disciplined" (*pace* Price-Gaddis 2:2). As will be shown in this paper, not only is evidence to this end lacking, it seems more likely that Dioscorus especially, as the main leader of Ephesus II, would not have attended the council at all if he thought his deposition was certain. After all, this is what he did when he realized it was inevitable at Session III. Despite three summons, he refused to attend (cf. Price-Gaddis 2:43, Session III.7; Price-Gaddis 2:45, Session III.22; Price-Gaddis 2:48–49, Session III.36; Price-Gaddis 2:66–67, Session III.78). Bevan ("The Case of Nestorius," 453) agrees that this is why Dioscorus refused to attend Session III.

¹⁶ While disagreeing on particulars, the following agree that the imperial agenda, or parts thereof, which coincided with that of Leo, were imposed on the bishops: Price-Gaddis 2:207; Burgess, "The Accession of Marcian," 62–68; Bevan, "The Case of Nestorius," 438–439, 443–444; Wilhelm De Vries, "The Reasons for the Rejection of the Council of Chalcedon by the Oriental Orthodox Churches," in *Christ in East and West*, ed. Paul R. Fries and Tiran Nersoyan (Macon, GA: Mercer University Press, 1987), 4–5; George A. Bevan and Patrick T. R. Gray, "The Trial of Eutyches: A New Interpretation," *Byzantinische Zeitschrift* 101 (2008): 653–57; Kenneth G. Holum, *Theodosian Empresses* (Berkeley: California University Press, 1982), 214–16; Geoffrey de Ste. Croix, "The Council of Chalcedon," in *Christian Persecution, Martyrdom, and Orthodoxy*, ed. Michael Whitby and Joseph Streeter (Oxford: Oxford University Press, 2006), 318; Michael Whitby, "An Unholy Crew?: Bishops Behaving Badly at Church Councils," in *Chalcedon in Context*, ed. Richard Price and Mary Whitby (Liverpool: Liverpool University Press, 2009), 182; R.V. Sellers, *The Council of Chalcedon: A Historical and Doctrinal Survey* (London: S.P.C.K., 1953), 103.

¹⁷ For example, Price and Gaddis argue that the imperial officials ensured Dioscorus was deposed at Session I for his offenses at Ephesus II. They then "stage-managed" (2:29) a second episcopal "show trial" (2:36) at Session III to convince more bishops following outcries for his rehabilitation at Session II (2:30). Ste. Croix ("The Council of Chalcedon," 274) is more particular and alleges that Dioscorus was deposed because of his strong opposition to the imperial will, which was to "crus[h] the Monophysites" (p. 279). Marcian and Pulcheria's will was ensured through "the diplomatic skill and doctrinal convictions" of "the great Anatolius," the lay imperial official who chaired the sessions (p. 318). Others who contend that Dioscorus' deposition was ensured by Marcian/Pulcheria and their imperial officials include Bevan, "The Case of Nestorius," 451; Bevan and Gray, "The Trial of Eutyches," 653–57; and Holum,

Ste. Croix at least, seems to be an overreaction to the apologetic in some writings, especially theological works, that Chalcedon's decisions were due to divine inspiration.¹⁸

More specifically, this paper will argue that, while Marcian and Pulcheria were opposed to Dioscorus and monophysitism, and the imperial officials did influence the proceedings in this respect, Marcian did not direct them to force Dioscorus' deposition: neither at Session I nor at Session III, and neither explicitly, as had occurred at Ephesus II, nor through subtle intimidation (*pace* Ste. Croix).¹⁹ Rather, the imperial officials likely erred in declaring Dioscorus deposed without a complete ecclesiastical trial at Session I, which was why such was held and Dioscorus was formally deposed at Session III. That event, moreover, was largely due to the efforts of the Roman legates and other bishops opposed to Ephesus II, not the imperial officials. Thus, while Marcian and Pulcheria were surely satisfied with the outcome, they did not ensure its completion.

In order to demonstrate this, this paper will first address arguments pertaining to the organization of the council, viz., whether the imperial will to impose can be discerned from the prearranged seating plan for the council fathers, as well as the presence and function of the imperial delegation that led most of the sessions. Thereafter, pertinent events and discourses related to Dioscorus' trials and deposition, especially imperial involvement therein, will be analyzed. Ultimately, I hope to show that, while imperial officials did influence these judicial events in some ways, the only systematic effort they undertook was to ensure that sessions followed protocol, and were free from the disorder and violence that had gripped prior councils (e.g., Ephesus II).

Seating Arrangement: Symbolism or Pragmatism?

A number of scholars argue that the imperial agenda *contra* Dioscorus can be discerned through an analysis of the seating arrangement of the conciliar members. However, it will be shown that evidence to this end is limited. This seating plan was as follows: the Roman legates held the

Theodosian Empresses 214. Whitby ("An Unholy Crew?" 182) and Burgess ("The Accession of Marcian," 65), while not explicit, also respectively imply this view.

¹⁸ Cf. Ste. Croix, "The Council of Chalcedon," 312.

¹⁹ *Ibid.*, 273–74.

“formal” presidency of the council²⁰ and first place of honour, on behalf of Pope Leo, for which they were seated first on the imperial officials’ left side. They were then followed by Anatolius, archbishop of Constantinople; Maximus, archbishop of Antioch; Thalassius, bishop of Caesarea; Stephen, bishop of Ephesus; and the other bishops of the Orient, Pontus, Asia, and Thrace, Palestinian bishops excepted. On the right side were Dioscorus, the archbishop of Alexandria who presided at Ephesus II, and Juvenal, bishop of Jerusalem, both of whom were accused of accepting Eutyches’ monophysitism at Ephesus II, bishop Quintillus, legate of bishop Anastasius of Thessalonica; Peter, bishop of Corinth; and the other bishops of Egypt, Illyricum, and Palestine.²¹

This arrangement clearly divided most conciliar members between those who supported Leo’s *Tome* on the left side of the imperial officials, and Dioscorus and his supporters on the right side.²² This is similar to modern-day British (or Canadian) parliaments²³ in which, it is fitting to note, the government and opposition benches are separated by 3.96m or *just over* the distance of two out-stretched swords.²⁴ Marcian’s concerns for Chalcedon were not wholly unlike those who designed the Westminster chamber; he too was highly invested in ensuring that proceedings were orderly and free from violence. Such is clear from his third letter to the council (22 September 451) in which he indicates he would not tolerate anyone, be it one “who share[s] the views of Eutyches, or someone else, . . . [to] try to sow

²⁰ Price-Gaddis 1:42. Despite this, the Roman legates only chaired Session III. Otherwise, the imperial officials, led by Flavius Anatolius, were the *de facto* presiders.

²¹ Price-Gaddis 1:128–129, Session I.4.

²² There is one exception: Quintillus, who was seated on the right, but probably should have been seated on the left. His case is examined below.

