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Sources of the Greek Canon Law to the Quinisext Council (691/2)

Councils and Church Fathers

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Introduction: The Organization of the Material and the Most Important Editions

Organization of Materials. It is usual to organize the canonical material of Byzantine canon law into four groups: (1) Canons of the Apostles; (2) Canons of ecumenical synods; (3) Canons of local synods; (4) Canons of the Fathers. This organization is found in most of the editions available today.¹ It was first found in canon 1 of the Seventh Ecumenical Council (787), and it has been generally followed in the Orthodox Church in the second millennium. Its characteristic is a systematic organization of the material under dogmatic rubrics, which is demonstrated with the placing of the *Canons of the Apostles*, but particularly with the position of the synodal canons in the ecumenical synods as well as the local synods.

An exposition primarily interested in the history of the sources cannot adopt this organization without modification, since it is already rendered dubious by the pseudepigraphic character of the *Canons of the Apostles* as

1. Thus in Joannou, Pedalion, and Rhalles-Potles. See below for the editions.

well as by the historical problem of regarding the Constantinople synods of 381 and 692 as 'ecumenical councils'. The most problematic aspect of the systematic approach is the fact that it ignores the development and coming-into-being of the 'ecumenical council' as an institution with specific criteria, which were first generally recognized and accepted only in the eighth century.²

I have decided not to present the material in this essay in a strictly chronological order.³ For example, the earliest tradition of treating the synods of Ancyra, Neocaesarea, Gangra, Antioch, and Laodicea as a block and in this sequence would fail, since Antioch would have to be placed before Gangra. It is more significant, however, that such a chronological order would lose the weighting of the canonical material in the early church as well as the process of formation that is clarified by the traditional order. The overwhelming significance of the synod of Nicaea (325), whose canons were also of central importance, would thus be obscured, and decisions that became significant only later, such as the canons of Carthage (258), Constantinople (394), and Carthage (419) would receive prior treatment. Such a chronological treatment would in fact produce an ahistoric ordering.

This portion of the *History of Medieval Canon Law* treats the sources of canonical material of Byzantine canon law down to the so-called Quinisext Council (*Trullanum*) (691/2). Although it is known that this council did not bring the development of canon law in the Byzantine East to a close,⁴ this terminus is justified both historically and in terms of substance. Canon 2 of the *Trullanum* constitutes an apex and milestone for the canon law of the early church and its further development in the Greek East. It is this canon which first listed and authorized the canons of the apostles, the synods and the Fathers, hence the whole of the law applicable until then. One may speak here of the first synodical codification, and the canon is of basic importance for Orthodoxy.⁵

The model for c. 2 of the Quinisext was the canonical collection *Syntagma XIV titularum*, which originated in Constantinople at the end of the sixth century.⁶ The canon not only incorporates the canonical material developed there but also adopts the organization found in the second part of the *Syntagma*.⁷ The canon established, so to speak, its synodal recognition.

2. Hermann Josef Sieben, *Die Konzilsidee in der alten Kirche* (Paderborn 1979) 319–21, 357–79.

3. This method is applied by Lauchert.

4. On its further development, see the chapters of Troianos, below.

5. Menevisoglou, 'Ιστορική 73–83.

6. See Sp. Troianos, 'Byzantine Canon Law to 1100', 193–94.

7. Cf. Rhalles-Potles 1.10, 115, 149, 185; Menevisoglou, 'Ιστορική 55–73. The edition of the *Syntagma* in its Old Slavonic translation by Benešević does not advance an investigation of the original

Although the *Canons of the Apostles* are already placed at the very beginning, the further order is still entirely in keeping with the subsequent development of this *corpus canonum*. This is particularly the case with the synodal canons, which are not organized in the manner they would be later. Rather, the oldest corpus contained the synods of Nicaea, Ancyra, Neocaesarea, Gangra, Antioch, Laodicea, and Constantinople (381). These were followed by the synods of Ephesus, Chalcedon, and Serdica; finally the councils of Carthage (419) and Constantinople (394) are added, with the last text being the *Canons of the Fathers*.⁸ This generic division appears to preserve the best ordering according to historical criteria, and for that reason it is the order that will be observed in the following exposition. It will not be possible to treat the *Canons of the Apostles* as a category in their own right. Rather, they will be treated as synodal canons, which in fact they are.

The Most Important Editions The edition by P.-P. Joannou published in 1962 in Grottaferrata by the 'Pontifica Commissione per la Redazione del Codice di Diritto Canonico Orientale' should be mentioned first.⁹ It is the only one of the currently accessible textual editions that can be called a critical edition. The foundation of Joannou's text¹⁰ is V. N. Benešević's edition of the *Synogoga* of John Scholasticus.¹¹ Since the *Synogoga* comes to an end with Chalcedon and the *Canons of the Fathers* are represented only by Basil, and he only in an incomplete form, Joannou supplied the missing parts. For this he used the manuscript tradition of synodal acts and the Fathers of the Church, particularly exploiting many canonical collection manuscripts. He was committed to the systematic treatment of the material in sequence, though in places he supplemented the material in an often arbitrary manner.¹² In Joannou's introductions he always felt compelled to represent the Roman Catholic position, and, for that reason, he accepted the canons of the synod of Constantinople of 869, which are not preserved in any Byzantine collection, as 'canons of the Eighth Ecumenical Synod'.¹³

The most widely distributed edition among Orthodox canon lawyers is the *Syntagma*, edited by G. A. Rhalles and M. Potles from 1852 to 1859 in six volumes.¹⁴ It may be described as the *textus receptus* or 'Vulgate' of Byzan-

organization of the material, since it had already altered the sequence of synods, placing the ecumenical synods before the local synods.

8. On their order, see the section 'Origin and Content of the Canons of the Fathers' below.

9. Joannou, CCO, CSP, and CPG.

10. On his procedure, see Joannou, CCO 1–11.

11. Benešević, *Synogoga*.

12. Cf. his texts for Athanasius, Timothy, and Cyril.

13. Cf. Joannou, CCO 293–342.

14. Rhalles-Potles.

tine canon law. Volumes one to four consist of an edition of the *Syntagma XIV titulorum* in the form ca. 883,¹⁵ the 'Nomokanon of Photius', with parallel printed commentaries of Byzantine canonists of the twelfth century: J. Zonaras, T. Balsamon, and A. Aristenos. The textual basis is the *editio princeps* of the Trebizond Codex of 1311, against which Rhalles-Potles collated all editions appearing until 1852.¹⁶ Volume five contains synodal decisions and Διατάξεις of the patriarchs of Constantinople as well as a collection of *novellae* of Byzantine emperors, and volume six contains the *Syntagma* of Matthew Blastares.¹⁷

Together with the *Syntagma* of Rhalles-Potles, the so-called *Pedalion* of Saint Nikodemos the Hagiorite (1749–1809) enjoys the widest distribution among the Orthodox.¹⁸ It consists of a collection for Orthodox clergy put together at the end of the eighteenth century out of *kanonika* and *nomika* hitherto available only in manuscript. Its selection of later canonical texts has been criticized up to the present day.¹⁹ The *Pedalion* was edited with the approval of the Ecumenical Patriarch Neophytos VII (1789–94, 1798–1801), so that it has a certain official character. The first edition appeared in Leipzig in 1800. Since the third edition of 1864 appearing in Zante-Zakynthos, nine printings have appeared. Alongside the edition itself, the special contribution of Nikodemos is his translation of each canon into the vernacular ('Ερμηνείαι), as well as his cross-references to other decisions of similar content (Συμφωνίαι).

The textual edition of Friedrich Lauchert of 1896 is still being used for the synodal canons, although without the *Canons of the Fathers*.²⁰ He orders his material chronologically and mixes canons of the Latin West with those of the Greek East. As the texts are reprints of earlier editions, mostly from Mansi and Bruns,²¹ the text offered by Lauchert thus has to be compared with more recent editions. The same applies to the even older edition of Cardinal J. B. Pitra, which was presented as a critical edition, though it has seldom been positively reviewed.²²

15. Cf. the introduction in Rhalles-Potles I α'-10'.

16. Cf. Rhalles-Potles I'-1ε'.

17. On this work, see Sp. Troianos, 'Byzantine Canon Law from the Twelfth to the Fifteenth Century', 299–303 below. Both volumes are in a reprint of Leunclavius, JGR.

18. The edition is *Pedalion*. An English translation is *Rudder*. On Nikodemos the Hagiorite, cf. G. Podskalsky, *Griechische Theologie in der Zeit der Türkenherrschaft 1453–1821* (Munich 1988) 377–382.

19. Cf. P. Menevisoglou, 'Η κανονική συλλογή Πηδάλιον, in Χαριστέιον Σεραφείμ Τίκα άρχεπ. Αθηνών (Thessalonike 1984) 147–66.

20. Lauchert.

21. H. T. Bruns, *Canones apostolorum et conciliorum saeculorum IV, V, VI, VII, pars prior* (Bibliotheca ecclesiastica 1; Berlin 1839, reprint Torino 1959).

22. Pitra, *Juris*. Cf. Funk, *Didascalia* 1.XXIII; E. Schwartz, *Die Quellen über den melitianischen Streit* (1905) (Gesammelte Schriften 3; Berlin 1959) 89.

