

# *Liberius, Athanasius and the Roman Synod*

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*Liberius of Rome is often portrayed as Athanasius' strongest ally in the Latin West. His support for Athanasius is said to have begun by the end of his first year in office, when a synod in Rome accepted an Egyptian council's vindication of Athanasius against an Eastern council's excommunication. This article argues that the Roman synod did not ratify the Egyptian council's decisions but rather called for an appeals trial. In so doing Liberius did not defend Athanasius but preserved what he saw as the traditional duties and authority of the Roman see in matters of ecclesiastical discipline.*

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Scholarship on Liberius of Rome largely presents him as one of Athanasius' strongest supporters from early in his career until, in exile and under duress for supporting the controversial patriarch, he finally excommunicated Athanasius in the hope of returning to his see.<sup>1</sup> This narrative is rooted in an understanding of Liberius' response

CSEL = Corpus Scriptorum Ecclesiasticorum Latinorum; *EH* = *Ecclesiastical History*; *PL* = *Patrologia Latina*; *RB* = *Revue bénédictine*

<sup>1</sup> For a seminal account see A. Feder, *Studien zu Hilarius von Poitiers I*, Wien 1910, 163–75. More recently see H. Brennecke, *Hilarius von Poitiers und die Bischofsopposition gegen Konstantius II.: Untersuchungen zur dritten Phase des Arianischen Streites (337–361)*, Berlin 1984, 108–95, 265–97, and T. D. Barnes, *Athanasius and Constantius: theology and politics in the Constantinian empire*, Cambridge, MA 1993, 109–20. Recent scholars to follow this outline include Jörg Ulrich, 'How to gain *indulgentiam*: the case of Liberius of Rome', in Dirk Rohmann and others (eds), *Mobility and exile at the end of antiquity*, Berlin 2018, 200–2, and Nicholas Baker-Brian, "I have taken pains to get copies of them" (Athanasius, *De synodis* 55): epistolary relations between the sons of Constantine and the Christian Church', in Nicholas Baker-Brian and Shaun Tougher (eds), *The sons of Constantine, AD 337–361: in the shadow of Constantine and Julian*, Cham 2020, 372–6. In Charles Pietri's accounts, Liberius seems less committed to Athanasius: 'La Question d'Athanase vue de Rome (338–360)', in Charles

to two delegations which he received at the beginning of his episcopate in the spring of 352. The first delegation represented an unnamed Eastern council that had condemned Athanasius.<sup>2</sup> The second represented eighty Egyptian bishops who vindicated him. Some scholars maintain that Liberius initially assumed a neutral position, but even among those the majority believe that, near the end of Liberius' first year in office, a Roman synod he presumably controlled 'made a decision in favour of Athanasius'.<sup>3</sup> This decision is thought to have determined the trajectory of the contentious ecclesiastical politics of the Latin West in the following years, during which Liberius played a leading role. The Roman synod is, therefore, a key moment for understanding Liberius' policies and broader ecclesiastical-political relations during the reign of Constantius II.

Despite being constructed from many ambiguous and seemingly contradictory pieces of evidence this narrative has changed little since the authenticity of Liberius' exile letters was demonstrated in the early twentieth century. This article offers a new reading of Liberius' policies in 352 as he recounts them in the exile letters (c. 356/7) and his letter to Constantius, *Obsecro* (c. 354).<sup>4</sup> It argues that Liberius and the Roman synod did not ratify the decisions of the Egyptian synod in support of

Kannengiesser (ed.), *Politique et théologie chez Athanase d'Alexandrie*, Paris 1974, 118–26, and *Roma Christiana: recherches sur l'Église de Rome, son organisation, sa politique, son idéologie de Miltiade à Sixte III (311–440)*, Rome 1976, 237–68.

<sup>2</sup> This council may be the Antiochene council in Sozomen, *EH* iv.8: Brennecke, *Hilarius*, 118–20 n. 52; L. Wickham, *Hilary of Poitiers: conflicts of conscience and law in the fourth-century Church*, Liverpool 1997, 70 n.1. Alternatively it may be the Council of Sirmium (351): Barnes, *Athanasius*, 98–100, 109–10; cf. Pietri, *Roma*, 237 n. 3–238.

<sup>3</sup> H.-J. Sieben, 'Executrix conciliorum: der Einsatz des Apostolischen Stuhls für die Anerkennung und Durchsetzung der vier ersten ökumenischen Konzilien (I)', *Theologie und Philosophie* lxxviii (2013), 481–509 at p. 489; cf. D. Wilmart, 'L'Ad Constantium liber primus de Saint Hilaire de Poitiers et les *Fragments historiques*', *RB* xxiv (1907), 149–79 at p. 163; Feder, *Studien*, 172; E. Caspar, *Geschichte des Papsttums von den Anfängen bis zur Höhe der Weltherrschaft*, Tübingen 1930, 170; C. Borchart, *Hilary of Poitiers' role in the Arian struggle*, The Hague 1966, 21; M. Simonetti, 'Liberio', in *Enciclopedia dei Papi*, i, Rome 2000, 341–7 at p. 341; Brennecke, *Hilarius*, 126–7; W. Löhr, *Die Entstehung der homöischen und homöusianischen Kirchenparteien: Studien zur Synodalgeschichte des 4. Jahrhunderts*, Witterschlick 1986, 40; J. Shotwell and L. Loomis, *The see of Peter*, New York 1991, 536; Jörg Ulrich, *Die Anfänge der Abendländischen Rezeption des Nizänums*, Berlin 1994, 231–2; Wickham, *Conflicts*, 7; John Behr, *The Nicene faith: part 1*, Crestwood, NY 2004, 85; P. Amidon, *Rufinus of Aquileia: history of the Church*, Washington, DC 2016, 414 n. 37; Ulrich, 'Indulgentiam', 200. Barnes avoids commenting on the council's position on Athanasius: *Athanasius*, 110. Lewis Ayres's brief summary of the synod's decisions is accurate: *Nicaea and its legacy: an approach to fourth-century Trinitarian theology*, Oxford 2004, 136. R. Hanson overlooks it entirely: *The search for the Christian doctrine of God: the Arian controversy*, 318–381, Edinburgh 1988, 338–9.