²³ The analogy is noted by Richard Price, “The Council of Chalcedon (451): A Narrative,” in Price and Whitby, *Chalcedon in Context*, 74. It should be noted, however, that in Parliament, the government benches are on the right side of the throne, while the opposition are on the left.

²⁴ House of Commons, Canadian Parliament, “The Physical and Administrative Setting: The Chamber,” in *House of Commons Procedure and Practice*, ed. Audrey O’Brien and Marc Bosc (2nd ed.; 2009) online: <http://www.parl.gc.ca>. Accessed: July 25, 2016.

dissension [*stasis*] or disorder [*thorubos*].”²⁵ With this intention, therefore, he had the seating plan devised by his officials.²⁶

Some have argued that this seating plan reveals Marcian’s opposition to Dioscorus. For instance, as noted above, the first place of honour was given to the Roman legates, and the other seats of “seniority”²⁷ were given to Anatolius of Constantinople, and Maximus of Antioch. These bishops were both, moreover, also listed after the Roman legates in the various sessions of the Acts at which they were all present.²⁸ According to Price and Gaddis, this set-up with Dioscorus not in a seat of seniority was contrary to the protocol followed at the councils of Ephesus I and II at which the archbishop of Alexandria played leading roles. Dioscorus was not given such primacy here, they argue, because he was “lined up for condemnation.”²⁹

Certainly, Dioscorus was not given the presidency and first place of honour, which he had held at Ephesus II, because Marcian had granted that honour to Pope Leo,³⁰ in the person of his legates. Marcian not only agreed with Leo (and against Dioscorus) theologically, but, as noted above, was trying to endear himself to him for political reasons. However, in making this decision, Marcian does not seem to have violated any recognized norm. Granted, archbishops of Alexandria had presided at the two previous councils, Ephesus I (431) and II (449), but the presidency of other general councils was held by various sees with little consistency.³¹ At Chalcedon, therefore, this decision was effectively left to Marcian’s discretion.

²⁵ Letter quoted in Price-Gaddis 1:110. For the Latin text, cf. *ACO* II.i.30: 21–9. Ste. Croix seems to interpret the phrase “the views of Eutyches, or someone else” to refer solely to those who supported Ephesus II. Given Marcian’s broad efforts to maintain order at Chalcedon, however, it seems more likely that he was referring to *anyone* who might cause “stasis” or “thorubos”.

²⁶ FX. Murphy, *Peter Speaks Through Leo* (Washington: Catholic University of America Press, 1952), 27.

²⁷ Price-Gaddis 1:119.

²⁸ E.g., Price-Gaddis 1:123, Session I.3; Price-Gaddis 2:6, Session II.1; Price-Gaddis 2:38, Session III.2.

²⁹ Price-Gaddis 1:119.

³⁰ Cf. the letter from “Marcian to Pope Leo (22 November 450)” in Price-Gaddis 1:93.

³¹ E.g., Prior to Ephesus I and II, the presidency of the First Council of Constantinople was held by three different bishops from two churches. Theodosius I first appointed Meletius of Antioch as president, but he died soon after the council commenced. Gregory of Nazianzus, the new archbishop of Constantinople, was then appointed to the position, and after he resigned the

With respect to the seats of seniority overall, it is noteworthy that the first three seats were held by three of the four primatial sees; with the absence of Alexandria, they were in the order established in the canons: Rome, Constantinople, Antioch.³² That Dioscorus' absence from the third seat was more pragmatic than partisan (e.g., to keep order) is indicated by his placement in the Acts. Despite his seating on the right side, he was nonetheless listed third in the Acts of Session I—the only session at which he was present—after the Roman legates and Anatolius, and before Maximus.³³ Thus, the imperial notaries, along with the officials and bishops who would have reviewed them, were careful to respect Alexandria's hallowed thirdness.³⁴

The side on which Dioscorus and his allies were seated has also been interpreted as signifying the imperial agenda on grounds that the whole left side was the “place of honour,” favoured by the emperor, and that the right, which included Dioscorus, was the side of “relative debasement.”³⁵ This is implausible, though; the seats of seniority—with their respective primacy

bishopric, his successor at Constantinople, Nectarius, was appointed. Of course, the presidency of the Council of Chalcedon was held by the Roman legates, and later, at Constantinople II (553), the archbishop of Constantinople, Eutychius, presided; Cf. Norman P. Tanner, ed. and trans., *Decrees of the Ecumenical Councils*, 2 vols. (Washington, D.C.: Georgetown University Press, 1990), 1:21, 105. Based on this evidence, the compilers of the sixteenth-century *Centuries of Magdeburg* concluded that “the presidency of the Council was not the prerogative of any definitively nominated bishop” (Enrico Norelli, “The Authority Attributed to the Early Church in the Centuries of Magdeburg and in the Ecclesiastical Annals of Caesar Baronius,” in *The Reception of the Church Fathers in the West: From the Carolingians to the Maurists*, ed. Irena Backus [Leiden: Brill, 1997], 764).

³² Cf. Canon 6 of the Council of Nicaea (325), and Canon 3 of the Council of Constantinople (381). By this time, Alexandria had accepted the latter, which had altered Canon 6 of Nicaea with the promotion of Constantinople to second in primacy, after Rome, thereby bumping Alexandria to third, and Antioch fourth; see F. Dvornik, *Byzantium and the Roman Primacy* (New York: Fordham University Press, 1966), 49.

³³ Price-Gaddis 1:123, Session I.3

³⁴ On the difficult role of notaries, see Richard Price, “Truth, Omission, and Fiction in the Acts,” in Price and Whitby, *Chalcedon in Context*, 92–106.

³⁵ Quotations from Ste. Croix, “The Council of Chalcedon,” 299. He reverses the sides (left and right) but his meaning is clear. MacMullen also contends that the entire left was the “side of favor and honor” (*Voting about God*, 84), which would make the entire right side the *de facto* seating of the unfavoured and unhonoured. Bevan (“The Case of Nestorius,” 87) also implies the same.

of honour—were held by the aforementioned primatial sees but could not have been extended to the whole left side. After Rome, Constantinople, and Antioch, after all, only two other bishops are mentioned by name.³⁶ Then the seating list for the left side is concisely concluded with, “and the other most devout bishops.”³⁷ Had the entire side truly been the “place of honour,” surely these other prelates would have been individually named as well.

Moreover, had this been the case, one could expect to find in the Acts a series of objections. Surely Dioscorus and others on the right would have voiced discontent with such a slight, but there is no such indication from the Acts.³⁸ It is also noteworthy that Quintillus, bishop of Heraclea and legate of Anastasius, bishop of Thessalonica, was seated on the right side,³⁹ even though Anastasius was the vicar of Pope Leo in Illyricum, in good standing with him, free from accusations, and even praised by Leo for not having personally attended Ephesus II.⁴⁰ This church’s importance, moreover, is exemplified by the fact that Quintillus was the sixth or seventh cleric cited in the Acts after the Roman legates and other patriarchs present.⁴¹ His presence on the right side, thus, makes it highly unlikely that the seating plan as a whole reflected imperial favour. Putting the legate of Leo’s vicar on the

³⁶ Viz., Thalassius of Caesarea and Stephen of Ephesus (Price-Gaddis 1:128, Session I.4).