The Canons of the Apostles

Editions: Joannou, CSP 1–53; Funk, *Didascalia* 1.564–92; M. Metzger, *Les Constitutions Apostoliques* 3 (SC 336; Paris 1987) 275–309; Lauchert 1–13 (reprint Mansi); Rhalles-Potles 2.1–112; Pedalion 1–117; Pitra, *Juris* 1.13–36; *versio latina*: EOMIA 1.9–32; *Versiones*: see G. Bardy, DDC 2.1294.

Translations: English: Rudder 1–154; NPNF 14.591–601; German: Anargyros Anapoliotis, *Heilige Kanones der heiligen und hoch verehrten Apostel* (St. Ottilien 2009); French: Joannou, CSP 1–53; M. Metzger, *Les Constitutions Apostoliques* 3 (SC 336; Paris 1987) 275–309.

Literature: G. Bardy, 'Canons apostoliques', DDC 2.1288–95; P. F. Bradshaw, 'Kirchenordnungen I. Altkirchliche', TRE 18 (1990) 662–70; J. S. von Drey, *Neue Untersuchungen über die Constitutionen und Kanones der Apostel* (Tübingen 1832) 203–419; F. X. Funk, *Die apostolischen Konstitutionen* (Rottenburg 1891; reprint Frankfurt 1970) 180–206; M. Metzger, *Les Constitutions apostoliques* 1–3 (SC 320, 329, 336; Paris 1985–87) 3.9–13; M. Metzger, 'Konstitutionen (Pseudo-Apostolische)', TRE 19 (1991) 540–44; J. Mühlsteiger, 'Die sogenannten Canones Apostolorum', *Tradition—Wegweisung in die Zukunft: Festschrift Johannes Mühlsteiger SJ zum 75. Geburtstag*, ed. K. Breitsching and Wilhelm Rees (2 vols. Kanonistische Studien und Texte 46; Berlin 2001) 2.615–80; J. Mühlsteiger, *Kirchenordnungen: Anfänge kirchlicher Rechtsbildung* (Kanonistische Studien und Texte 50; Berlin 2006); J. G. Mueller, 'The Ancient Church Order Literature: Genre or Tradition?' *Journal of Early Christian Studies* 15 (2007) 337–80; P. Nautin, 'The 85 Apostolic Canons', EEC 62; Ohme, *Kanon* 485–97; B. Steimer, *Vertex Traditionis: Die Gattung der altchristlichen Kirchenordnungen* (Beiheft zur Zeitschrift für die neutestamentliche Wissenschaft 63; Berlin–New York 1992) 87–94, 114–33; C. H. Turner, 'Notes on the Apostolic Constitutions', JTS 16 (1914–15) 54–61, 523–38; JTS 31 (1930) 128–41; C. H. Turner, 'A Primitive Edition of the Apostolic Constitutions and Canons', JTS 15 (1914) 53–65; E. Schwartz, *Über die pseudoapostolischen Kirchenordnungen* (Strasbourg 1910); E. M. Synek, *Dieses Gesetz ist gut, heilig, es zwingt nicht . . . Zum Gesetzesbegriff der Apostolischen Konstitutionen* (Kirche und Recht 21; Vienna 1997); E. M. Synek, *OIKOΣ: Zum Ehe- und Familienrecht der Apostolischen Konstitutionen* (Kirche und Recht 22; Vienna 1999).

The *Canons of the Apostles* is a collection of 85 canons.²³ The collection is included at the end of book 8 of the *Apostolic Constitutions* as Chapter 47. The short epilogue (8.48) describes them in the direct speech of the apostles as their 'canons' for the bishops. Hence the *Apostolic Constitutions* as a whole has the appearance of a conciliar document with canonical decrees passed by the apostolic council in Jerusalem (6.14.1). An historical evaluation of the *Canons of the Apostles* can take place only in the context of the *Apostolic Constitutions*. The work of J. S. von Drey, F. X. Funk, E. Schwartz and C. H. Turner has completely settled the older controversies that had arisen after the publication of the text in the sixteenth century and established a general scholarly consensus about the *Apostolic Constitutions* and the Canons of the Apostles. M. Metzger added a new edition to that of Funk in 1985–87 and essentially confirmed the main controverted questions.²⁴

23. On the numbering, see below.

24. Von Drey, *Neue Untersuchungen*; Funk, *Didascalia*, and Funk, *Die apostolischen Konstitutionen*; Schwartz, *Über die pseudoapostolischen*; Metzger, *Constitutions*.

This research has established that the *Apostolic Constitutions* is a pseudepigraphic compilation consisting of the following elements: (1) A collection of the three older church ordinances, the *Didachè*, the *Didaskalia*, and the *Traditio apostolica* (Const. 7, 1–6, 8); (2) Insertion of liturgical prayer formulas and conciliar traditions; (3) Insertion of extracts and citations, particularly from the Holy Scriptures and the pseudo-Clementine literature; (4) Direct interpolations by the compiler himself. The unity of the entire *Apostolic Constitutions*, including the *Canons of the Apostles*, is no longer in doubt.²⁵ It is probably not the work of a single editor or compiler but rather the joint product of a ‘workshop’. The land of origin is Syria, more precisely probably Antioch in the period around 380.²⁶

The unity of the *Apostolic Constitutions* and the *Canons of the Apostles* is confirmed by the fact—as close inspection shows—that the *Canons of the Apostles* is also a compilation of older material, particularly from the synods of Antioch (328), Laodicea, and Nicaea (325), from which at least 28 canons have been taken.²⁷ The dependence of the *Canons of the Apostles* on the canons of Antioch in particular cannot any longer be doubted, since the corresponding canons are excerpts from those of Antioch, and they follow them in order, with corresponding gaps.

This is the case with the following canons (with the corresponding canons of Antioch in parentheses): canons 9, 10, 11, and 12 on the duty of clergy to take Holy Communion, the presence of the faithful at the *anaphora* and the ban on common prayer with excommunicates and those deposed from office (c. 2); c. 13 on the ban of receiving excommunicates into other congregations (c. 6); c. 14 on the ban against bishops changing dioceses (canons 18, 21); canons 15 and 16 on the rights of clerics who leave their congregations (c. 3); c. 29 on deposed clerics (c. 4); c. 32 on separating priests and deacons (c. 5); c. 33 on the reacceptance of excommunicated priests and deacons (c. 6); c. 34 on the reception of alien clerics (canons 7, 8); c. 35 on the rights of the metropolitan (c. 9); c. 36 on the ban on consecrating outside one’s own diocese (canons 13, 22); c. 37 on the refusal of office by clerics and the rejection of a bishop by the congregation (canons 17, 18); c. 38 about the two eparchial synods every year (c. 20); canons 39 to 41 on church property and the private property of the bishop (canons 24 and 25); and c. 76 on the ban on designating one’s successor (c. 23).

The synod of Laodicea was the source for the following canons: the

25. Metzger, *Constitutions* 1.31–2; Funk, *Die apostolischen Konstitutionen*; contra: Schwartz, *Über die pseudoapostolischen* 19.

26. Metzger, *Constitutions* 1.54–55ff.; Funk, *Die apostolischen Konstitutionen* 356–70.

27. Detailed narratives of derivations in von Drey, *Neue Untersuchungen* 403–14; Funk, *Die apostolischen Konstitutionen* 183–90.

ban by c. 45 on praying with heretics or conceding to their clerical functions has a parallel in canons 9, 33, and 34, and canons 70 and 71—banning sharing fasting, festivals or gifts with Jews, taking oil into their sanctuaries or lighting lamps—resonate with canons 37–39.

Besides Antioch and Laodicea, some individual canons of Nicaea (325) appear to be sources of the Canons of the Apostles: canons 21 to 24 concerning eunuchs in the clergy and on self-mutilation (Nicaea c. 1); c. 80 forbidding neophytes in episcopal office (Nicaea c. 2) and c. 44 banning the taking of usury by clerics (Nicaea c. 17).

The final piece of evidence indicating a direct connection to the *Apostolic Constitutions* is the fact that about twenty of the canons are taken directly from the *Apostolic Constitutions*. Here the passages of the *Apostolic Constitutions* in the Apostolic Canons are all interpolations of the compiler.²⁸ Canons 42 and 43 treating the private property of bishops, clerical gambling and drinking are taken from the *Didaskalia*.

Interpolations in the *Apostolic Constitutions* are sources of the following canons: canons 1 and 2 on the number of consecrators (3.20); c. 7 on the necessity for clerics to be free of worldly cares (2.6); c. 8 on the distinction of Easter and Passover (5.17); c. 17 on the second marriage after baptism as a hindrance to ordination (2.2, 6.17); c. 18 on particular marriages as hindrances to ordination (6.17); c. 20, that clerics should not guarantee loans (2.6); c. 27 on the ban on marriage after higher orders (6.17); c. 34 on the mode of receiving alien clerics (2.58, 7.28); c. 46 against heretical baptism (6.15); c. 47 on rebaptism (6.15); c. 49 on the formula of baptism (6.10, 11, 26); c. 51 on the ban on the asceticism of clerics out of disgust (6.8, 10, 11, 26); c. 52 on the reception of penitent sinners (2.10–20); c. 53 on deposing clerics who practice asceticism on festival days (5.20); c. 60 banning the books of the godless in the divine service (6.16); c. 64 banning praying in the synagogues of Jews and heretics (2.61); c. 66 on the ban on fasting on Saturdays and Sundays (5.20); c. 79, that one possessed cannot become a cleric before being healed (8.32), and many others.