<sup>4</sup> I follow Barnes in dating Liberius' exile to 355–7: 'The capitulation of Liberius and Hilary of Poitiers', *Phoenix* xlvi (1992), 256–65.

Athanasius. Rather, they called for an appeals trial consistent with what they saw as the traditional duties and authority of the Roman bishop in matters of ecclesiastical-judicial procedure. Liberius' policies in 352 were not driven by a commitment to Athanasius but to the traditions of his see – traditions which Athanasius himself spurned. Thus, Liberius and Athanasius were not allies. Despite holding some common interests, they held other conflicting priorities which led them to pursue distinct agendas in 352 – and possibly beyond.

### *The Roman synod of 352 in Obsecro*

The starting point for understanding Liberius' policies and the Roman synod's decisions is *Obsecro* 2. There, Liberius summarises the way in which he handled the two conflicting verdicts on Athanasius that he received at the beginning of his episcopate and gives the only extant summary of the council's decisions:<sup>5</sup> 'And so it seemed to be against divine law, when the majority of bishops stood for Athanasius, to grant agreement *in parte aliqua*.'<sup>6</sup> The last phrase could mean either 'in any part' or 'in respect to either party'. Ambiguous though it is, this statement is often cited to the effect that the Roman synod vindicated Athanasius by endorsing the decisions of the Egyptian synod.<sup>7</sup> Against this interpretive decision stands multiple ways of reading this passage which result in quite a different picture of the synod's decisions, one in which Liberius and his synod refuse to endorse the opinions of the Egyptian synod just as they resist compliance with Athanasius' enemies.

One such way of reading the passage has been available for decades. Whereas the majority of recent commentators take the key phrase 'in parte aliqua' to mean 'in any part',<sup>8</sup> in which case it emphasises Liberius' disagreement with the Eastern synod, J. Stevenson and James Shotwell render 'in parte aliqua' 'to either side',<sup>9</sup> and 'to either party', respectively.<sup>10</sup> Their translations are possible syntactically and lexically, as 'parte' can

<sup>5</sup> Cf. the fragment of Liberius' letter to Ossius, preserved in Hilary of Poitiers, *Collectanea antiariana parisina*, ed. A. Feder, *S. Hilarii Pictaviensis: Opera pars IV*, CSEL lxx, Vindobonae–Lipsiae 1916, 167.4–7.

<sup>6</sup> 'unde contra diuinam legem uisum est etiam, cum episcoporum numerus pro Athanasio maior existeret, in parte aliqua commodare consensum': *Obsecro*, CSEL lxx. 90.19–21. The text of Liberius' letters is from Hilary of Poitiers's *Collectanea antiariana parisina*; translations from Wickham, *Conflicts* (here modified).

<sup>7</sup> For example, Brennecke, *Hilarius*, 127; Sieben, 'Executrix conciliorum', 489.

<sup>8</sup> 'to grant any degree of approval': Wickham, *Conflicts*; 'in any part': C. Beckwith, *Hilary of Poitiers on the Trinity: from De fide to the De trinitate*, Oxford 2008, 27; cf. 'in irgen-deinem Punkte': Sieben, 'Executrix conciliorum', 489.

<sup>9</sup> J. Stevenson (ed.), *Credo, councils and controversies: documents illustrative of the history of the Church A.D. 337–461*, London 1966, 31.

<sup>10</sup> Shotwell and Loomis, *See of Peter*, 560.

mean both 'part' and 'party'. If the phrase means 'to either party', then Liberius is saying that the Roman synod did not approve of the Egyptian synod's vindication of Athanasius any more than it approved of the Eastern synod's deposition of Athanasius. In this case, Liberius would not be declaring a decision 'in favour of Athanasius' as this passage is often taken to mean, but would rather be denying that Rome gave its consent to Athanasius' party. At a minimum the validity of this translation requires us to consider the Roman synod's decisions with more circumspection than is usual in modern accounts.

The alternate translation 'in any part' is also possible, in which case Liberius would be saying he could not assent to the Eastern synod.<sup>11</sup> But the implications of this translation for the Roman synod's position on the Egyptian synod's vindication of Athanasius are far from straightforward. Scholars often treat the passage as if Liberius' denying that he could assent to the Eastern bishops' deposition of Athanasius is an implicit admission that he ratified the Egyptian synod's vindication of Athanasius. This reading is possible but neither the text nor the context requires it. *Obsecro* is Liberius' response to a now lost letter from Constantius to the Roman people.<sup>12</sup> Constantius had complained that Liberius' resistance to the Eastern council's decisions over-stepped the boundaries of his office. By resisting their conciliar decision, according to Constantius, Liberius was imposing his will on the churches and behaving as an autocratic dictator. In *Obsecro* 2, Liberius' task is to explain why he was justified in resisting the Eastern bishops' decisions. It was impossible, Liberius suggests, to ratify the decisions of the Eastern council because they had been contested by a larger and more local council.<sup>13</sup> It is the authority of the majority, Liberius claims, rather than his own autocratic will that keeps him from endorsing the Eastern synod. This is as far as Liberius' comments on the Egyptian synod go. In Liberius' apologetic, the function of the Egyptian synod is only to illustrate that Liberius did not resist the authority of the Eastern council by his own authority or preference. Never does he indicate that he accepted the decisions of the

<sup>11</sup> For analogous use, cf. (Ps.-)Quintilian, *Declamationes minores*, 340.2. The phrase usually distinguishes a part from the whole: Celsus, *De medicina* 2.11.3; Ambrose, *De officiis clericorum*, 1.46.222, ep. xl.13; Rufinus' translation of Origen, *In epistolam Pauli ad Romanos*, 1.16.1. The translation 'in any part' is more appealing if 'in parte aliqua commodare consensum' forms an inclusio with the statement, 'quis fidem et sententiam non commodauimus nostram' (*Studens paci*, CSEL lxx.90.15–16), which refers to Liberius' failure to assent to the *Orientalibus* (90.15), the antecedent of 'quis'.

<sup>12</sup> For reconstruction of Constantius' complaints from *Obsecro* see Baker-Brian, 'Epistolary relations', 375; J. Doignon, 'Le Pape Libère et sa formulation juridique de la transmission de la foi', in *La tradizione: forme e modi*, Rome 1990, 383–7.