³⁷ Price-Gaddis 1:128, Session I.4.

³⁸ While holding that the outcomes of the council were predetermined, De Vries (“The Reasons,” 4) argues that the seating plan conformed to formalities, and was a façade that made the pro-Eutychian and anti-Eutychian opponents appear to be equal and the outcome undecided.

³⁹ E.g., Price-Gaddis, 1:128, Session I.4.

⁴⁰ Price-Gaddis 1:28 n. 99. Pope Leo praised Anastasius for this reason in October of 449 (Wessel, *Leo the Great*, 120 n. 238).

⁴¹ Quintillus was the sixth cleric recorded in sessions II, IV, and IX. He was seventh at Sessions I, V–VIII, XI, XIII–XVI, and the Session on Photius and Eutathius. Quintillus was not recorded as present at Session III; sessions X and XII do not begin with a list of those in attendance; and the Session on Domnus of Antioch simply records the patriarchs present followed by “and the rest of the holy council.” Cf. Price-Gaddis 1:123, Session I.3; Price-Gaddis 2:6, Session II.1; Price-Gaddis 2:121, Session IV.1; Price-Gaddis 2:172, Session on Photius and Eutathius 2; Price-Gaddis 2:195, Session VI.1; Price-Gaddis 2:208, Session VI.1; Price-Gaddis 2:246, Session VII.1; Price-Gaddis 2:252, Session VIII.1; Price-Gaddis 2:259, Session IX.1; Price-Gaddis 2:311, Session on Domnus of Antioch 1; Price-Gaddis 3:4, Session XI.2; Price-Gaddis 3:24, Session XIII.2; Price-Gaddis 3:36, Session XIV.2; Price-Gaddis 3:63, Session XV.2; Price-Gaddis 3:73, Session XVI.1.

side of disfavour and “relative debasement,”⁴² after all, would have been a grave insult to Leo, but such was never recognized as having occurred. To the contrary, “thanks to the careful preparation made by the Imperial Commissioners, the whole assembly had been seated apparently without confusion or dispute over protocol.”⁴³ Why, then, was Quintillus on the right side?

Likely indicative of his true sympathies, Quintillus would later attend Session III and manifest opposition to Dioscorus by assenting to his deposition.⁴⁴ This would be in contrast to the majority of the Illyrian bishops who supported the Alexandrian patriarch and would decide not to attend, realizing the all-but-certain outcome.⁴⁵ In the lead-up to the council, though, imperial officials only knew that Quintillus had attended Ephesus II and signed its decrees,⁴⁶ whether under duress or otherwise.⁴⁷ Almost certainly for this reason, they assigned him seating on the right side with his fellow Illyrian bishops who, along with Dioscorus, opposed Leo’s dyophysitism.⁴⁸ This seating, therefore, while not due to formalities, was consistent with

⁴² Ste. Croix, “The Council of Chalcedon,” 299.

⁴³ Murphy, *Peter Speaks Through Leo*, 27. There was, actually, one issue with the seating; the Roman legates protested that Dioscorus was seated among the bishops, and not in the centre as a defendant (cf. Price-Gaddis 1:129–30, Session I.5–14). This episode is discussed below.

⁴⁴ Cf. Price-Gaddis 2:94, Session III.97.

⁴⁵ Price-Gaddis 2:36.

⁴⁶ Price-Gaddis 1:358, Session I.1067.

⁴⁷ At Chalcedon, many who had signed Ephesus II’s decrees claimed to have done so only under duress engendered by Dioscorus and others. Such assertions, while likely hyperbolic, had truth to them. This is discussed below.

⁴⁸ At the fifth session, “The most devout bishops of Illyricum” wanted the original draft of the dogmatic formula approved, which stated that Christ was “from (ek) two natures” (Price-Gaddis, 2:199–200, Session V.25). “Almost certainly, the draft used ‘out of’ in opposition to the Roman legates and Leo’s *Tome*, which advocated ‘in (en) two natures’” (Philip Jenkins, *Jesus Wars* [New York: HarperCollins Publishers, 2010], 209). The bishops of Illyricum said, “Let those who dissent make themselves known. The dissenters are Nestorians. Let the dissenters go off to Rome” (Price-Gaddis, 2:199–200, Session V.25). Despite this episode, however, just as the Roman legates were absent, so too the bishops of Illyricum were “conspicuous by their absence” at the session at which Canon 28 was approved (Price-Gaddis 3:68). That canon elevated the See of Constantinople’s authority and was seen as a threat by Pope Leo to the Roman See’s primacy. For information on the complicated ecclesiastical and political relationship between the Rome and Illyricum, see Wessel, *Leo the Great*, 114–21.

Marcian's pragmatism: to ensure order by grouping (*prima facie*) supporters together and keeping opponents apart.

Imperial Presence: Imposing an Agenda or Peace and Order?

In terms of attendance, the Council of Chalcedon was unprecedented. It was not only the largest gathering of bishops by that time with approximately 370 in attendance,⁴⁹ but there had never before been so many imperial officials in leadership positions at a Church council. Specifically, whereas only one imperial official had been present at Ephesus I,⁵⁰ nineteen attended Session I of Chalcedon, at which Dioscorus was first deposed by the imperial officials, eighteen attended Sessions II and IV, and thirty-eight attended Session VI when Marcian and Pulcheria were present. However, there were significantly fewer at the other sessions, notably, none during Dioscorus' ecclesiastical trial at Session III, and only three at the rest.⁵¹ Most of these imperial officials were former or current senators, consuls, patricians, and prefects, and were present at the council as representatives of the senate.⁵² Significantly, while Leo's legates held "formal presidency over the council," these officials *de facto* presided, Session III excepted.⁵³ And among them, the most important was Flavius Anatolius, a patrician, former consul and contemporary *magister militum*, whom Marcian had chosen to lead the imperial commission; it was chiefly he who decided on the agenda and led the discussions. This is clear from the fact that the imperial representatives were listed in the Acts of the council at each session prior to the bishops, and Anatolius was listed first.⁵⁴ Such imperial influence was in

⁴⁹ Traditionally, this council was understood to have been composed of 500–520 bishops. However, based on an extensive analysis of the Acts of the council, a figure of approximately 370 bishops is more likely, although attendance at particular sessions varied. This discrepancy was due, in part, to the tendency among metropolitans to sign conciliar decisions on behalf of absent suffragan bishops (Price-Gaddis 1:43).

⁵⁰ Bevan, "The Case of Nestorius," 438–39.