The remaining canons deal with decisions on the following themes: forbidden offerings (canons 3–5); bans on divorce of married clergy under the pretext of piety (c. 6); forbidden degrees of relationship for the second marriage of clerics (c. 19); deposing clerics does not lead automatically to excommunication (canons 25, 26); use of force by clerics against sinners leads to deposing (c. 28); simony (canons 30, 31); gambling and drunkenness of clerics (canons 42, 43); ban on lay divorce with the intent of remarriage (c. 48); necessity of threefold submersion in baptism (c. 50); drunkenness

28. Cf. Funk, *Die apostolischen Konstitutionen* 188ff.

of clerics (c. 54); harrassment of clerics (canons 55, 56) and of the disabled (c. 57); neglect of official duties and cares (canons 58, 59); moral impediments for entering the clerical order (c. 61); apostasy of clerics (c. 62); ban on unbled meat (c. 63); clerics as killers (c. 65); abduction with intent to marry (c. 67); ban on second consecration (of clerics) (c. 68); non-observance of fasting times by clerics (c. 69); removal and misuse of the instruments of divine service (canons 72, 73); complaint proceedings against bishops (c. 74); requirements of the witnesses for such proceedings (c. 75); physical impediments for episcopal ordination (canons 77, 78); ban on political activities by bishops (c. 81); slaves in the episcopal office (c. 82); ban on war service for clerics (c. 83); lèse-majesté (c. 84); index of the canonical Holy Scriptures, including the *Apostolic Constitutions*.²⁹

The content of the canons has little internal unity and barely any internal order. It is suprising, however, that out of the 85 canons, 76 deal with the clergy, and laymen are almost totally ignored. One can thus speak of the Canons of the Apostles as a selection and compilation of ecclesiastical discipline for clerics.³⁰

The numeration of the canons in the manuscripts is diverse.³¹ Since the oldest text, the *Fragmentum Veronense*, lacks all numeration, it is to be assumed this was also lacking in the Greek original.³² The question remains open whether the compiler had a collection of older conciliar material before him, or whether he knew these decisions in isolation. The earliest canonical collections are believed to have arisen in the period of Constantinople I, about 381 (see below).

Hence, the Canons of the Apostles may be regarded as representing the literary type of pseudo-apostolic church orders of the early church; and together with the *Apostolic Constitutions* they may even be regarded as the apex of the genre. Their uniqueness appears to lie in the fact that actual canonical decisions of ecclesiastical synods are clothed with the claim of apostolic origin through literary fiction. The *Apostolic Constitutions* are, in fact, the last example of this genre within the imperial church, where they are soon to be definitively replaced by synodal canons. It is only in the separating churches in Syria and Egypt that they continued to be relevant.³³

29. Cf. Zahn, *Geschichte* 2.184–93.

30. Thus von Drey, *Neue Untersuchungen* 436.

31. Cf. the concordance in Joannou, CCO 5–7, which is, however, not complete. In many manuscripts the material is distributed in 76 canons.

32. Cf. Metzger, *Constitutions* 1.72f.; 3.12. On the text, cf. Metzger, *Constitutions* 1.63–74; Funk, *Didascalia* 1.xlix–lii. On c. 50, Schwartz, *Über die pseudoapostolischen* 14–15 and Turner, 'A Primitive Edition' 524–30 have reconstructed a gloss in long as well as short form which is an index of later reworking (cf. Metzger, *Constitutions* 3.10–11).

33. Cf. Bardy, 'Canons apostoliques' 1294.

Hence the Canons of the Apostles, as a portion of the *Apostolic Constitutions*, like all church orders of the earliest period, filled a legislative vacuum in the formation of ecclesiastical institutions by collating, actualizing, and propagating the old normative texts and traditions.³⁴ The author of the *Apostolic Constitutions* wanted to unify ecclesiastical norms in order to fight the plethora of local traditions and particularism that had been characteristic of the fourth-century conciliar legislation. The compiler naturally made an evaluation in the course of his selection. Despite the unavoidable contradictions among various parts of the *Apostolic Constitutions*, the Canons of the Apostles are a good measure for what the compiler held to be absolutely binding and what he knew best from his own context.

The earliest indication of the use of the Canons of the Apostles appears in an extract from the acts of the synod of Constantinople of 29 September 394 (see below), where Nectarius of Constantinople refers to the 'apostolic canons' on the question of condemning a bishop.³⁵ According to these 'apostolic canons', a bishop could not be deposed by two or three other bishops, but only through the vote of a larger synod of the corresponding eparchy. This shows a knowledge of c. 74, which regulates in detail the deposition of a bishop after three summonses by a synod, and which is among the most-cited canons in the councils of the fifth century.³⁶ However, as J. S. von Drey and J. W. Bickell have already shown, we cannot assume that when the phrases *κανὼν ἀποστολικός* or *ἐκκλησιαστικός* or *ἀρχαῖος* are used in the sources that they are references to these collections of canons.³⁷ Rather references in texts before 394 that contain these phrases should be understood to mean that a canon rested on an ecclesiastical norm or practice dating from the time of the apostles.³⁸

When Dionysius Exiguus (ca. 500 A.D.) translated a collection of canons from Greek into Latin for Bishop Stephanus of Salona, he placed the first 50 Canons of the Apostles at the head.³⁹ In his *praefatio*, he remarked that in his own time many had doubted the apostolic origin of the canons.

Incipiunt regule ecclesiastice sanctorum apostolorum, prolate per Clementem, Ecclesie romane pontificem, quae ex graecis exemplaribus in ordine primo ponun-

34. On this, Metzger, *Constitutions* 1.48–51.

35. Joannou, CSP 443.19–20.

36. Cf. Schwartz, *Über die pseudoapostolischen* 12. Bardy, 'Canons apostoliques' 1290, overlooks the reference to c. 74 and only considers a reminiscence of general practice in canons 14 and 15 on the abandonment of congregations and dioceses by clerics.

37. Extensive discussion of the dispute in von Drey, *Neue Untersuchungen* 378–403; J. W. Bickell, *Geschichte des Kirchenrechts* 1 (Giessen 1843) 79–84. Until the most recent period, leaders of Orthodox canonical studies have used this method to prove the apostolic origins of the *Canons of the Apostles*. Cf. Menevisoglou, *Ἱστορικὴ* 109–14, 119–20.

38. Cf. Ohme, *Kanon* passim.

39. Cf. A. Strewe, *Die Canonensammlung des Dionysius Exiguus in der ersten Redaktion* (Arbeiten zur Kirchengeschichte 16; Berlin 1931).

tur, quibus quamplurimi quidem consensum non prebuere facile et tamen postea quaedam constituta pontificum ex ipsis canonibus adsumpta esse videntur.⁴⁰

Doubts about the canons was possible in Greek as well as in Latin lands, since it appears that a Latin translation existed of the *Apostolic Constitutions*, including the Canons of the Apostles, even before Dionysius's translation.⁴¹ What cannot be answered to this day is why Dionysius translated only the first 50 canons. It is unlikely that he broke off the translation because the subsequent canons contradicted Roman practice (such as c. 66), since that may also be said of some canons of the first part (such as canons 46 and 47). It is also not convincing to argue that he knew of only 50 canons, since the older Latin translation presents all 85 canons. E. Schwartz has declared that the gloss to c. 50 was the reason Dionysius broke off his translation, since, for him, the gloss was heretical.⁴²

In 496 Pope Gelasius issued his decree *De libris non recipiendis* (see below), in which the formula *Liber qui appellatur Canones apostolorum, apocryphus* was inserted under Pope Hormisdas (514–23). In the second collection of canons that Dionysius compiled during Hormisdas's pontificate, he did not include the Canons of the Apostles. In his *praefatio* to Hormisdas, Dionysius declared that he had included canons in the volume that had been received by the entire church.⁴³ Since the first collection was granted more authority in later times, the Canons of the Apostles entered the pseudo-Isidorian Decretals and finally were excerpted in the *Decretum* of Gratian.⁴⁴

In the East the use of the Canons of the Apostles can be traced in the councils of the fifth century.⁴⁵ John Scholasticus received all 85 canons in his *Synogoga* without any doubt about their authority. He pointed out that the canons had long been found in older collections.⁴⁶ The Canons of the Apostles were included in Justinian's Novellae 6 and 137. Consequently they had been confirmed by secular law, and their texts could be found in the *Corpus iuris civilis*. The council fathers of the Quinisext Council (692) underlined the great importance of the Canons of the Apostles in the East by placing them before Nicaea in the list of authorities, 'canonizing' their apostolic origin. The norms of the Canons of the Apostles were now declared βεβαίους and ἀσφαλείς. Even the *Apostolic Constitutions* were declared to be of apostolic origin because of being mentioned in c. 85, even though they had been partly falsified by the 'heterodox'.