<sup>13</sup> Here Liberius presumes to a more widely held principle that larger councils can review the decisions of smaller councils: cf. the twelfth Antiochene canon.

Egyptian council or define the Roman synod's position on the Egyptian council.

Given the lack of an explicit comment on the Roman synod's decisions in respect of the Egyptian synod, to claim that the Roman synod accepted the Egyptian synod's vindication of Athanasius is to advance a precarious argument from silence. Certainly Liberius' silence could suggest his desire to avoid admitting that he had supported Constantius' enemy, but it could also be explained if Constantius were aware that the Roman synod had pursued a third option, one which displeased Constantius but was no more pleasing to Athanasius' party: an appeals trial to adjudicate the conflicting conciliar decisions facilitated by Liberius himself. This option would fit Constantius' claim that Liberius has made himself the sole arbitrator of ecclesiastical discipline and is the one that seems most likely, but it is necessary to search outside the ambiguous evidence of *Obsecro 2* for confirmation.

### *The Roman delegation and the Roman synod's decision in Studens paci*

Such confirmation that the Roman synod called an appeals trial rather than ratifying the Egyptian synod's vindication of Athanasius might be found in a tantalising passage in *Studens paci*. There, Liberius reports that in 352 he had 'sent ... presbyters of Rome ... to the aforesaid Athanasius in Alexandria, asking that he come to Rome so that the matter arising from ecclesiastical discipline in regard to him might be decided upon in his presence'.<sup>14</sup> Liberius goes on to say that he threatened to excommunicate Athanasius should he fail to comply, but Athanasius refused to cooperate. The implications of these details will be explored later. The present task is to consider the possibility that the Roman presbyters' summons to an appeals trial was made on the authority of the Roman synod, representing its decision on how the conflicting verdicts on Athanasius ought to be resolved. The question is essential because such a ruling would indicate that the Roman synod did not support the Egyptian synod, which did not request an appeals trial but outright vindication of Athanasius.

There is, however, an obstacle to accepting the Roman delegation as revealing the Roman synod's decisions in the usual understanding of the relationship between the Roman synod and the Roman delegation. In most scholars' reading of *Studens*, when Liberius summons Athanasius 'to

<sup>14</sup> 'posteaquam litteras caritatis uestrae de nomine Athanasi et ceterorum factas ad nomen Iulii bonae memoriae episcopi accepi, secutus traditionem maiorum presbyteros urbis Romae Lucium, Paulum et Helianum e latere meo ad Alexandriam ad supra-dictum Athanasium direxi, ut ad urbem Roman ueniret, ut in praesenti id, quod de ecclesiae disciplina extitit, in eum statueretur': *Studens paci*, CSEL lxxv.155.7–13.

Rome', he is inviting Athanasius to the Roman synod itself.<sup>15</sup> Understood this way, *Studens* implies a chronology in which Liberius receives the Eastern council's condemnation and sends the Roman delegation to give Athanasius the opportunity to respond to their charges at the Roman synod. Athanasius holds the Egyptian synod and sends the results back to Rome, where the conflicting verdicts are then adjudicated at the Roman synod. In this chronology, *Studens* cannot be evidence that the Roman synod called for an appeals trial rather than ratifying the Egyptian synod's verdict in favour of Athanasius because the delegation was sent before the Roman synod reached its conclusions.

But the usual chronology is not without its difficulties. First, the Roman synod as it occurred cannot have functioned as the appeals trial described in *Studens*. In *Studens*, Athanasius' appeals trial must take place 'in his presence'.<sup>16</sup> Other witnesses confirm that Liberius understood proper trials to entail the defendant appearing in person.<sup>17</sup> This does not correspond to what occurred at the Roman synod. According to *Studens* Athanasius refused to come to Rome just as he refused a summons to Constantius' court around the same time. His absence would have made it impossible for the Roman synod to function as the appeals trial described in *Studens*.<sup>18</sup> This incongruity undermines the identification of the Roman synod with the appeals trial envisioned by the Roman delegation in *Studens paci*.

An even greater problem with the coherence of the standard chronology is that Liberius' attitude toward Athanasius as reflected in his delegation's threatening summons to the Roman synod does not match the pro-Athanasian position he is thought to have taken at the synod itself. Liberius promises to excommunicate Athanasius if he refuses to attend the Roman synod. Athanasius does refuse to attend, but in the standard account Liberius overlooks this act of insubordination and, rather than excommunicating Athanasius, becomes his greatest champion. This outcome is the opposite of the result the trajectory of events would lead us to expect, which further undermines the idea that the Roman delegation in *Studens paci* preceded a Roman synod which vindicated Athanasius of wrongdoing.

<sup>15</sup> See Barnes, *Athanasius*, 110; Brennecke, *Hilarius*, 123–7, and Pietri, *Roma*, 239. Pietri describes a meeting between Liberius and his presbyters before Liberius sent the *Studens* delegation; so also Brennecke, *Hilarius*, 126. The evidence for the meeting is weak, but, regardless, a meeting with Roman presbyters need not impact our timeline.

<sup>16</sup> *Studens paci*, CSEL lxxv.155.12.  
<sup>17</sup> See Theodoret, *Ecclesiastical history* ii.16.8, and Ammianus, *Res gestae* xv.7.9, 'To Eusebius' 2, lines 14–15; cf. Julius, *ep.* ii, lines 56–80, where the Eastern bishops are said to prefer an in-person council: G. Thompson, *The correspondence of Pope Julius I*, Washington, DC 2015, 108–13, 296–306, 468–9.

<sup>18</sup> See Barnes, *Athanasius*, 112.