⁵¹ Price-Gaddis 1:41 n. 154. The three imperial officials present for the majority of the sessions were Flavius Anatolius (patrician, former consul, and contemporary *magister militum*), Palladius (*praefectus sacrorum praetorium*), and Vincomalus (*magister sacrorum officiorum*); Price-Gaddis 1:41; Sellers, *The Council of Chalcedon*, 103 n. 2.

⁵² Price-Gaddis 1:41; Sellers, *The Council of Chalcedon*, 103 n. 2.

⁵³ Price-Gaddis 1:42.

⁵⁴ Price-Gaddis 1:41–42.

tremendous contrast to the councils of Ephesus I and Ephesus II where the councils were controlled predominantly by the conciliar bishops.⁵⁵

Marcian's rationale behind sending such a large number of prestigious representatives to the council should be understood in the context of his other decisions. As shown above with the separation of opponents by seating-arrangement, and aptly put in his "Letter Three to the Council," Marcian expressly wanted this council to follow proper procedures, and be free from any disorder or violence. His large delegation was another measure he mandated to ensure it. This helps explain why there were more imperial officials present at the opening sessions, "where disorder was most likely to be expected."⁵⁶

Moreover, Marcian and the bishops will have recalled the disorder that had occurred at both Ephesus I and Ephesus II, and wanted to avoid it happening again.⁵⁷ At the former, for instance, Theodosius II had sent an imperial official to ensure "order and tranquility," a goal that had failed; one person had clearly not been enough.⁵⁸ The outcome of Ephesus II eighteen years later would have been even more memorable in this regard: it had occurred more recently, concerned bishops and other clerics involved at Chalcedon, and had been more violent. Specifically, Eutyches, Dioscorus, and their allies reportedly exercised violence toward their opponents on that occasion. Eutyches had an aggressive personality: he was easily angered, often refused to compromise in matters important to him, and demonized his opponents. He was also an archimandrite and, thus, held influence over many monks. To this end, Eutyches utilized his authority and, with the help of monks, attacked his critics and those who were allies with Flavian.⁵⁹ Dioscorus, too, was apparently paranoid and had an "uncontrollable anger" which, it has been hypothesized, may have been the

⁵⁵ Bevan, "The Case of Nestorius," 438–39.

⁵⁶ Price-Gaddis 1:41.

⁵⁷ According to Price and Gaddis, "This very practical concern outweighed any qualms they might have felt about such a blatant intrusion of secular power into the sacred affairs of the church" (1:42).

⁵⁸ Georg Kretschmar, "The Councils of the Ancient Church," in *The Councils of the Church: History and Analysis*, ed. Hans Jochen Margull, trans. Walter F. Bense (Philadelphia: Fortress Press, 1966), 59.

⁵⁹ Jenkins, *Jesus Wars*, 176–77.

result of a personality disorder.⁶⁰ Regardless, Dioscorus, like Eutyches, was willing to use intimidation and violence to achieve his goals. For instance, when he traveled to preside at Ephesus II (449), he was accompanied by his Alexandrian *parabolani* “who intervened at will, bullying and beating.”⁶¹ Dioscorus also admitted to the council the Syrian archimandrite Barsaumas, who could be unscrupulously hostile toward anyone he considered to have remotely Nestorian views, even though he was not a bishop. At another point, a motion was made for Flavian to be deposed, which was followed by violence and pressure. About thirty bishops reportedly signed the decree under duress. The bishops of the Orient, Pontus, Asia, and Thrace later claimed that they were attacked and threatened with deposition if they did not sign blank papers, which were later filled-out with that to which they were supposedly agreeing. While testimonies of these events were surely exaggerated and in some cases invented, there was undoubtedly much truth to them.⁶² Therefore, in order to avoid a reoccurrence at Chalcedon, Marcian ensured that influential imperial officials, as well as military forces, were present.⁶³

The presence of the imperial officials proved helpful to this end, for there were heated situations during the Council of Chalcedon that required their intervention. For example, during the first session on 8 October 451, Theodoret of Cyrrus was granted a position among the bishops by the commissioners, as Leo had readmitted him to communion, and Marcian had ordered him to participate in the council. In response, Oriental bishops and others from Asia Minor greeted Theodoret, while Egyptian bishops anathematized him. “It was a storm that only the lay commissioners could have controlled, with their guards in support,” the former of whom suggested that he sit in the nave, while retaining full rights as a conciliar bishop.⁶⁴

Given the unprecedented imperial delegation tasked with leading the proceedings, many scholars have argued that Marcian used the imperial officials to ensure his goals were met.⁶⁵ Indeed, the Acts indicate that they

⁶⁰ Ibid., 184.

⁶¹ Ibid., 183.

⁶² Price-Gaddis 1:32.

⁶³ Jenkins, *Jesus Wars*, 188, 190, 203; Murphy, *Peter Speaks Through Leo*, 9.

⁶⁴ Philip Hughes, *The Church in Crisis: A History of the General Councils, 325–1870* (Garden City, NY: Image Books, 1964), 89.

⁶⁵ See notes 15 and 16 above.

sometimes directed and influenced the council in ways contrary to the bishops' express wishes, and in some cases, this was quite clearly to bring about an imperial goal, such as producing a new dogmatic formula.⁶⁶ During those parts of Sessions I–III pertaining to Dioscorus, the Acts also show the imperial officials imposing their will upon the bishops. Such imposition, however, with one major exception detailed in full below, was mainly to settle procedural matters, or in response to interjections from a minority of bishops,⁶⁷ scenarios seemingly within their purview to decide upon.

Such decision-making is clearly shown at the beginning of Session I. At that time, Paschasinus, the papal legate, accompanied by the other legates, was the first to speak. He had instructions from Pope Leo, he explained, “Dioscorus should not take a seat at the assembly,⁶⁸ and that if he has the effrontery to attempt to do so, he should be expelled. This we are obliged to observe. Therefore, if it pleases your greatness [i.e., the imperial officials], either he must leave, or we shall leave.”⁶⁹

However, the imperial officials could not answer the request; it seems it was too vague. Was Paschasinus seeking Dioscorus' expulsion from the council altogether? Or from his seat as a bishop? So they sought clarification and specificity: “What particular charge do you bring against Dioscorus the most devout bishop?”⁷⁰ Paschasinus replied but was again vague, “His entrance makes it necessary to oppose him.”⁷¹ So the imperial officials asked the legates two more times: “As we have already proposed, let the charge against him be specified.”⁷² And then again, “You need to make

⁶⁶ Cf. Price-Gaddis 1:10–11, Session II.3–9.

⁶⁷ E.g., at Session II, there were calls for Dioscorus and the five others to be restored to the council following their suspensions at Session I (Price-Gaddis 2:27–28, Session II.20, 34, 41). The imperial officials do not address the request but, as argued below, it is surely not a coincidence that Dioscorus was given an ecclesiastical trial at Session III.