40. EOMIA 1.8.

41. Cf. Spagnolo and Turner, 'A Fragment', and Turner, 'A Primitive Edition'.

42. Schwartz, *Über die pseudoapostolischen* 15.

43. Cf. Maassen, *Geschichte* 964.

44. Further testimony in Funk, *Didascalia* 2.40–50.

45. Schwartz, *Über die pseudoapostolischen* 12, n. 2.

46. Cf. Benešević, *Synogoga*, Tit. 1.

The Synod of Nicaea (325)

Editions: COGD 20–34; Joannou, CCO 23–41; Lauchert 37–43; Rhalles-Potles 2.113–64; Pitra, *Juris* 1.427–35; *Versiones*: ClavisG 8520–27.

Translations: English: L’Huillier, *Ancient Councils* 31–100; Tanner 6–19; NPNF 14.1–58; German: Wohlmuth 6–19; Ortiz de Urbina 288–93; French: Joannou, CCO 23–41; G. Fritz, ‘Nicée (Ier Concile de)’, DThC 11 (1931) 408–16.

Literature: COGD 3–15; H. C. Brennecke, ‘Nicāa I’, TRE 24 (1994) 429–41 (literature); Beck, *Kirche* 44 (literature); G. Cereti, ‘The reconciliation of remarried divorces according to canon 8 of the Council of Nicaea’, *Studies in Canon Law presented to P.J.M. Huizing*, ed. J. H. Provost (Leuven 1991) 193–207; H. Chadwick, ‘Faith and Order at the Council of Nicaea’, *Harvard Theological Review* 53 (1960) 171–95; H. Crouzel, ‘Les digamoi visés par le Concile de Nicée dans son canon 8’, *Augustinianum* 18 (1978) 533–46; B. E. Daley, ‘Position and patronage in the early church. The original meaning of “primacy of honour”’, JTS, N.S. 44 (1993) 529–53; T. G. Elliot, ‘Constantine’s preparations for the Council of Nicaea’, JRH 17 (1992) 127–37; G. Fritz, ‘Nicée (Ier Concile de)’, DThC 11 (1931) 399–417; K. Girardet, ‘Der Vorsitzende des Konzils von Nicaea (325). Kaiser Konstantin d. Gr.’, *Klassisches Altertum, Spätantike und frühes Christentum*. FS A. Lippold, ed. K. Dietz (Würzburg 1993) 331–60; H. Hauben, ‘Das Konzil von Nicaea (325) zur Wiederaufnahme der Melitianer: Versuch einer Text- und Strukturanalyse’, *Timai Ioannu Triantaphyllopulu*, ed. Julie Vélissaropoulos-Karakosta (Athens-Komotene 2000) 357–78; HefeLeclercq *Histoire* 1.1.503–619, 1.2.1182–1202; W. Huber, *Passa und Ostern* (Supplement to ZNW 35; Berlin 1969); J. Janssens, ‘Il Concilio di Nicaea (325 d.C.) e la data della Pasqua’, *Haec sacrosancta synodus: Konzils- und kirchengeschichtliche Beiträge*, ed. R. Meßner and R. Pranzl (Regensburg 2006) 43–59; C. Kannengiesser, ‘Nicaea’, EEC 595; Kaufhold, ‘Väterlisten’; G. Larentzakis, ‘Das Osterfestdatum nach dem I. ökumenischen Konzil von Nikaia (325)’, ZThK 101 (1979) 67–78; P. L’Huillier, ‘Ecclesiology in the Canons of the First Nicene Council’, *St. Vladimir’s Theological Quarterly* 27 (1983) 119–31; L’Huillier, *Ancient Councils* 17–100; K. Lübeck, *Reichsteilung und kirchliche Hierarchie des Orients bis zum Ausgange des vierten Jahrhunderts* (Münster 1901); R. Macina, ‘Pour éclairer le terme digamoi’, *Revue des sciences religieuses* 61 (1987) 54–73; Bernard Meunier, *Les premiers conciles de l’église: Un ministère d’unité* (Lyon 2003) 49–69; J. Meyendorff, ‘One Bishop in One City (canon 8)’, *St. Vladimir’s Theological Quarterly* 5 (1961) 54–62; Ohme, *Kanon* 352–78; Ortiz de Urbina; V. Peri, ‘Lo stato degli studi intorno alla origine della quaresima’, *Aevum* 34 (1960) 525–55; S. Schima, ‘Das Konzil von Nizäa, Rom und der Westen’, *Österreichisches Archiv für Kirchenrecht* 44 (1995–97) 358–85; Schwartz, ‘Kanonensammlungen’ 203–20; J. v.d. Speeten, ‘Le dossier de Nicée dans la Quesnelliana’, *Sacris erudiri* 28 (1985) 383–450; J. Speigl, ‘Das entstehende Papsttum, die Kanones von Nizäa und die Bischofseinsetzungen in Gallien’, *Konzil und Papst: Historische Beiträge zur Frage der höchsten Gewalt in der Kirche: Festgabe für Hermann Tüchle*, ed. Georg Schwaiger (Munich 1975) 43–61; BISA.

The 20 canons of the First Ecumenical Council of Nicaea (325), together with its creed, a synodal letter to the Church of Alexandria, and the list of episcopal subscribers are the sole surviving direct sources for the decrees and negotiations of this council.⁴⁷ The council was accorded preeminent importance by the late fourth century. It became the foundation of the future development of ecclesiastical doctrine, as well as the exemplary expression of imperial power in an ecclesiastical synod.

47. Cf. ClavisG 8512–16.

The question of whether minutes of the proceedings of Nicaea once existed and were lost at an early date cannot be definitively answered.⁴⁸ In any case, it is not to be overlooked that there never was a single literary reference for the existence of such minutes, not even in the earliest accounts of the council.⁴⁹

After Emperor Constantine had established sole rulership in 324, he called the council in accordance with the model of the council of Arles (314). The council opened on 20 May 325 or in June in the hall of the palace of Nicaea.⁵⁰ The reported number of participating bishops varies from 250 to more than 300.⁵¹ Alongside the bishops of the East, who were most numerous, a few bishops from the West were also invited, for this was to be an imperial synod, an 'ecumenical' council.⁵²

The tasks at hand did not consist solely of settling the Arian conflict but also of settling schismatic developments in the Church of Egypt, called the Melitian Schism.⁵³ The council also wanted to regulate questions about the norms for the entire church and to establish a common date for Easter.⁵⁴

The synod of Arles had already called for a unified date for the Easter festival in its c. 1. The Nicene decision to celebrate Easter henceforth on the first Sunday after the first full moon of spring separated Easter from the Jewish calculation of Passover, which had been altered in the course of time to avoid the vernal equinox. This calculation of the Easter feast has been observed in principle to the present day. The decisions only survive in the writing of Emperor Constantine dedicated to this theme, 'To the churches',⁵⁵ as well as in the *epistula synodica* to the Church of Alexandria.⁵⁶ It is surprising that no formal canon touching upon the date of Easter has survived. The 'discovery' of such a 'canon' by J. B. Pitra and his edition of it, has to be viewed skeptically.⁵⁷ It is no more than another sum-

48. Opposed to this is Hefele-Leclercq *Histoire* 1.X 283–84; in favor, A. Wikenhauser, 'Zur Frage nach der Existenz von nizänischen Synodalprotokollen', *Constantin der Große und seine Zeit*, Supplement to *Römische Quartalschrift* 19, ed. F. Dölger (1913) 122–42; G. Loeschcke, 'Das Syntagma des Gelasius Cyzicenus', *Rheinisches Museum* 60 (1905) 594–613; 61 (1906) 34–77; Ortiz de Urbina 61.

49. Cf. Eusebius, *Vita Constantini* III; Athanasius, *De decretis Nicaenae Synodi* and the older historians: Socrates, Sozomen, Theodoret, Rufinus, Gelasius (see Ortiz de Urbina 328–29).

50. Socrates, *Historia ecclesiastica* 13, gives the May date for Nicaea; June according to T. D. Barnes, *The New Empire of Diocletian and Constantine* (Cambridge, MA 1982) 76.

51. See Brennecke, TRE 24, 431.

52. Besides Ossius of Cordoba and two Roman priests serving as legates, 4 more bishops are known.

53. On Arianism, cf. A. M. Ritter, 'Arianismus', TRE 3 (1978) 692–719; Hanson, *Search* 318–81. For the Melitian Schism, cf. M. Simonetti, 'Melitius of Lycopolis', EEC 551.

54. Cf. particularly, Huber, *Passa und Ostern* 61–75; A. Strobel, *Ursprung und Geschichte des frühchristlichen Osterkalenders* (Berlin 1977) 389–92; Ortiz de Urbina 106ff.

55. Eusebius, *Vita Constantini* 3.18 (= Opitz 3 document 26).

56. Opitz 3 document 23, 12.

57. Pitra, *Juris, Spicilegium* 4 (1858) 540–55 (541); and *Monumenta* 1.435–36, also called the 'C. de

mary of the decision made in Nicaea. This text was already found in the *Synagoge of Fifty Titles* by John Scholasticus,⁵⁸ but it cannot be described as a formal 'conciliar decree' either in form or style. At the same time it is clear that the Easter decision of the synod was not included among the 20 canons, where it would appear at first glance to belong.