A possible solution to these incongruities is that Athanasius' response to Liberius' delegation convinced Liberius to abandon his severe position and join Athanasius' side. But it is difficult to imagine what argument Athanasius and his Egyptian synod could have advanced to elicit such a drastic and immediate change in Liberius' policies. It is believed that Athanasius' response included an appeal to the pro-Athanasian decisions of the Council of Serdica (343) and emphasised the suspect orthodoxy of Athanasius' opponents.<sup>19</sup> Yet, it is scarcely possible that Liberius ascended to the Roman bishopric without knowing of the decisions of the Council of Serdica, which shaped the ecclesiastical politics in the West throughout the 340s and, according, to Hanns Brennecke, provided Liberius with his own understanding of the role of the Roman bishop in facilitating appeals trials.<sup>20</sup> It is likewise difficult to accept that Liberius would have been unaware that certain of Athanasius' opponents were of suspect orthodoxy. Indeed, when Liberius himself connects the Eastern bishops to heresy in *Obsecro* 4 he refers to details from a Western council that are absent from Athanasius' account.<sup>21</sup> This suggests that Liberius' opinion of the theological situation in the East is at least partly derived from his own experience rather than Athanasius' polemic. Since Liberius would have known both Serdica's decisions and the suspect orthodoxy of the Eastern bishops who were attacking Athanasius before he summoned Athanasius to an appeals trial, it is unlikely that Athanasius' appeal to either would have convinced Liberius to abdicate his policies.

A better solution is adjusting the chronology so that the Roman delegation bears the results of the Roman synod rather than an invitation to the Roman synod. This adjustment would incur a new difficulty in that a passing comment in a fragmentary letter to Ossius of Cordova implies that the Roman synod requested a council in Aquileia rather than Rome

<sup>19</sup> Athanasius places these arguments in Liberius' mouth in his imaginative re-creation of Liberius' 355 interview with Constantius: *Historia Arianorum* 35–41. Brennecke believes Athanasius made an ineffectual appeal to Serdica – Liberius was persuaded to defend Athanasius when Lucifer of Cagliari demonstrated the heresy of Athanasius' opponents: *Hilarius*, 123–7, esp. pp. 26–7, with 152; followed by Sieben, 'Executrix conciliorum', 488. For Barnes Athanasius' *On the Council of Nicaea* impressed the connection between heresy and Athanasius' opponents upon Liberius: *Athanasius*, 110–12. For Serdica's decision see the 'Synodical epistle of Serdica', CSEL lxx.103–26.

<sup>20</sup> See n. 42 below.

<sup>21</sup> In *Obsecro* 4, Liberius names four Eastern bishops who 'walked out of the council [Milan 345] in a rage' when asked 'to condemn the heretical views of Arius' ('qui ante annos octo, cum apud Mediolanium Arri hereticam sententiam nolissent damnare, de concilio animis iratis exierunt': CSEL lxx.91.19–21). Cf. Athanasius, *De synodis* 26. Liberius also connects George of Alexandria to heresy by citing his communion with men whom Liberius' predecessor Silvester had excommunicated. Here he acknowledges Athanasius' enemies are his but does not defend Athanasius himself.

as *Studens* stipulates,<sup>22</sup> but this incongruity is insignificant. Councils often changed locations as they were being planned. Nicaea 325, for example, was intended for Ancyra,<sup>23</sup> and the council that Liberius says was intended for Aquileia was held in Arles – a fact so insignificant that Liberius does not mention it. Changes in location would have been natural by-products of changing circumstances – including, above all, Athanasius' own refusal to cooperate with the local appeals trial envisioned by the Roman synod in 352. Liberius' fragmentary letter does not go into detail on the changing circumstances and plans that led him to write. A year or more later, either for simplicity's sake or diplomatic reasons, Liberius loosely connects events that unravelled from the Roman synod's decisions to the synod itself rather than giving an exact account of the Roman synod's verdicts as they were understood in 352. This approach leads to a benign imprecision as to the location of the council that the Roman synod requested.

Placing the Roman delegation after the Roman synod is not attractive simply because it avoids serious difficulties; this relationship also fits the chronology implied in *Obsecro* 2. There, Liberius tells us that he received the letter of the Eastern council and read it to the *concilio*.<sup>24</sup> He continues 'at that very time the decision of eighty Egyptian bishops on Athanasius was contrary to theirs: a decision which we likewise rehearsed and intimated to the Italian bishops'.<sup>25</sup> If this sentence means, as Brennecke seems to interpret it,<sup>26</sup> that Liberius received the verdicts of the Egyptian and Eastern councils 'at the same time' ('eodem tempore'), and if, furthermore, both letters were read to the Roman synod at that time, then there would be no period between receiving the Eastern and Egyptian letters during which Liberius might have solicited a response to the Eastern synod from Alexandria through the Roman delegation in *Studens paci*.<sup>27</sup> Furthermore, there is no indication in *Obsecro* that Liberius invited Athanasius to the Roman synod after receiving the Egyptian synod's verdict.<sup>28</sup> It appears that Rome received both councils' decisions, evaluated them at the Roman synod of 352 and then sent the Roman delegation in

<sup>22</sup> See *Studens paci*, CSEL lxx.167.5–7. The 'multi ex Italia coepiscopi conuenerunt' here are usually identified with the *concilio* (CSEL lxx.90.15) and 'episcopis Italis' (90.18–19) of *Obsecro* 2.

<sup>23</sup> See Constantine's letter, extant in Syriac, translated in J. Stevenson, *A new Eusebius: documents illustrating the history of the Church to AD 337*, 2nd edn, rev. W. H. C. Frend, London 1987, 338.

<sup>24</sup> *Obsecro*, CSEL lxx.90.15.  
<sup>25</sup> 'eodem tempore octoginta episcoporum Aegyptiorum de Athanasio sententia repugnabat, quam similiter recitauimus atque insinuauimus episcopis Italis': *ibid.* 90.16–19.

<sup>26</sup> Brennecke says the decisions arrived 'wohl gleichzeitig': *Hilarius*, 123.

<sup>27</sup> Simonetti suggests the Roman synod consecrated Liberius: *La crisi Ariana nel IV secolo*, Rome 1975, 216 n. 6. This would rule out the possibility that Liberius invited Athanasius to the Roman synod unless he did so before his consecration.

<sup>28</sup> In Socrates too the Egyptian response is spontaneous, not solicited by Rome.

*Studens paci* to demand that Athanasius comply with the synod's call for an appeals trial—while threatening excommunication should he not cooperate.