⁶⁸ The Latin reads: “Dioscorus should not sit in the council but should be admitted in order to be heard [i.e., as a defendant]” (Price-Gaddis 1:129 n. 49). The Greek text is more reliable, though. Given that the imperial officials request two more times and are only given an answer this clear the third time, this may be an addition to mask an embarrassing (and tense) moment for the Roman legates.

⁶⁹ Price-Gaddis 1:129, Session I.5.

⁷⁰ Price-Gaddis 1:129, Session I.6.

⁷¹ Price-Gaddis 1:129, Session I.7.

⁷² Price-Gaddis 1:129, Session I.8.

clear his specific offence.”⁷³ Finally, the Roman legate Lucentius answered sufficiently, “We will not tolerate so great an outrage both to you and to us as to have this person taking his seat when he has been summoned to judgement.”⁷⁴ The request was now sufficiently clear: the papal legates wanted to commence judicial proceedings against Dioscorus. As a matter of protocol, the imperial officials agreed with the legates⁷⁵: Dioscorus would have to be seated in the centre if he was now to be judged; he could not sit among the bishops who were to judge his case.⁷⁶

At least four points are notable from this tense exchange. First, since the seating plan was arranged by imperial officials, the Roman legates were implicitly criticizing the original decision to allow Dioscorus to be seated among the bishops. While the officials certainly knew Dioscorus would be tried for his offenses, until the council decided to commence proceedings, Dioscorus remained a bishop with full rights, which they knew ought to be respected. Secondly, it was not the imperial officials who began this process against Dioscorus, but the Roman legates. That they were not in cahoots is indicated by the fact that the imperial officials did not immediately side with the Roman legates against Dioscorus. Rather, even though Marcian also wanted Dioscorus tried for certain offenses,⁷⁷ the imperial officials, charged with keeping order, followed protocol to ensure that the legates’ request was specific and justifiable. In the end, as another matter of protocol, they deemed that it was: Dioscorus had to sit in the centre, the designated area for defendants.

Session I. Dioscorus’ First Trial: Imperial Imposition (Sort of)

After Dioscorus had moved, without any reported dispute, Eusebius of Dorylaeum addressed the council. In his written accusation against

⁷³ Price-Gaddis 1:130, Session I.11.

⁷⁴ Price-Gaddis 1:130, Session I.12.

⁷⁵ *Pace Ste. Croix* (“The Council of Chalcedon,” 300) who argues this was a compromise and that the Roman legates sought Dioscorus’ expulsion from the council.

⁷⁶ Price-Gaddis 1:130, Session I.13; Hagit Amirav, *Authority and Performance: Sociological Perspectives on the Council of Chalcedon (AD 451)* (Bristol, CT: Vandenhoeck & Ruprecht, 2015), 109–13.

⁷⁷ Right after this episode, Eusebius of Dorylaeum requests that his written testimony against Dioscorus be read aloud “in accordance with the wishes of our most pious emperor” (Price-Gaddis 1:130, Session I.13).

Dioscorus which, he revealed, Marcian supported—it was not a secret that Marcian opposed Dioscorus—Eusebius alleged he had committed violence and bribery, accepted heresy, colluded with the heretical and deposed Eutyches, and that he had unjustly deposed him (i.e., Eusebius).⁷⁸ To fully address the allegation, both Dioscorus and Eusebius requested that particular segments of the Acts from Ephesus II be read to the council.⁷⁹ The vast majority of the session consisted of this presentation of evidence, along with other related documents, such as excerpts from the Acts of both Ephesus I (431), and the Home Synod of Constantinople (448).⁸⁰ Other bishops also made allegations against Dioscorus, such as Theodoret of Cyrrhus. He was admitted to the council by a directive from Marcian who would continue to help establish the case against Dioscorus. Theodoret, too, had been deposed at Ephesus II, and had testimony to offer.⁸¹ By the end of this long and complex session, Dioscorus had been accused of a number of offenses, the most common being that, as noted above, he had used coercion and violence to attain assent and suppress his opponents.⁸² He was also accused of unjust and uncanonical treatment of Flavian of Constantinople,⁸³ whom he had deposed at Ephesus II, and whom many bishops now affirmed had been orthodox.⁸⁴

A number of Dioscorus' allies also began to assert Flavian's orthodoxy,⁸⁵ some repented of their involvement,⁸⁶ and the vast majority of Dioscorus' supporters, including four Egyptian subordinates, moved to the left side with his opponents.⁸⁷ Whatever motivated them, be it fear, guilt, or conviction, now the vast majority of the council was against Dioscorus. He,

⁷⁸ Price-Gaddis 1:130–32, Session I.14–16.

⁷⁹ Price-Gaddis 1:132, Session I.18–19.

⁸⁰ Price-Gaddis 1:173–78, Session I.240–45; 1:168–229, Session I.223–552.

⁸¹ Price-Gaddis 1:134–35, Session I.26–36.

⁸² Price-Gaddis 1:140–43, Session I.54–62; 1:269–71, Session I.851–861.

⁸³ Price-Gaddis 1:144, Session I.71–72.

⁸⁴ Price-Gaddis 1:187–88, Session I.273–280.

⁸⁵ Price-Gaddis 1:187–88, Session I.272–280.

⁸⁶ This included the Oriental bishops (Price-Gaddis 1:161, Session I.181, 183), Thalassius of Caesarea, Eustathius of Berytus, and Eusebius of Ancyra (Price-Gaddis 1:161, Session I.184).

⁸⁷ Price-Gaddis 1:187–90, Session I.277–280, 282–298. Only the Egyptian bishops remained, the aforementioned four excepted.

for his part, maintained his innocence throughout,⁸⁸ and protested that others were also implicated at Ephesus II and should be investigated. In particular, he pointed out Juvenal of Jerusalem and Thalassius of Caesarea whom, he somewhat misleadingly alleged,⁸⁹ had been appointed co-presidents to that council with him.⁹⁰

This lengthy and complex trial was concluded when the imperial officials announced their verdict. It was considered proven that Flavian and Eusebius had been unjustly deposed from the episcopacy. Therefore, on these grounds alone, they declared Dioscorus, who had presided at Ephesus II, provisionally deposed, along with five other leaders of that council: Juvenal of Jerusalem, Thalassius of Caesarea, Eusebius of Ancyra, Eustathius of Berytus, and Basil of Seleucia.⁹¹ Dioscorus and likely the others were then arrested.⁹² The imperial officials' decision, moreover, was contingent only on Marcian's ratification.⁹³ Stunningly, they never sought a vote from the bishops nor had a signatory list compiled, even though the vast majority had now expressed their opposition to Dioscorus. This certainly appears *prima facie* to be a serious imposition of imperial policy. What can be made of it?

It is notable that, after the imperial officials declared the provisional depositions, only the Oriental bishops are recorded as cheering the decision.⁹⁴ There is no record of any acclamations from the Roman legates, who had so adamantly opposed Dioscorus at the beginning of Session I, nor from his main accusers, Eusebius of Dorylaeum and Theodoret of Cyrrhus. This

⁸⁸ E.g., Price-Gaddis 1:132, Session I.18; Price-Gaddis 1:143, Session I.65; Price-Gaddis 1:149, Session I.93; Price-Gaddis 1:159, Session I.168; Price-Gaddis 1:190, Session I.299.