In the same way, the conciliatory decision of the council on the Egyptian Melitians did not find a place in the canons. It has been preserved only in the synodal letter to the Church of Alexandria.⁵⁹ The thirty-three bishops, five priests, and three deacons consecrated by Melitius of Lycopolis were permitted to remain in their offices and churches after a laying-on of hands,⁶⁰ though they remained lower in rank than the 'Catholic' clerics. The bishops were to be without the right of electing or nominating clergy. They could, nonetheless, take the place of Catholic bishops on the death of incumbents. Melitius alone lost his right to consecrate. The synod made similar decisions about the 'Cathars' or Novatians in c. 8, even though there were several bishops of the synod who belonged to these groups.⁶¹

The mildness of these decisions becomes clear if one compares them with c. 19 on the reintegration of the 'Paulianists', in which the entire clergy, from bishops to deaconesses, who had adhered to the teachings of Paul of Samosata, had to be rebaptized and ordained again. The offer to the Melitians appears even milder than c. 8, in which Cathar bishops were given no hope of recovering their *cathedra* when the sees became free again. The will of the emperor to ensure peace in the Church in the East stood behind these decisions.

Theodoret of Cyrrhus († ca. 466)⁶² reports that after the anathematization of the Arians, the bishops regathered and passed 20 'laws on the organization of ecclesiastical life' (περὶ τῆς ἐκκλησιαστικῆς πολιτείας νόμους ἔγραψαν εἴκοσι). Gelasius of Cyzicus after 475 also presents the text of all 20 canons (ἐκκλησιαστικούς κανόνας εἴκοσιν) without varying from the

Pascha' here. Sceptically with J. Schmid, *Die Osterfestfrage auf dem ersten Allgemeinen Konzil von Nicäa* (Vienna 1905) 66; and Huber, *Passa und Ostern* 65 n. 27. Ortiz de Urbina 106, 228, simply holds Pitra's 'decree' to be authentic without even discussing the question, and G. Larentzakīs, 'Das Osterfestdatum nach dem I. ökumenischen Konzil von Nikaia (325)', *ZKTh* 101 (1979) 67–78, 68, follows him without further consideration.

58. Benešević, *Synagoga* 156. The *lemmata* of the manuscripts used by Benešević vary between 'Τῆς ἀγίας συνόδου τῆς ἐν Νικαίᾳ περὶ τοῦ ἀγίου πάσχα' and 'Ἐκ τῶν πρακτικῶν τῆς (ἐν Νικαίᾳ) πρώτης οἰκουμένης συνόδου'.

59. Opitz 3 document 23, 6–11.

60. Cf. Athanasius, *Apologia Secunda* 71.

61. Specifically Akesios of Constantinople; cf. Sozomenus, *Historia ecclesiastica* 2.32 (GCS NF 4, 96–98; J. Bidez, G. C. Hansen); Socrates, *Historia ecclesiastica* 1.10 (GCS NF 1, 41 G. C. Hansen).

62. *Historia eccl.* 1.8 (GCS 19, 38 Parmentier-Schneidweiler).

content or sequence of what is found in Greek canonical collections.⁶³ Rufinus included the 20 canons in the Latin summaries in his *Ecclesiastical History* but divided canons 6 and 8 in two, hence producing 22 canons.⁶⁴ Hence the oldest historians of the church not only confirm the great significance attributed to the canons of Nicaea from the earliest times, but also their number.⁶⁵ In the Syrian, Arabic, and Ethiopian traditions, these 20 canons grew through the addition of a great number of other canonical norms.⁶⁶ This can be seen as a sign of the great authority attributed to the Council of Nicaea. Its canons enjoyed general acceptance and recognition from the end of the fourth century in all of Christendom. In the Roman tradition, doubtless for similar reasons, the canons of Serdica were passed on under the name of the *Nicaenum* (see below).

Of great historical importance were those canons which initiated a new organization of ecclesiastical leadership and administration in parallel with the secular reorganization of the empire carried out by Diocletian (284–305).⁶⁷ Under threat of excommunication, canons 15 and 16 intended to bind the entire clergy to the parish congregation, called the *paroikia* (c. 16), ‘for which they were ordained’, excluding any translation from one episcopal parish to another as well as any inducement to translate offered by another church, a practice which is incidentally described as virtually universal.⁶⁸ Both canons illustrate the ancient Christian bond of ordination to a certain local church, which is the *paroikia* of the bishop. The new ecclesiastical structures are formulated in canons four to seven. Episcopal congregations are formed into ecclesiastical provincial associations that corresponded geographically to secular imperial provinces (both of them use the same descriptive term, ἐπαρχία), headed by the bishop of the provincial capital or *metropolis*, as the ‘metropolitan’. Hence c. 4 rules that episcopal elections must be attended by all the bishops of a province. Three bishops suffice for consecration, but those three must have the written approval of the others. The metropolitan must confirm the decision and the consecration (canons 4, 6). C. 5 established the provincial synod as the supreme ecclesiastical court of appeal which must be held twice a

63. *Historia eccl.* 2.32 (GCS 28, 112–13, G. Loeschke–M. Heinemann).

64. *Historia eccl.* 10.6 (GCS 9, 2, 966–69, T. Mommsen).

65. Cf. on this Hefele-Leclercq *Histoire* 1.1 503–27; Ortiz de Urbina 109–10.

66. Cf. ClavisG 8521, 8523, 8524; Hefele-Leclercq *Histoire* 1.2 1139–76. On the Eastern churches, see the chapter by Kaufhold below.

67. Cf. A. Demandt, *Die Spätantike* (Munich 1989) 53ff.; and on the following, Konrad Lübeck, *Reichsteilung und kirchliche Hierarchie des Orients bis zum Ausgange des vierten Jahrhunderts: Ein Beitrag zur Rechts- und Verfassungsgeschichte der Kirche* (Münster 1901) 52–98, 99–172.

68. On translation in the early church, cf. E. Heckrodt, *Die Kanones von Sardika aus der Kirchengeschichte erläutert* (Jenaer Historische Arbeiten 8; Bonn 1917) 4–42.

year.⁶⁹ C. 6 laid the foundation for the patriarchal system, which was further elaborated at Constantinople in 381 and became a generally accepted institution in the sixth century. In this canon, the Church of Alexandria's jurisdiction is compared to Rome's, and special regulations were also made for Antioch. In this way 'the old customs' and privileges (πρεσβεία) were confirmed, according to which these churches have jurisdiction and influence reaching across provincial boundaries. C. 7 confirmed to the bishop of Aelia (Jerusalem) a position of honor (ἀκολουθία τῆς τιμῆς), saving the rights of the metropolitan see of Caesarea.

It must not be overlooked that these canons for restructuring the church resulted from conditions prevalent in the Eastern Empire that did not necessarily prevail in the West, where, for example, the synods of the African provinces encompassed considerably larger units. It is in this light that we should understand the varied reception of the canons of Nicaea, as well as the variation in their Latin translations.⁷⁰

The following canons dealt with the dignity, way of life, and hierarchical order of the clergy: c. 1 excludes from the clergy those who have willingly made themselves eunuchs, but not those who had been castrated against their will or for reasons of illness. C. 2 opposes any consecration of neophytes, and c. 3 forbids clerics to live together with a woman in sexual abstinence. C. 9 requires a prior examination of any consecration of a priest. If it is omitted and any impediment made itself known after the consecration, such candidates will not be allowed to function, despite their consecration. C. 10 confirms the ban on consecrating those who have denied the faith during persecutions (*lapsi*), and even a consecration which has taken place does not prejudice this. Clerics who practiced usury are to be deposed (c. 17). C. 18 regulated the hierarchical rank and sequence of the higher clergy: bishop, priest, deacon, weighted particularly to the disadvantage of the deacon.

Canons 11 to 14 deal with regulations of public penance: for those who lapsed under the persecution of Licinius (canons 11, 12); guaranteeing communion of penitents *in articulo mortis* (c. 13); for sinful catechumens (c. 14). In order not to erase the separation from the penitent 'kneelers', the synod finally ruled in c. 20 that the faithful should celebrate the divine service while standing.

69. Cf. on this K. M. Girardet, 'Appellatio. Ein Kapitel kirchlicher Rechtsgeschichte in den Kanones des 4. Jahrhunderts', *Historia* 23 (1974) 98–127; Ohme, *Kanon* 424–43.

70. Schwartz, 'Kanonensammlungen' 203–20, 203.

The Synod of Ancyra (314)

Editions: R. B. Rackham, 'The Text of the Canons of Ancyra', *Studia biblica et ecclesiastica* (Oxford 1891) 3.139–216; Joannou, CSP 56–73; Lauchert 29–34 (= Rackham); Mansi 2.515–34; Pitra, *Juris* 1.441–48; Rhalles-Potles 3.20–69; Pedalion 371–85; *Versiones*: ClavisG 8501.

Translations: English: Rudder, 489–503; NPNF 14.63–72; German: Hefele 1.219–42; French: Joannou, CSP 56–73.

Literature: Hefele-Leclercq *Histoire* 1.1.298–326; Kaufhold, 'Väterlisten'; X. LeBachelet, 'Ancyra (Concile de)', *DThC* 1 (1923) 1173–77; J. Lebon, 'Sur un concile de Césarée', *Le Muséon* 51 (1938) 89–132; Ohme, *Kanon* 329–34; S. Parvis, 'The Canons of Ancyra and Caesarea (314)', *JTS N.S.* 52 (2001) 625–36; BISA.