Understood as describing a delegation from the Roman synod, *Studens paci* demonstrates that the Roman synod did not confirm the decisions of the Egyptian council. The appeals trial described in *Studens* is not what the Egyptian synod requested. Though Liberius does not define the Egyptians' position, he uses the verb 'repugnabat' to describe Egypt's response to the Eastern council's condemnation of Athanasius,<sup>29</sup> which implies outright rejection of it. According to both Socrates and Sozomen, the Egyptian council ratified the pro-Athanasian judgements of Serdica and another Palestinian council.<sup>30</sup> Hilary's narrative seems to confirm that these decisions were treated as applicable to the renewed controversy.<sup>31</sup> It was, then, the position of the Egyptian synod that proceedings against Athanasius should go no further. Liberius and the Roman synod, to the contrary, though they agreed in no part with the Eastern bishops' deposition of Athanasius, did not throw out his case. In calling for an appeals trial, they sided with neither Athanasius' party nor his enemies' party. They forged their own path.

### *Liberius and the traditions of Rome*

The proposition therefore is that Liberius and the Roman synod did not follow the Egyptian synod in vindicating Athanasius but rather called for an appeals trial. Liberius' declining to support Athanasius marks a change in Roman policy, which, under Julius' leadership, had advocated for Athanasius for more than a decade. Such a change in course must be explained, particularly since Liberius often presents himself as an heir to the traditions of his see and scholars regularly note parallels between Liberius' and Julius' ecclesiastical-political policies and procedures.<sup>32</sup> But Liberius may have seen Julius' support of Athanasius as having only limited relevance to his policies in 352. Liberius' call for an appeals trial was not driven by Julius' support of Athanasius, but by Liberius' desire to

<sup>29</sup> *Obsecro*, CSEL lxxv.90.18.

<sup>30</sup> See Sozomen, *EH* i.1; Socrates, *EH* ii.26; cf. Athanasius, *Historia Arianorum*, 35–41.

<sup>31</sup> See Hilary, *Collectanea antiariana parisina*, CSEL lxxv.155–6, with Brennecke, *Hilarius*, 124.

<sup>32</sup> See, variously, Pietri, *Roma*, 278; Hanson, *Search*, 339; Barnes, *Athanasius*, 110; and Brennecke, *Hilarius*, 154. For Julius' era see Barnes, *Athanasius*, 47–55, 71–81, and Sara Parvis, *Marcellus of Ancyra and the lost years of the Arian controversy*, 325–45, Oxford 2006, 179ff. Architectural evidence also connects the two: John Curran, *Pagan city and Christian capital: Rome in the fourth century*, Oxford 2000, 136–7.

maintain what he saw as the broader traditional duties and jurisdiction of Rome in matters of ecclesiastical discipline.

Liberius implies that Julius' support for Athanasius had only limited impact on his own policies in *Pro deifico timore* 1. Writing from exile, he explains to the Eastern bishops, 'I did not defend Athanasius. But because bishop Julius, of good memory, my predecessor, had taken him up, I was afraid that I might perhaps be thought guilty of some prevarication.'<sup>33</sup> Here Liberius admits a level of respect for Julius' decisions, but limits obligation to follow Julius in two ways.

First, Liberius calls on Julius' precedent on Athanasius' status to explain only a limited aspect of his policies in 352. Here, as in *Obsecro*, Liberius is defending his failure to endorse the position of the Eastern bishops to whom the letter is addressed. He does not connect Julius' support of Athanasius to the call for an appeals trial. Second, Liberius implies with use of the pluperfect verb *susceperat* that the judgements of Julius on Athanasius' case are limited to the circumstances in which those judgements were made. That Julius had defended Athanasius gave Liberius pause in assenting to his excommunication but did not bind him to support Athanasius in 352 or at any point thereafter, particularly since he had become familiar with the emerging details of Athanasius' case 'when it pleased God'.<sup>34</sup> This careful wording limits the relevance of Julius' support for Athanasius even while allowing it enough significance to excuse Liberius' resistance to the Eastern synod's decisions.

To be sure, Liberius' minimising the importance of Julius' support for Athanasius has an apologetic function in *Pro deifico timore*, but that it was convenient in 356/7 to emphasise the limited relevance of Julius' support for Athanasius does not reduce the likelihood that Liberius would have held the same position in 352. Brennecke believes that it is only in exile that Liberius came to recognise that 'Athanasius was since accused of completely different crimes for which the decisions of Serdica were simply no longer relevant.'<sup>35</sup> Yet, Brennecke himself lays out the rationale by which Liberius could have regarded Julius' support for Athanasius as having a limited impact on his own policies far sooner. Seeking to explain how the Eastern synod could have expected Julius himself, 'one of the strongest pillars of Athanasius',<sup>36</sup> to condemn Athanasius in 352, Brennecke points out that in the early 350s

<sup>33</sup> 'ego Athanasium non defendi, sed, quia susceperat illum bonae memoriae Iulius episcopus, decessor meus, uerebar, ne forte in aliquo praeuaricator iudicaret': *Pro deifico timore*, CSEL lxxv.168.9–11.

<sup>34</sup> 'quando deo placuit' (my trans.): *ibid.* 168.12.

<sup>35</sup> Brennecke, *Hilarius*, 294, cf. 125. Brennecke rightly differentiates between Liberius' support for Athanasius in 352 and Julius' judgements on Athanasius.

<sup>36</sup> *Ibid.* 122.

Athanasius faced new and ‘grave political accusations’— multiple counts of conspiracy against Constantius—in addition to fresh ecclesiastical charges.<sup>37</sup> Brennecke posits that the Eastern bishops felt that Julius would be forced to reconsider Athanasius’ status despite Serdica’s decisions because they had new accusations unjudged by Serdica—and new-found political support to boot.<sup>38</sup> If the Eastern bishops had grounds to believe Julius would reconsider Athanasius’ case, surely the new bishop of Rome would have been aware that the new circumstances and accusations licensed him to reconsider Rome’s prior support of Athanasius.