⁸⁹ In a letter to Dioscorus included in the Acts of Ephesus II, Theodosius II, who had summoned it, gives the presidency to Dioscorus alone: "we . . . entrust the responsibility and presidency to your religiousness" (Price-Gaddis 1:140, Session I.52). He was correct, though, that others, while not co-presidents had held "authority at that council and directed it," viz., Juvenal, Thalassius, Eusebius of Ancyra, Eustathius of Berytus, and Basil of Seleucia (Price-Gaddis 1:364, Session I.1068).

⁹⁰ Price-Gaddis 1:140, Session I.53; cf. Price-Gaddis 1:149, Session I.95, 97).

⁹¹ Price-Gaddis, 1:364, Session I.1068.

⁹² Price-Gaddis 1:364 n. 515.

⁹³ Price-Gaddis, 1:364, Session I.1068.

⁹⁴ Price-Gaddis 1:364, Session I.1069, 1071. The Illyrian bishops "and those with them" are the only others whose responses are recorded and far from agreeing they appealed for clemency: "We have all erred. Let us all be granted forgiveness" (Price-Gaddis 1:364, Session I.1070).

silence, it seems, is significant. While these and other bishops must have been satisfied with Dioscorus' deposition, they were also surely piqued that the imperial officials had overstepped their role by declaring such without their explicit canonical approval.⁹⁵ After all, while they led the sessions, the officials "by no means held the official position of . . . judge[s]: the official 'judges' were the delegates themselves."⁹⁶ Given the circumstances, this conspicuous silence may suggest that some interventions from bishops were later omitted from the Acts by imperial officials out of embarrassment—it would not be surprising if some or even many bishops had voiced their resentment at the imposition.⁹⁷

Granted it was technically within Marcian's purview to decide on episcopal cases himself.⁹⁸ But it had become standard practice for the emperor to direct appeals, such as the accusations against Dioscorus, to an ecclesiastical court, especially an ecumenical council when the case had significant implications for Christendom.⁹⁹ Given Dioscorus' status as the patriarch of Alexandria, the third most preeminent and influential see in Christendom, and president of Ephesus II, which had involved or impacted bishops from across Christendom, Marcian's unwillingness to depose Dioscorus himself prior to Chalcedon indicates his prudent desire to follow

⁹⁵ Bevan similarly argues that some bishops very possibly did not accept "the authority of the imperial commissioners to depose Dioscorus" ("The Case of Nestorius," 451).

⁹⁶ Amirav, *Authority and Performance*, 113.

⁹⁷ While Acts of the proceedings are very detailed and include many objections and disagreements, some statements were "omitted or reordered" by the recorders and/or compilers. In some cases, this was to ensure that imperial agendas were not hindered in the official record. For example, objections issued during the reading of Leo's *Tome* are listed only after the whole document was recorded in the Acts, and Ste. Croix speculates that they "may well have been more vehement and protracted" than the minutes indicate ("The Council of Chalcedon," 266). Similarly, Price demonstrates that, at Chalcedon, "the category of omission is much more significant than that of fiction" ("Truth, Omission, and Fiction," 105). There were many meetings, e.g., committees, at least one session (on Canon 28), and of course private discussions, of which no minutes were taken. And when they were, "minute-takers had the unenviable task of distinguishing between remarks whose omission would offend and remarks whose inclusion would be equally unwelcome" (*ibid.*, 94).

⁹⁸ Price-Gaddis 2:30.

⁹⁹ Price-Gaddis 3:18. Price and Gaddis note this in the context of appeals heard at later sessions of the council unrelated to Dioscorus. While they argue that it was only "advantageous" for the Emperor to direct particularly significant cases to an ecumenical council, surely no other ecclesiastical court would be suitable for Dioscorus' case.

this precedent. Therefore, while Marcian must have wanted Dioscorus deposed, along with the other five bishops, he surely did not order the imperial officials to declare such without the council's approval. Such would be completely contrary to the point of bringing it to the council.

The imperial officials would have known it was technically within their purview to depose Dioscorus as representatives of Marcian, and that the latter could simply approve their verdict.¹⁰⁰ Also, after such a tumultuous session, perhaps they also wanted to demonstrate firmly their authority over the proceedings in order to ensure that future sessions were more orderly, peaceful, and protocol-abiding, as per their mandate. Whatever the motivation, the imperial officials seem to have overplayed their role, violating precedent, imposing Dioscorus' deposition (contrary to Marcian's wishes), and thereby upsetting bishops.¹⁰¹ As will be shown, it is very likely that Marcian did not give his assent; he would keep Dioscorus (and the others) suspended, but the council fathers would be given a real, canonical opportunity to decide the case at Session III.

Session II. Dioscorus' Status is Clarified

Session II proceeded with theological matters: a directive from the officials to compose a dogmatic formula,¹⁰² and the reading of creedal and theological texts, including Leo's *Tome*, which many of the bishops affirmed while others voiced objections.¹⁰³ After the imperial officials mandated that a drafting committee for the dogmatic formula would convene,¹⁰⁴ "the most devout bishops,"¹⁰⁵ likely the bishops from Illyria and the Balkans (except for Thrace and Palestine)¹⁰⁶ requested that "the fathers [i.e., Dioscorus and

¹⁰⁰ Price-Gaddis 2:30.

¹⁰¹ During ecclesiastical disputes at later sessions, while imperial officials continued to intervene and advise bishops, they did not impose decisions, but left them to the bishops' discretion. E.g., at Session XI, when there was a dispute between Stephen and Bassianus over the episcopal chair of Ephesus (cf. Price-Gaddis 3:1–17).

¹⁰² Price-Gaddis 2:9–10, Session II.2.

¹⁰³ Price-Gaddis 2:24–26, Session II.23–26.

¹⁰⁴ Price-Gaddis 2:11, Session II.6; cf., 2:27, Session II.31.

¹⁰⁵ Price-Gaddis 2:27, Session II.30.

¹⁰⁶ In this section, calls for the restoration of Dioscorus and the other five were made by "the most devout bishops," as well as the Illyrian bishops and "those with them" (Price-Gaddis 2:28, Session II.41, 44), who were the bishops from the Balkans, Thrace and Palestine

the five others]¹⁰⁷ take part in the examination.”¹⁰⁸ Soon after, “the most devout bishops” again acclaimed similarly, “restore the fathers to the council. . . . We have all erred; forgive us all.”¹⁰⁹ And then one more time, “We have all sinned, forgive us all. [Restore] Dioscorus to the council. [Restore] Dioscorus to the churches.”¹¹⁰

What exactly was the nature of this restoration they were seeking? *Prima facie*, the Constantinopolitan clerics imply that Dioscorus had been deposed at Session I, saying, “God has deposed Dioscorus.”¹¹¹ However, it seems this should be interpreted in the same way as when, at Session I, the Oriental bishops rejoiced, “Christ has deposed Dioscorus,”¹¹² even though the imperial officials’ declaration was provisional and, thus, not official. In both cases, Dioscorus’ opponents seem to have been less concerned with accuracy than with polemic.