When Emperor Maximinus Daia took his own life following his defeat by Licinius in July 313, the last persecutor of the church since Diocletian in the eastern imperial district of the tetrarchy disappeared. Eusebius reported that in this period, after the Edict of Toleration issued by Licinius in Nicomedia on 13 June 313 many synods were held in the East once more.⁷¹ Among these can be included the synod of Ancyra, the metropolis of Galatia.

Its dating can be determined by the presidency of Bishop Vitalis of Antioch (see below), who died in 319, but particularly from c. 6 on *sacrificati* who had fallen away as a result of the mere threat of punishment and who had asked to return to the church 'at the time of the synod'. They were to be received from now until next Easter into the penitential rank of 'hearers.' Then they had to spend five more years as penitential 'kneelers' and 'fellow-standers'. The earliest possible Pentecost, the usual date for a synod, would be 314. This earliest possible date has high probability, since the question of dealing with *lapsi* and the regulation of their potential recovery to the church was such a concern to the council (canons 1–9, 12).

Along with the 25 canons of the synod,⁷² the Latin tradition preserves three lists of bishops who attended the council.⁷³ These vary between 12 and 18 participants. The Ballerinis showed long ago that one of the lists gave anachronistic provincial boundaries,⁷⁴ so that it must have been amended later. The lists given in the *Prisca* and the *Isidoriana* have no provincial titles attributed to bishops, but they were added later to the collection of Dionysius. Still, the lists are not necessarily inauthentic, since most participants can be dated to the period, and they were also present at Nicaea in 325. Just as is the case with the synod of Neocaesarea, Vitalis of Antioch held first place and should be seen as the president. The so-called

71. Eusebius, *Historia ecclesiastica* 10.3 (GCS E.2, 370 E. Schwartz).

72. There are 24 in Dionysius Exiguus, who unites canons 4 and 5.

73. Cf. EOMIA 2.32, 50, 51.

74. P. and J. Ballerini, 'De antiquis collectionibus et collectoribus canonum', *S. Leonis Magni Opera omnia* (Venice 1757) 3.xxii (= PL 56.31).

Libellus synodicus attributed the presidency to Marcellus of Ancyra, who was one of the participants, but it is unlikely that he presided.⁷⁵ It is striking, however, that the participants come from the sphere of influence of the Church of Antioch in Asia Minor, Syria, and Palestine. This was not, then, a local synod in the strictest sense, but rather a general synod of the churches in the imperial *dioecesis Oriens*.

The oldest preserved version of the Greek text with 25 canons dates to the ninth and tenth centuries.⁷⁶ For that reason the translations, particularly in the Latin tradition, are especially significant.⁷⁷

Beyond the decisions concerning *lapsi* (canons 1–9, 12), no further system is to be discerned in the ordering of the material. These canons regulated the position of lapsed priests and deacons (canons 1 and 2), as well as the rules of return for those who had been compelled to participate in sacrifices or sacrificial banquets. Distinctions were made between those who participated in sacrifices with public confessions (c. 3), with forced but compliant participation (c. 4), and with participation accompanied by tears and mourning (c. 5). C. 6 dealt with those who took part in pagan sacrifices because of a threat of exile and confiscation of their property. Canon 7 discussed those who participated in sacrificial banquets but who did not eat the sacrificial meat; while c. 8 treated those who made repeated sacrifices, c. 9 dealt with those who fell into complete apostasy, and c. 12 those who sacrificed during their period as catechumens.

Questions treating the clergy are dealt with by the following canons: deacons were to declare at the time of their election whether they intended eventually to marry (c. 10); *chorepiscopi* were forbidden to ordain without a special license (c. 13); a principled rejection of the eating of meat led to deposition (c. 14). Further canons dealt with the sale of ecclesiastical property during a vacancy of the see (c. 15), the duties and status of bishops-elect who were not accepted in their parishes (c. 18), and the breaking of an oath of chastity (c. 19).

The other decisions dealt with the following themes: abducting betrothed girls (c. 11); sex with animals (canons 16 and 17); adultery (c. 20); abortion (c. 21); murder (c. 22); manslaughter (c. 23); magic (c. 24); and last-

75. Cf. Mansi 2.539; *The Synodicon Vetus. Text, Translation and Notes*, ed. J. Duffy and J. Parker (Corpus fontium historiae Byzantinae XV. series Washingtonensis; Washington, D.C. 1979) no. 31, p. 22. The *Synodicon vetus* developed only after 887 and works with a valuation of local and ecumenical synods as they were estimated then. According to this scheme, the presidency of the synod of Ancyra, understood as a local synod, was attributed to the bishop of the place. On the whole the *Synodicon* is not a reliable text; cf. Duffy and Parker, *Synodicon* p. xv.

76. Cf. Rackham, 'Canons of Ancyra'; now standard is Benešević, *Syntagma* = Joannou, CSP 56–73.

77. Cf. ClavisG 8501 and EOMIA 2.3–11, 18–27, 36–43, 48–51, 54–115.

ly the special case of the seduction of a future sister-in-law by the bridegroom, resulting in the woman's death (c. 25).

The canons as a whole have great importance for the history of the institution of penance in the early church. They are among the earliest evidence for the three-step system of penance, which eventually even became a four-step system (canons 4–9, 16–17, 20–25).⁷⁸ The text and interpretation of c. 13 that treated the practical functions of *chorepiscopi* are in dispute.⁷⁹ This canon contained the first evidence for *chorepiscopi*.

J. Lebon has defended the thesis that canons 20 to 25 were originally passed by a synod in Caesarea of Cappadocia in the same year,⁸⁰ whose list of participants was later attributed to the synod of Neocaesarea.

The Synod of Neocaesarea (between 315 and 319)

Editions: Joannou, CSP 75–82; Mansi 2.539–43; Lauchert 35–36; Pitra, *Juris* 1.451–54; Pedalion 385–95; Rhalles-Potles 3.70–95; *Versiones*: ClavisG 8504.

Translations: English: *Rudder*, 507–19; NPNF 14.79–88; German: Hefele 1.242–51; French: Joannou, CSP 75–82.

Literature: G. Bardy, 'Néocésarée', DDC 6.995–97; Hefele-Leclercq *Histoire* 1.326–34; Kaufhold, 'Väterlisten'; BISA; C. Nardi, 'Neocaesarea', EEC 585.

In the Greek collections of canons, the decisions of the synod of Neocaesarea, the metropolis of Pontus Polemoniacus, always followed the synod of Ancyra. The fact that this indicated a chronological order is shown by the *lemma* of the Greek manuscripts of the canons, which dates the synod between that of Ancyra and Nicaea.⁸¹ It also fits that the problem of *lapsi* obviously no longer played a role in the proceedings, in contrast to Ancyra. Consequently, it is likely that some time had passed since the Edict of Toleration (313).

Other than the 15 canons, there survives from this council in the Latin tradition a list of bishops with 17 to 20 names,⁸² of which 6 are also found on the lists for Ancyra, and several are on the Nicene list as well. One can thus assume that the three synods were close together in time. As is the case with Ancyra, the first place on the list was held by Vitalis of Antioch, who died around 319. Here as well the participants come from churches of Antioch's

78. Cf. J. Grotz, *Die Entwicklung des Bußstufenwesens in der vormicaenischen Kirche* (Freiburg 1955) 428–29.

79. Cf., for example, the portrayal of the earlier discussion in LeBachelet, 'Ancyra' 1174ff. and in F. Gillmann, *Das Institut der Chorbischöfe im Orient* (Munich 1903) 74ff.

80. According to E. Honigmann, 'Two Alleged "Bishops of Great Armenia" as Members of the Synods of Ankyra (314 A.D.) and Caesarea in Cappadocia', *Patristic Studies* (Studi e Testi 173; Rome 1953) 1–5, the synod in question only took place in 315.

81. Cf. Joannou, CSP 75.

82. Cf. EOMIA 2.32, 52, 53.

sphere of influence in Asia Minor, Syria, and Palestine. J. Lebon attributed this list of bishops to a council in Caesarea in Cappadocia in 314.⁸³

The decisions of the synod do not show any internal principles of organization; they were briefly formulated and dealt with the following themes: priests cannot marry after ordination (c. 1); marriage with a sister-in-law will lead to expulsion (c. 2); c. 3 dealt with penance for bigamy (i.e. second and further marriages); sins of thought were not subject to penance (c. 4); c. 5 formulated penance for catechumens; pregnant women were not to be excluded from baptism (c. 6); c. 7 ordered that priests cannot take part in weddings of bigamists; c. 8 dictated that a wife's adultery hindered the husband from becoming a cleric and if he were already a cleric he could not continue to exercise his office; priests who sinned physically before ordination should not perform the Eucharist, and deacons in such circumstances can only be servants of the church (canons 9, 10); the minimum age for priests was established as 30 years (c. 11); delaying baptism until an illness excluded a person from the priestly office (c. 12); canons 13 and 14 dealt with restricting the functions of a rural priest (*ἐπιχώριοι πρεσβύτεροι*) and *chorepiscopi*; c. 15 restricted the number of deacons in one town to seven.