While Liberius likely felt a measure of freedom in judging Athanasius’ case anew, he still sought to ground his decisions in the Roman Church’s tradition. Both *Obsecro* and the exile letters suggest that Liberius sought to maintain Julius’ precedent in a distinct area of ecclesiastical politics: the duties and jurisdiction of the Roman see in matters of ecclesiastical discipline and procedure. It is to Julius’ precedent on ecclesiastical procedure that Liberius alludes in the same sentence from *Obsecro* 2 when he refers to the ‘divine law’ upon which his Roman synod based its decision.<sup>39</sup> The point becomes more explicit in the following paragraph as Liberius concludes his apology for the way in which he handled the competing verdicts on Athanasius in 352. There, Liberius describes the ‘laws’ (*statuta*: CSEL lxxv.91.9) he followed as those passed down from the Apostles before declaring, ‘Following the practice and rule of my predecessors, I have added nothing to the office of the bishop of Rome, in nothing have I allowed it to be lessened.’<sup>40</sup> Here it is not prior decisions on Athanasius but Roman ecclesiastical-judicial procedures that Liberius claims drove his decision-making in 352.

<sup>37</sup> Ibid. For the ecclesiastical charges see, for example, Athanasius, *Apologia ad Constantium* 14–18, with Ulrich, ‘*Indulgentiam*’, 200 n. 3. For the political charges see *Apologia ad Constantium* 2–13, and Theodoret, *EH* ii.16.21. Socrates claims that Constans threatened to reinstate Athanasius by force against Constantius’ wishes: *EH* ii.22. Some manuscripts substantiate the claim by means of a letter from Constans. Though the letter is often dismissed as a forgery without evidence (Hanson, *Search*, 307), Barnes substantiates Socrates’ account and the letter: *Athanasius*, 257 n. 1, cf. 89–90, and ‘Armenica veritas’, this *JOURNAL* xlvi (1997), 723–31 at p. 730. Recently, G. Woudhuysen follows Barnes: ‘Uncovering Constans’ image’, in Diederik Burgersdijk and Alan Ross (eds), *Imagining emperors in the later Roman Empire*, Leiden 2018, 158. The charges play a large role in Brennecke’s narrative. Löhr follows Brennecke: *Die Entstehung*, 40; cf. Pietri, *Roma*, 238 n. 2, and Barnes, *Athanasius*, 112–14. Against these see S. Diefenbach, ‘A vain quest for unity: creeds and political (dis) integration in the reign of Constantius II’, in Johannes Wienand (ed.), *Contested monarchy: integrating the Roman empire in the fourth century AD*, Oxford 2015, 363.

<sup>38</sup> Brennecke, *Hilarius*, 122–3.

<sup>39</sup> ‘*diuinam legem*’: *Obsecro*, CSEL lxxv.90.19.

<sup>40</sup> ‘*secutus morem ordinemque maiorum nihil addi episcopatum urbis Romae, nihil minus passus sum*’: *ibid.* 91.10–11.

Significantly, *Studens paci* connects the traditions of Liberius' predecessors with the appeals trial requested by the Roman synod. There, Liberius says his request for an appeals trial 'followed the tradition of my predecessors'.<sup>41</sup> Liberius' claim that the tradition of his predecessors gives him the right – perhaps the obligation – to facilitate an appeals trial likely rests on the third Serdican canon, which reads, 'If he [the Roman bishop] shall decide that the trial is to be held again, let it be repeated and let him appoint judges. But if he determines that the case is such that what has been enacted should not be reopened, what he has decreed shall be confirmed.'<sup>42</sup> It is likely that Liberius would have seen the tradition upon which this canon was based as reaching back even further. Julius had cited Nicaea as providing precedent for reviewing the condemnation of prior councils and called each party to appear in person to present their case.<sup>43</sup> Even if other prelates, including apparently Athanasius, would not have received Serdica's claims with the same enthusiasm,<sup>44</sup> Liberius' consistent appeal to the traditions of his predecessors in matters of ecclesiastical discipline and the explicit connection he draws between those traditions and the appeals trial suggest that Liberius believed that tradition was powerful and authoritative. It was this tradition, Liberius claimed, that justified his decision to adjudicate between the two conflicting ecclesiastical councils in 352.

Liberius' emphasis on maintaining the traditions of his predecessors in matters of ecclesiastical discipline combined with the limited relevance he ascribes to Julius' support of Athanasius explains why Liberius chose to call an appeals trial rather than ratifying the Egyptians' vindication of Athanasius. Desire to maintain the traditions of Rome in judicial matters also offers a motivation for Liberius' refusal to assent to the Eastern synod's deposition of Athanasius that is distinct from a desire to support Athanasius himself. This is not to suggest that Liberius should be understood as being solely motivated by maintaining Rome's authority in ecclesiastical discipline. Liberius himself claims to desire not only to maintain Rome's tradition in matters of 'divine law', but also to maintain the theological traditions of his predecessors.<sup>45</sup> Certainly it is possible that Liberius would have preferred to have Athanasius as an ally in this

<sup>41</sup> For the text see n. 14 above.

<sup>42</sup> Brennecke emphasises this: *Hilarius*, 122–6, 148–9. For text and translation see Hamilton Hess, *The early development of canon law and the council of Serdica*, Oxford 2002, 213–15. Additionally, canons 4 and 7 could be read as giving the Roman bishop himself ultimate appeals authority: Hess, *Canon law*, 190–9.

<sup>43</sup> See Julius, *ep.* ii, lines 45ff. and n. 17 above. For the history of appeals trials before Liberius see Hess, *Canon law*, 180–90 at p. 188 for appeals to Rome.

<sup>44</sup> For the opposition's opinion of Serdica's procedures see ch. 12 of their conciliar letter, which is preserved in Hilary, *Collectanea antiarianae parisina*, CSEL lxx.48ff.

<sup>45</sup> See, for example, *Obsecro* 4, cited in n. 21 above.

mission. It is also possible that Liberius initially had personal sympathies with Athanasius. But neither point can be presumed. It is not out of the question that Liberius viewed Athanasius and the controversies that often accompanied his name as a distraction and a liability.

### *The fallout from the Roman synod*

Whatever Liberius' initial feelings toward Athanasius, by the end of his first year in office Athanasius proved that he was indeed a liability to Liberius' understanding of Rome's traditional duties and authority in matters of ecclesiastical discipline. The same text in which Liberius reports that he demanded through his presbyters that Athanasius appear at a Roman appeals trial continues, 'I sent Athanasius a letter, through the aforesaid presbyters, in which it was stated that if he did not come, he was to know that he was a stranger to communion with the church of Rome.'<sup>46</sup> Liberius goes on to say that Athanasius 'refused to come' – a refusal, Liberius implies, that justifies Liberius' excommunication of Athanasius in 356/7.<sup>47</sup> This report ill fits the standard view that Liberius was won over to Athanasius' side by the end of 352, but nothing about the report is inherently unbelievable. Liberius' account is vital in that it confirms

<sup>46</sup> *litteras etiam ad eundem per supradictos presbyteros dedi, quibus continebatur, quod, si non ueniret, sciret se alienum esse ab ecclesiae Romanae communione*: *Studens paci*, CSEL lxx.155.13–15.