The Illyrian bishops’ acclamations indicate that Dioscorus and the other five bishops were just suspended; they twice acclaim for restoration “to the council” not restoration from deposition.¹¹³ Similarly, it would

excepted (Price-Gaddis 2:364 n. 517). It seems likely that these two designations refer to the same groups of bishops. Price and Gaddis imply support for this view by calling them simply “Dioscorus’ supporters” (2:4).

¹⁰⁷ Price-Gaddis 2:27 n. 88.

¹⁰⁸ Price-Gaddis 2:27, Session II.30.

¹⁰⁹ Price-Gaddis 2:27, Session II.34.

¹¹⁰ Price-Gaddis 2:28, Session II.41.

¹¹¹ Price-Gaddis 2:28, Session II.40.

¹¹² Price-Gaddis 1:364, Session I.1071.

¹¹³ E.g., “Restore the fathers to the council” (Price-Gaddis 2:27–28, Session II.34, 44); “[Restore] Dioscorus to the council,” (Price-Gaddis 2:28, Session II.41). At one point, the Illyrian bishops “and those with them” also state “[Restore] Dioscorus to the churches” (Price-Gaddis 2:28, Session II.41). This should not be interpreted to mean that Dioscorus was no longer the shepherd of the Alexandrian patriarchate (i.e., deposed). Rather, given the Illyrians’ emphasis on restoration to the council, and since rehabilitation from deposition would be needed before restoration to the council, the Illyrians must have meant by this phrase that they wanted Dioscorus restored to the council so that he would be able to lead them *qua* leaders of the Illyrian churches again.

Price and Gaddis’ view on this is not clear. In their discussion of Session II, they seem to agree with the view expressed here; they argue that the Illyrian bishops’ acclamations “were a natural response to his [i.e., Dioscorus’s] suspension at the end of the first session (I. 1068) but would have been inconceivable after his formal trial and deposition in the third” (Price-Gaddis 2:2). Hence, they later argue, the Illyrian bishops did not consider the six deposed

have been implausible for them to “request that the fathers take part in the examination”¹¹⁴ if they had been deposed; such would have been impossible.¹¹⁵ Clearly then, at the end of the second session, Dioscorus was only suspended from the council, not deposed from the episcopacy. There is no indication from the Acts of Session II, though, that this was a new, altered decision from Marcian; the bishops were not informed of it at Session II, but were already aware of it. Given this, and the evidence presented from Session I, it is most probable that Marcian did not put his officials’ verdict into effect. As shown above, he had never intended to impose the deposition. He wanted an official and canonical verdict from the council. Thus, despite the imperial officials’ overreach at Session I, bishop John of Germanicia explained in a summons to Dioscorus at Session III that the officials’ decision was (now) tentative; it required the bishops’ approval, and that was why he (i.e., Dioscorus) was being summoned to an ecclesiastical trial.¹¹⁶

Session III. Dioscorus’ Ecclesiastical Trial: Imperial Absence

If the above analysis is correct, Marcian always intended to hold an ecclesiastical trial for Dioscorus before the end of the council. However, it is surely not a coincidence that such was convened following calls for Dioscorus’ reinstatement to the proceedings at Session II, which Marcian refused to do. Not only did he want the Alexandrian bishop canonically deposed. While Dioscorus’ refusal to reject Ephesus II’s monophysite Christology may not have been particularly troublesome for Marcian in itself, coupled with Dioscorus’ powerful influence, it jeopardized Marcian’s primary aim for the council: consensus on a dyophysite Christology. That Session II had already commenced discussions on this matter demonstrates his eagerness for its completion. Before they could continue, Dioscorus’ capacity to influence proceedings through his supporters needed to be stopped, which could be achieved in large part by his deposition from the

but suspended; they sought only that “participation in the council be restored” to them (Price-Gaddis 2:4). In their discussion of Session III, however, they argue that Marcian had decided not to confirm Dioscorus’ deposition but only suspend him *after* the Illyrian bishops’ acclamations at Session II in support of Dioscorus (Price-Gaddis 2:30).

¹¹⁴ Price-Gaddis 2:27, Session II.30.

¹¹⁵ Price-Gaddis 2:27–28.

¹¹⁶ Price-Gaddis 2:66–67, Session III.78.

episcopacy. Such would sever his canonical authority over the Egyptian bishops, and could help reduce his moral authority (e.g., over the Illyrians).¹¹⁷

Given these strong motivations, it is very surprising that no imperial officials were present at the ecclesiastical trial in Session III. This fact certainly bolsters the case that it was not forced or ensured by Marcian. But what was the reason for it? While imperial officials later claimed ignorance of the session and reprimanded the bishops for deposing Dioscorus without imperial knowledge,¹¹⁸ this was patently a pretense; they were certainly aware.¹¹⁹ Whitby has convincingly ruled out one possibility: that imperial officials were absent out of fear that association with Dioscorus' deposition could negatively impact imperial authority in Egypt (*pace* Ste. Croix). After all, imperial authority was already involved by suspending and provisionally deposing Dioscorus at Session I.¹²⁰

Prima facie, imperial absence at Session III also seems contrary to Marcian's aim of ensuring order and proper procedures. Therefore, his concern must have been greater than that there not be any reason to doubt the canonical legitimacy of the outcome, such as accusations of undue imperial involvement or coercion, which could embolden Dioscorus' supporters and would be a great setback. This intention also explains why the officials later feigned ignorance of the trial.¹²¹

Ultimately, the officials were not needed to preserve order anyway. The trial proved quite orderly in part because it was not very well attended: while approximately 370 bishops attended Session I, just over 200 attended Session III. This was in large part because Dioscorus refused to attend, along with his supporters and most of the suffragans of the five other suspended bishops, who were still under arrest. This amounted to approximately 90 bishops.¹²² This was not, however, because it was "obvious that a show-trial was planned" and operated by imperial officials (*pace* Price and

¹¹⁷ This is in partial agreement with Bevan ("The Case of Nestorius," 451) and Price-Gaddis (2:30), who argue that the ecclesiastical trial was needed, at least in part, to provide a more convincing case against Dioscorus so that his supporters would abandon him.

¹¹⁸ Price-Gaddis 2:147, Session IV.12.

¹¹⁹ It is clear from the second summons to Dioscorus that the imperial officials had originally planned to be present (Price-Gaddis 2:47, Session III.31).

¹²⁰ Ste. Croix, "The Council of Chalcedon," 282 (and Whitby's n. 58).