The canons have particular importance for the development of the system of penance; the interpretation of c. 5 is in dispute.⁸⁴

The Synod of Gangra (ca. 340–342)

Editions: Joannou, CSP 85–99; Lauchert 79–83; Pitra, *Juris* 1.487–92; Pedalion 398–405; Rhalles-Potles 3.96–121; Latin: EOMIA 2.145–214; *Versiones*: ClavisG 8553–54.

Translations: English: Rudder 523–31; NPNF 14.91–103; German: Hefele 1.780–88; French: Joannou, CSP 85–99.

Literature: G. Bardy, 'Gangres', DDC 5 (1953) 935–38; T. D. Barnes, 'The Date of the Council of Gangra', JTS 40 (1989) 121–24; J. de Churruca, 'L'anathème du concile de Gangres contre ceux qui sous prétexte de Christianisme incite les esclaves à quitter leurs maîtres', RHD 60 (1982) 261–78; J. Gribomont, 'Eustathe de Sébaste', DSDH 4.2 (1961) 1708–12; idem, 'Le monachisme au IV^e siècle en Asie Mineure: de Gangres au messalianisme', *Studia Patristica* 2 (TU 64; Berlin 1957) 400–415; W. D. Hauschild, 'Eustathius von Sebaste', TRE 10 (1982) 547–50; Hefele-Leclercq *Histoire* 1.2.1029–45; Kaufhold, 'Väterlisten'; A. Laniado, 'Note sur la datation conservée en Syriaque du concile de Gangres', OCP 61 (1995) 195–99; F. Loofs, *Eustathius von Sebaste und die Chronologie der Basilius-Briefe* (Halle 1898) 79–90; BISA.

Greek collections of canons transmit the entire *epistula synodica* of the synod of Gangra, the metropolis of the province of Paphlagonia. Following the name of the addressee and of the sender, as well as a description

83. See Lebon, 'Sur un concile de Césarée'.

84. Cf. Grotz, *Die Entwicklung* 429–35.

of the motivation for the meeting of the synod, 20 so-called 'canons' are listed. The epilogue, often designated c. 21, closed the synodal communiqué. It was directed to the bishops 'in Armenia' and signed by 13 bishops. However, since their sees were not given, a certain identification of the bishops is possible only with difficulty.⁸⁵ The synod was convened because of practices contrary to the norms of the church taken 'by those around Eustathius' as well as 'by him personally' (ὕπὸ τούτων αὐτῶν τῶν περὶ Εὐστάθιον; ὑπ' αὐτοῦ). The offense described agreed with the content of the 20 decisions. These were all anathemas in form and content, all formulated according to the scheme, 'Εἴ τις . . . ἀνάθεμα ἔστω'. Errors and abuses of the anchorite-ascetic movement were condemned. This evidence demonstrated that Eustathius is the same person as Eustathius of Sebaste, an identification that had already been made by Socrates and Sozomenus. These canons reflect the background of the ascetic movement of 'Eustathians', particularly in the imperial diocese of Pontus.⁸⁶ The epilogue emphasized that the synod was not condemning asceticism, *enkrateia* or *parthenia*, which were extensively praised and approved, but only the arrogance of those who practiced them.

Socrates and Sozomenus had already differed in their dating of the synod. The former placed it after the synod of Constantinople in 360, the latter before 'the synod of Antioch'. The date of the synod is based on two letters of Basil the Great in the life of Eustathius (letters 244, 263) and their internal agreement. We can also identify 13 of the bishops with known bishops of the time of the synod of Serdica (342). This evidence leads us to the date of 'circa 340–342'. The definitive conclusions of F. Loofs on the date were thoroughly convincing.⁸⁷

The council's anathemas were promulgated against the following beliefs: (1) that the marital union was an impediment to salvation; (2) that the eating of meat was an impediment to salvation; (3) that one should encourage slaves to leave their masters and become anchorites; (4) that one should avoid the religious services of married priests; (5) that one should have con-

85. Some different names are found in the Latin manuscript tradition (Mansi 2.1095, 6.1152; EOMIA 2.146), which has given rise to many speculations in the older historiography of councils, cf. Hefele 1.778.

86. Socrates, *Historia ecclesiastica* 2.43 (GCS NF 1, 180 G. C. Hansen) and Sozomenus, *Historia ecclesiastica* 3.14.31, 4.24.9 (GCS NF 4, 123.180 J. Bidez, G.C. Hansen). In the attribution of the synod to 'circa 340', all 13 senders can be identified as Pontic bishops. The synod would then have been under the presidency of Eusebius of Nicomedia, and among the participants would be Gregory of Nazianzus and Basil of Ancyra.

87. *Eustathius von Sebaste und die Chronologie der Basilius-Briefe* (Halle 1898) 79–90. For an earlier effort of dating, see Hefele, *Concilien* 1.791–92. Dionysius Exiguus places Gangra before Antioch. Barnes, 'Council of Gangra', has argued for seeing the synod of Gangra as a Paphlagonian provincial council around the year 355.

tempt of the house of God and of congregational worship; (6) that one should hold private religious services without the consent of the bishop; (7) that a cleric should receive ecclesiastical income without the permission of the bishop; (8) that one might pay or receive such gifts without permission by the bishop; (9) that one should practice asceticism and condemn marriage; (10) that one should practice virginity and criticize the married; (11) that one should refuse to take part in and despise the *agape*; (12) that one should despise the clothing of ordinary people and value only the clothing of the ascetic class; (13) that a woman should wear men's clothing in order to practice asceticism; (14) that women should abandon their husbands in contempt of marriage; (15) and (16) that parents should abandon children and children abandon their parents for asceticism; (17) tonsure of women was anathematized; (18) fasting on Sundays was condemned; (19) that one should reject the norms of the general fasts of the church as insufficient; (20) that one should reject religious services held for the holy martyrs.

The influence of these canons was considerable. Seven translations have survived from the early church (see above, *versiones*); almost all of these canons passed into the *Decretum Gratiani*.⁸⁸

The Synod of Antioch (ca. 330)

Editions: Joannou, CSP 104–26; Lauchert 43–50; Pitra, *Juris* 1.454–67; Pedalion 406–19; Rhalles-Potles 3.122–70. *Versiones*: ClavisG 8535–36.

Translations: English: *Rudder* 534–49; NPNF 14.104–22; German: Hefele 1.513ff.; French: Joannou, CSP 104–26.

Literature: G. Bardy, 'Antioche (Concile et canons d')', DDC 1.589–98; Hefele-Leclercq *Histoire* 1.702–33; Hamilton Hess, *The Canons of the Council of Sardica: A Landmark in the Early Development of Canon Law* (Oxford Theological Monographs 1; Oxford 1958) 2.145–50, revised edition Hamilton Hess, *The Early Development of Canon Law and the Council of Sardica* (Oxford Early Christian Studies; Oxford 2002) 182–84; Ohme, *Kanon* 391–399; E. Schwartz, 'Athanasius, VIII' 216–230; M. Simonetti, 'Antioch. II. Councils', EEC 48–49; BISA.

The 25 canons of the synod of Antioch are among the oldest canons in the Greek canonical collections, which normally form a solid traditional block in the sequence of Ancyra, Neocaesarea, Gangra, Antioch, and Laodicea. Even the oldest Syrian and Latin translations attributed these canons to the synod of dedication ('in encaeniis') held at Antioch in 341.⁸⁹ This dating already appeared as an accepted tradition in 403–404. At the time of the dispute in which the deposition of John Chrysostom was demanded, his enemies from the entourage around Theophilus of Alexandria cited

88. Gratian placed the canons in Distinction 30; he omitted canons 5, 7, 8.

89. Cf. Schwartz, 'Athanasius VIII' 216; on the synod in *encaeniis*: ClavisG 8556–59.

c. 4 of the Council of Antioch. Chrysostom's partisans attacked the validity of the canon, since it had been approved by an 'Arian synod' directed against Athanasius. It appears that this argument was not disputed by the other side.⁹⁰ Pope Innocent I (402–417) adopted this argument in his own defense of John Chrysostom,⁹¹ and when Palladius described the affair in his *Vita* of John composed in 408, he believed that this canon had been suspended by the synod of Serdica, since it had been directed against Athanasius and Marcellus.⁹² This situation only becomes understandable when one assumes that the canons of Antioch were already an established part of a Greek canonical collection by the end of the fourth century. In this collection the canons were attributed to the synod 'in encaeniis' and were cited from such a collection by Chrysostom's enemies. The historical argument made by adherents of the patriarch of Constantinople appears not to have had a chance in opposition to this factitious authority. To the present day there are those who attribute the canons to the synod of 341.⁹³

The Ballerinis were the first to take a decisive stand against this dating, which was later reinforced, particularly by E. Schwartz.⁹⁴ The following facts speak against the synod 'in encaeniis': 1. The surviving list of participants and subscribers shows that their roughly 30 participants were also members of the synod of Nicaea in 325, so that the two synods had to be seen as closely related in time; 2. 97 bishops took part in the synod of 341; 3. the synod was not presided over by the bishop of Antioch but was held under Eusebius of Caesarea. Eusebius, however, presided only over the synod of Antioch ca. 330, which gathered for the election of a new bishop after the fall of Eustathius.⁹⁵ The 'Antioch Schism' which arose as a result of this episode, with its troubles, formed the historical background reflected in the canonical decisions. The connection of these canons with the synod *in encaeniis* points to the period before 380, when this council was held in greater regard than the council of Nicaea in the homoiic imperial church.⁹⁶

90. Cf. Palladius, *Vita Ioan. Chrysost.* 9 (PG 47:30; ed. Coleman-Norton 53–54; ed. Malingrey and Leclercq [SC 341, 182.19ff., 186.60ff.]); Sozomenus, *Historia ecclesiastica* 8.20 (GCS NF 4, 376–77 J. Bidez, G. C. Hansen); Schwartz, 'Athanasius VIII' 217–18.