<sup>47</sup> *Ibid.* 155.15–22. Liberius' excommunication of Athanasius is linked to the events of 352 with the words 'secutus denique litteras caritatis uestrae' (155.16–17). The link is deliberately ambivalent. 'Denique' can indicate a logical connection, implying that Liberius decided to follow the Easterns' excommunication because of Athanasius' insubordination. Such phrasing would allow Liberius to maintain, in more favorable circumstances, that he had made minimal concessions to his opponents. But Liberius likely wanted the Eastern bishops to take the term in its chronological sense, 'finally' or 'at last': cf. É. Amann, 'Libère', in A. Vacant and others (eds), *Dictionnaire de théologie catholique*, ix, Paris 1926, 631–59 at p. 647: 'enfin'; Caspar, *Geschichte*, 170 n. 6: 'schließlich'; G. Thompson, 'The earliest papal correspondence', unpubl. PhD diss. Columbia 1990. Compare *Pro deifico timore*, where Liberius acknowledges his period of non-compliance more explicitly with the phrase 'quando deo placuit': CSEL lxx.168.12. This is often overlooked by scholars who see here Liberius, in a naively unbelievable lie, claiming to have excommunicated Athanasius as far back as 352: V. C. De Clercq, *Ossius of Cordova: a contribution to the history of the Constantinian period*, Washington, DC 1954, 423 n. 68, 425; G. Senneville-Grave, *Sulpice Sévère: Chroniques*, Sources Chrétiennes cdxli, Paris 1999, 452; cf. Brennecke's more nuanced position: *Hilarius*, 277–8. L. Duchesne discredited this reading long ago: 'Libère et Fortunatien', *Mélanges d'archéologie et d'histoire* xxviii (1908), 31–78 at pp. 44, 53–9. Some take Liberius' letter *Quia scio* (CSEL lxx.170.16–171.3) to suggest that Liberius excommunicated Athanasius before his exile: Pietri, *Roma*, 239 n.1; D. Chapman, 'The contested letters of Pope Liberius', *RB* xxvii (1910), 22–40 at p. 39. These lines refer to *Studens paci*, not an event in 352: Duchesne, 'Libère', 48; Brennecke, *Hilarius*, 126 n. 76.

that Liberius and the Roman synod were acting in accordance with Roman tradition and not in Athanasius' interests when they called for an appeals trial.

The difficulty in fitting Liberius' report in *Studens paci* with the traditional view that Liberius was or soon became Athanasius' ally can be illustrated by means of the sheer number of different explanations that have been offered. To alleviate this tension many early scholars rejected the authenticity of *Studens paci* outright.<sup>48</sup> Alternatively, Alfred Feder proposed that the threat was not worded as strongly as *Studens* implies.<sup>49</sup> Erich Caspar suggested that the threat itself was a less than genuine attempt to appear neutral.<sup>50</sup> For V. C. De Clercq, Liberius came to realise that his demands were unreasonable.<sup>51</sup> Many recent accounts find the Roman synod of 352 or common theological interests essential in shifting Liberius' position<sup>52</sup> – an explanation which has limited explanatory power – while others let the incongruity stand.<sup>53</sup> Finally, T. D. Barnes offers an explanation much simpler than the rest: Liberius never made the threat at all.<sup>54</sup> Barnes's approach reflects a wider trend to dismiss exile letters' account of Liberius' actions in 352 as 'transparent',<sup>55</sup> 'a petty expedient to try to save face'<sup>56</sup> and 'a misrepresentation of the facts made out of an intense desire on the part of Liberius to return from exile at all costs'.<sup>57</sup>

It is far easier to explain Liberius' threat and Athanasius' response if Liberius was acting to preserve the traditions, duty and authority of his see and not in agreement with the Egyptian synod to secure Athanasius' status. A potential objection comes from Barnes, who writes that Liberius 'cannot have threatened to excommunicate Athanasius, since such a threat would have been tantamount to accepting the validity of his deposition' by the Eastern council.<sup>58</sup> It is true that Liberius did not desire to vindicate the Eastern bishops' decision; however, excommunicating

<sup>48</sup> For example, Coustant, *PL* x.678–9 n. q; C. Hefele, *A history of the councils of the Church from the original documents II*, trans. Henry Nutcombe Oxenham, Edinburgh 1876, 200–1. Tillemont believed that *Studens paci* was written 352/3 but published later, per Amann, 'Libère', at 647, 656. See further L. Saltet, 'Les Lettres du Pape Libère de 357', *Bulletin de littérature ecclésiastique* viii (1907), 279–89; Duchesne, 'Libère et Fortunatien'; D. Wilmart, 'La Question du Pape Libère', *RB* xxv (1908), 360–7 at pp. 361–5. Similarly, the text of *Pro deifico timore* has been edited to fit the standard narrative: Chapman, 'Contested', 37, commenting on *Pro deifico timore*, CSEL lxx.168.9. <sup>49</sup> Brenneke, *Hilarius*, 166. <sup>50</sup> Caspar, *Geschichte*, 171.

<sup>51</sup> De Clercq, *Ossius*, 236 n. 54.

<sup>52</sup> cf. R. Klein, *Constantius II. und die christliche Kirche*, Darmstadt 1977, 138 n. 245, and Brennecke, *Hilarius*, 127, respectively.

<sup>53</sup> See, for example, Ayres, *Nicaea*, 177 n. 26.

<sup>54</sup> Barnes, *Athanasius*, 110; cf. Simonetti's scepticism: *Crisi Ariana*, 236 n. 54.

<sup>55</sup> Klein, *Constantius*, 142.

<sup>56</sup> Simonetti, *Crisi Ariana*, 236; cf. more recently 'Liberio', 343.

<sup>57</sup> Hanson, *Search*, 340.