¹²¹ Price-Gaddis 2:147, Session IV.12

¹²² Price-Gaddis 2:36.

Gaddis).¹²³ Rather, Dioscorus' deposition must have seemed quite certain given the bishops who were involved. Most importantly, the Roman legates who opposed Dioscorus led the session—appropriate given their official presidency—and, thus, they were formally responsible for deciding the verdict to which all in attendance had to assent.¹²⁴ Secondly, in addition to the Roman legates Anatolius, the archbishop of Constantinople, was also present and opposed to Dioscorus. As representatives of preeminent and influential sees, it was not unusual for bishops to follow their leadership.¹²⁵ In sum, Marcian simply had no reason to manipulate the outcome.¹²⁶

The Acts also reveal the leading bishops' concern that the trial be canonical. Like Marcian, they surely did not want their decision to be dismissed later. Thus, evidence was produced: Eusebius of Doryaeum, who testified at Session I, again produced a plaint against Dioscorus who was called upon to respond to the accusations. In all, he was summoned to appear three separate times, as required by the canons.¹²⁷ When, following his second summons, Dioscorus demanded that the imperial officials be present,¹²⁸ Cecropius of Sebastopolis informed him, "A canonical examination does not require the presence of officials or any other

¹²³ Ibid. (cf. Price-Gaddis 2:29).

¹²⁴ While disagreement could proceed the president's verdict, conformity to it was required once it was announced. Conciliar procedure required this consensus (Price-Gaddis 2:35).

¹²⁵ L'Huillier ("The Council of Chalcedon," 189) cites this as a contributing reason for Dioscorus' eventual deposition.

¹²⁶ Part way through the trial, four Alexandrian clergy and laymen conveniently arrived with complaints against Dioscorus (Price-Gaddis 2:50, Session III.38). As Price and Gaddis note, the imperial officials "had clearly gone to considerable trouble to produce these witnesses." Also, while their testimonies may have contained truth, it seems likely that a "common redactor" helped depict Dioscorus therein as an abuser of Cyril of Alexandria's relatives and supporters; an effort to distance Dioscorus from the pro-Cyrrillian bishops (2:31 n. 4). If this testimony was manufactured, it is not evident that it was primarily intended to convince bishops to depose Dioscorus, although, of course, it could not have hindered it. As noted above, that outcome was virtually certain already with the Roman legates. Their official reasons for deposing Dioscorus, moreover, did not include the Alexandrians' accusations (cf. Price-Gaddis 2:69–70, Session III.94). They were not a common reason among the other bishops either, at least not officially (cf. Price-Gaddis 2:32–34). Given this, perhaps the accusations were to distance Dioscorus from his pro-Cyrrillian supporters; while they were not present, the accusations were surely spread.

¹²⁷ Cf. Price-Gaddis 2:66–68, Session III.78–83.

¹²⁸ Price-Gaddis 2:48, Session III.36.

laymen.”¹²⁹ After Dioscorus refused to attend upon the third summons, he was deposed from the episcopacy and automatically excommunicated, the canonical penalty for his refusals to attend.¹³⁰ The individual bishops, however, also provided other reasons for the penalty: his maltreatment of Flavian, deceased archbishop of Constantinople, at Ephesus II; his refusal to let Leo’s *Tome* be read there, his excommunication of Leo just prior to Chalcedon, among manifold others.¹³¹

In sum, all of the bishops present¹³² “agreed, explicitly or implicitly,” that Dioscorus’ offenses were deserving of the punishments.¹³³ When the session had concluded, the council sent news of their decision to Marcian¹³⁴ and Pulcheria.¹³⁵ Surely with satisfaction, Marcian confirmed it and exiled Dioscorus to Gangra in southern Paphlagonia.¹³⁶

Conclusion

It has not been the intention of this paper to demonstrate that Dioscorus was truly guilty of the alleged offenses, nor that his trials at Sessions I and III meet modern norms of justice. It is, moreover, not being contested that Marcian wanted Dioscorus deposed, that the bishops were aware of this, nor that he and his officials supported Dioscorus’ accusers and helped produce the case against him. It is even clear from the Acts of other sessions that Marcian was willing to use his imperial delegation to bring about particular

¹²⁹ Price-Gaddis 2:49; Session III.36.

¹³⁰ Cf., Price-Gaddis 2:31; cf. Price-Gaddis 2:68–71, Session III.80, 94, 96.

¹³¹ Cf. the bishops’ individual verdicts and stated reasons at Price-Gaddis 2:69–93, Session III.94–96.

¹³² Price and Gaddis note that the unanimity is deceptive. Since conciliar unity was so important, it was procedure that, after the president delivered his verdict, the only voting option was to affirm it (Price-Gaddis 2:35). However, this point should not be overstressed. After all, bishops would have known this fact, and that the Roman legates, opposed to Dioscorus, were presiding. Thus, it seems likely that those who attended were willing, at least in principle, to punish Dioscorus. Likely for this reason, only two bishops present gave indications that they were “less than enthusiastic” about the outcome, viz., Amphilochius of Side and Epiphanius of Perge, but assented to the verdict nonetheless (Whitby, “An Unholy Crew?” 192; cf. Price-Gaddis 2:74, Session III.96.22–23).

¹³³ Price-Gaddis 2:34.

¹³⁴ Cf. Price-Gaddis 2:110, Session III.98.

¹³⁵ Cf. Price-Gaddis 2:114–15, Session III.103.

¹³⁶ Hughes, *The Church in Crisis*, 91.

desired outcomes, such as the production of the dogmatic formula, which did not occur without strong episcopal protests. The evidence to these ends is strong. Rather, this paper has attempted a much narrower thesis, viz., that many of the arguments that have been presented to demonstrate that Marcian and his officials did, in fact, ensure Dioscorus' deposition are found wanting.

To this end, an alternative reading of the primary texts has been offered which, it is hoped, provides a more plausible interpretation of the events. Regardless of his particular reasons, Marcian thought Dioscorus should be convicted, but even though he technically could have declared it himself, he was unwilling to do so without a canonical ecclesiastical trial; such was in accordance with precedent and was, moreover, pragmatic given Dioscorus' primatial status. While his officials likely blundered at Session I by declaring their verdict without the consent of the bishops, Marcian accommodated his plan, giving only provisional assent until the bishops had the opportunity to adjudicate. Despite his concern with maintaining orderly proceedings, he was more concerned that the trial be clear from any suspicion of imperial imposition for which it might be disregarded. For this reason, and since he knew that the Roman legates chairing Session III and many other bishops present also thought Dioscorus worthy of deposition, he directed his officials not even to attend. Ultimately, a canonical ecclesiastical trial was held, and the council fathers deposed him as Marcian had expected. He and his officials may have stage-managed the prosecution, but they did not stage-manage a "show trial" (*pace* Price and Gaddis).¹³⁷

¹³⁷ Price-Gaddis 2:29 and 2:36, respectively.