<sup>58</sup> Barnes, *Athanasius*, 110.

Athanasius in this context would not have validated the Eastern synod's deposition. From Liberius' perspective, if Athanasius refused Liberius' summons, he would be flouting the authority granted to Rome by the very council that had provided the most powerful verdict in his favour – the council to which Athanasius himself appealed to justify his non-compliance.<sup>59</sup> Should Athanasius have refused to comply with the canonically sanctioned procedure, Liberius would have a reason to break communion with him, entirely independent of the Eastern synod's condemnation. Thus, there was no reason for Liberius not to make the threat, and so Liberius' account of his threat to Athanasius is *a priori* believable. Moreover, it confirms that in 352 Liberius had not committed to defending Athanasius. In Liberius' mind, Athanasius' case merited further review, tradition licensed Liberius as Rome's bishop to facilitate that review and Athanasius was obliged to comply with the investigation.

Liberius' threat and Athanasius' response likewise confirms that Liberius' appeals trial was not a manoeuvre to further secure Athanasius' status. In other words, the appeals trial which Liberius called should not be understood as on a par with the council called by Julius in the 340s where Athanasius' vindication was intended from the start.<sup>60</sup> Athanasius 'refused to come' to the appeals trial Liberius had planned. This stands in stark contrast to Athanasius' attitude toward Rome during Julius' episcopate. In Julius' era, Athanasius stayed at Rome for over a year. At that time, it was Athanasius' opponents who resisted appearing in person for a hearing.<sup>61</sup> Athanasius' non-compliance with Liberius' appeals trial confirms that Liberius' Roman synod did not agree with the Egyptian synod any more than it agreed with the Eastern synod. In calling for an appeals trial, the Roman synod pursued its own agenda, derived not from the decisions of either council, but rather from the procedures established by Liberius' predecessors. This time, perhaps aware the new regime was less friendly toward him than Julius had been, Athanasius did not submit to those procedures as he had in the 340s.

This article has offered a new reading of the chronology and events of Liberius' first year in office (*see* Appendix 1 below). Though Liberius' support for Athanasius is usually said to have been consummated by the time of the Roman synod, the only explicit comment on the Roman synod's decisions does not support such a claim. Rather the opposite: the text can be read as a statement that Liberius' Roman synod rejected both parties' conclusions in pursuit of its own agenda. This reading fits with the Roman delegation's message to Athanasius mandating him to

<sup>59</sup> See nn. 19, 30–1 above.

<sup>60</sup> That Julius was committed to Athanasius' cause before Serdica is suggested in, for example, *ep.* ii, lines 56–80.

<sup>61</sup> Julius emphasises this in *ep.* ii, lines 296–306.

appear at an appeals trial in Rome – a trial justified by the duties, traditions and power of the Roman bishop. It was Liberius' commitment to what he considered the traditional authority and responsibilities of his see in matters of ecclesiastical discipline that determined his course of action rather than commitment to Athanasius, and the fallout of Liberius' mandate would seem to confirm this. Liberius' first year in office ended with an unheeded warning, a rejection of the Roman authority established by the very man who had defended Athanasius so fiercely and by the same council that Athanasius cited to secure his status.

This reading invites reconsideration of the ecclesiastical politics of the following three years. Usually seen as leading the pro-Athanasius camp in a binary conflict with the Alexandrian's bitter rivals, it is likely that Liberius' interactions with Athanasius in the first year of his episcopate caused him to pursue an independent agenda from 353 to 355. The next glimpse of Liberius after he threatened to excommunicate Athanasius shows him bartering Athanasius' excommunication for doctrinal concessions at Arles – a strategy which was repeated at Milan.<sup>62</sup> While it is true that Theodoret and Athanasius, along with most modern historians, tell us that Liberius was deposed for defending Athanasius before the emperor Constantius,<sup>63</sup> the pagan historian Ammianus Marcellinus declares that Liberius was convinced of Athanasius' guilt.<sup>64</sup> It could well be the case that the latter source is nearer the truth. Athanasius' rejection of the traditions and authority of Rome did not endear him to the new prelate, nor did it earn him a staunch defender. Rather, it caused Liberius to regard Athanasius as a non-ally, as a liability, a man who despite sharing some common interests – and enemies – was more useful to Liberius outside the communion of the Church whose traditions he had slighted than within it.

<sup>62</sup> On Arles see *Obsecro* 5, CSEL lxxv.92.10–14, and Hilary's narrative text in *Collectanea antiariana parisina*, CSEL lxxv, with Sulpicius Severus, *Chronicles*, ii.39.

<sup>63</sup> See Athanasius, *Historia Arianorum* 35–41, and Theodoret, *EH* ii.16.

<sup>64</sup> Ammianus Marcellinus, *Res gestae* xv.7.9.

## APPENDIX 1

*Revised chronology of Liberius' early career*

Date	Event	Source
May 352 (soon after, or possibly just before)	Liberius appointed bishop of Rome Rome receives communications from both the Eastern Synod and the Egyptian Synod 'at the same time'.	<i>Chronica minora</i> 1.76 <i>Obsecro</i> 2, CSEL lxxv.90.16–17
352	Liberius publishes both in various ways, including having them read at the Roman Synod; the Roman Synod calls for an appeals trial to adjudicate Athanasius' disputed case.	<i>Obsecro</i> 2, CSEL lxxv.90.13–19
352	Presumably soon after, the Roman delegation travels to Athanasius with the Roman Synod's decision – and Liberius' ultimatum.	<i>Studens paci</i> , CSEL lxxv.155
352	Athanasius refuses to comply.	
353	Council of Arles.	
c. 354	Constantius' lost letter to the Roman people.	<i>Obsecro</i> 1–3, CSEL lxxv; cf. n. 12 above
354	Liberius writes <i>Obsecro</i> , and likely also at this time the fragmentary letter to Ossius.	
355	The Council of Milan.	
Autumn 355	Liberius interviewed before Constantius, exiled.	See Barnes, 'Capitulation'
c. 356/7	Liberius writes <i>Studens paci</i> , then, at least a few months later, <i>Pro deifico timore</i> .	
2 August 357	Liberius returns to Rome.	cf. <i>Liber pontificalis</i> 37.6