91. *Ep. 7 ad clerum et populum Constantinopolitanum* (PL 20.501; GCS NF 4, 386 J. Bidez, G. C. Hansen); Socrates, *Historia ecclesiastica* 6.18 (GCS NF 1, 342, 6–11 G. C. Hansen); Sozomenus, *Historia ecclesiastica* 8.26 (GCS NF 4, 376.25 J. Bidez, G. C. Hansen).

92. Palladius, *Vita Ioan. Chrysost.* 9 (ed. Coleman Norton, 53).

93. Cf. Hefele-Leclercq *Histoire* 1.X 706–14, 722–24; but also by Joannou, CSP 100–101; Menevisoglou, *Ἱστορικὴ* 351–66.

94. Ballerini, *S. Leonis Magni opera* 3.xxv–xxvii (= PL 56.35ff.). Schwartz, *Gesammelte Schriften* 3.216–26; cf. also EOMIA 2.2 VII; Bardy, DDC 1.591–94.

95. Cf. Schwartz, *Gesammelte Schriften* 3.224–26.

96. H. C. Brennecke, *Studien zur Geschichte der Homöer* (Tübingen 1988).

Canon 1 renewed the Nicene decision on the festival of Easter and threatened those with excommunication who kept the Easter festival according to Jewish usage. C. 2 excommunicated those who attended the service of God's Word but did not participate in the communal prayers and did not participate in the eucharist. They also must not share hospitality with excommunicated persons. Those excommunicated, according to c. 6, can only be received back by their own bishop or by a synod.

The majority of the canons rendered decisions concerning the relationship of priests to their bishops and of bishops to their metropolitans. Hence, priests should not abandon their congregations, on threat of being deposed (c. 3). Deposed clerics who continue to perform their duties squander by that act any chance of being restored (c. 4), and whoever established schismatic neighboring congregations was to be deposed; if he persisted, secular authority will enforce the sanction (c. 5). No stranger was to be received without a letter of peace (c. 7), but such letters were not to be issued by rural priests (c. 8).

Bishops who undertook to consecrate a cleric in another's district without permission are to be deposed (canons 13 and 22). If after consecration bishops did not take up their duties in the district designated for them, they are excommunicated (c. 17). C. 21 renewed the Nicene ban on the translation of bishops, and c. 23 forbade the designation of successors.

Several canons regulated the procedure for deposing bishops. If the provincial synod was unable to come to a unanimous conclusion in such a case, the metropolitan was supposed to summon additional bishops from a neighboring eparchy (c. 14). If the conclusion was then unanimous, all further possibility of appeal is excluded (c. 15). If anyone, after having been deposed, appealed to the emperor instead of to a larger synod, he lost all chances for restoration (c. 12). Any appeal to the emperor without the approval of the bishops or the metropolitan was forbidden (c. 11).

The authority of the metropolitan was remarkably strengthened. C. 9 insisted that all bishops restrict themselves to their dioceses, while the metropolitan was responsible for the entire province and enjoyed precedence over his fellow bishops. A vacant bishopric could be filled (c. 16) and the consecration of bishops could take place only in the presence of the metropolitan sitting in a synod (c. 19). He alone could summon a provincial synod, which should meet twice a year (c. 20). Since these canons renewed or made the decisions of Nicaea more precise, it can be assumed that the prerogatives of metropolitans established by Nicaea had not been fully accepted. C. 10 restricted the rights of *chorepiscopi*, and canons 24 and 25 regulated the administration of ecclesiastical properties.

It should be mentioned that the synod of Serdica (342) renewed some of the canons of Antioch, sharpening some of the penalties.⁹⁷

At the Fourth Ecumenical Council of Chalcedon, at its twelfth session, canons 16 and 17 from Antioch were passed as canons 95 and 96, with the qualification that they were 'canons of the Holy Fathers', and at the fourth session the canons 4 and 5 from Antioch were read out as canons 83 and 84. This numbering is an important piece of evidence of the existence of an official canonical collection, in which the canons were arranged in numerical sequence.⁹⁸

The Synod of Laodicea (before 380)

Editions: Joannou, CSP 130–55; Lauchert 72–79; Pitra, *Juris* 1.495–504; Pedalion 420–42; Rhalles-Potles 3.171–226; *Versiones*: ClavisG 8607.

Translations: English: NPNF 14. 123–34; *Rudder* 551–78; German: Hefele 1.746–77; French: Joannou, CSP 130–55.

Literature: G. Bardy, 'Laodicée (Concile et canons de)', DDC 6.338–43; Hefele-Leclercq *Histoire* 1.2, 989–1028; C. Nardi, 'Laodicea, Council of', EEC 472–73; Ohme, *Kanon* 402–6; Schneemelcher, 'Bibel III.' 22–48; Schwartz, 'Kanonensammlungen' 190–94; Zahn, *Geschichte* 193–202; BISA.

The synod of Laodicea in Phrygia, with its 59 or 60 canons,⁹⁹ was included in all old Greek canonical collections. It presents many almost insoluble puzzles concerning the dating and historical context.

A note was posted at the head of the text of the canons;¹⁰⁰ it informs us that the 'holy synod' which gathered in Laodicea in Phrygia Pacatiana, and whose participants were drawn from various provinces of the Asian (diocese) (ἐκ . . . τῆς Ἀσιανῆς), had issued the following decisions. There is no date on the note, and no synodal letter or any subscription list survived to explain why these canons appeared to be so important to the oldest collections.

The *lemma* found in Vienna, Österreichische Nationalbibliothek hist. gr. 7 (11th–12th century), 'Κανόνες νθ' τῆς ἐν Λαοδικεῖα τῆς Φρυγίας συνελθόντων μακαρίων πατέρων συνόδου ἐπὶ τοῦ μεγάλου θεοδοσίου', which Joannou adopted in his edition,¹⁰¹ and the assertion in the *Decretum Gratiani* (D.16 c. 11) that the canons had been passed by 22 bishops under the presidency of one 'Theodosius', are chronologically not precise. Theodoret was the first to

97. Cf. c. 21 with c. Serdica 1+2; c. 11 with c. Serdica 8; c. 6 with c. Serdica 16; see Hess, *Sardica* 212–13, 216–17, 222–23.

98. Cf. ACO 2.1 pp. 407, 459–60; see also 2.5 p. 51, 20.

99. In John Scholasticus c. 59 and 60 form c. 59 together.

100. Only Latin text in Joannou (= Dionysius Exiguus, ed. Strewé, 52); on the Greek text, cf. Benešević, *Syntagma* 267 and Lauchert. The note is found in all the Greek manuscripts.

101. Joannou, CSP 130.

mention the synod in his commentary on Colossians 2:18, written about 430. He referred to the ban on prayers to angels by the synod of Laodicea and used its c. 35 with its ban on the cult of angels.¹⁰² Theodoret's assertion is the *terminus ad quem*, and the partition of Phrygia, which is admittedly not precisely dated, into Phrygia Salutaris and Phrygia Pacatiana about 325 is the *terminus non ante*.¹⁰³

The decision of c. 7 concerning the return of heretics to the church, specifically of Novatians, Photinians, and Quartodecimans, without repetition of baptism, is surprising because of its mild treatment of the adherents of Photinus of Sirmium. He had often been condemned for his heretical doctrine of the Trinity, and he was deposed and banned in 351.¹⁰⁴ The mention of him provides a further piece of evidence for dating the synod, even though the Photinians are missing in the older Latin translations of the text.¹⁰⁵ A further temporal limit is drawn by the fact that the canons of Laodicea were already contained in the *corpus canonum* assembled under auspices of the homoians in Antioch before 379.¹⁰⁶ This dating is confirmed through internal evidence that takes into account the lack of decisions on 'lapsi', the extensive description of the forms of ecclesiastical organization, which indicates a time of peace, the mild treatment of sinners in c. 2, which contrasts with the strictness of the canons of Nicaea, and finally the liturgical references in canons 14 to 23 and 25 to 30.

The literary form of the 60 canons is surprising, since almost all consist of only a single brief sentence, giving the impression of a summary or a rubric. This practice also makes an impact on the style of the canons, since canons 1 to 19 begin with 'Περὶ τοῦ . . .' and canons 20 to 59 with 'Ὅτι οὐ δεῖ . ..'. Further, some canons are repeated in both of these stylistic forms, as is the case with the ban on marriage with heretics in canons 10 and 31, as well as the ban on visiting heretical cemeteries and places of martyrdom, in canons 9 and 34. Finally, canons 3, 4, 7, 8, and 20 are summaries of the Nicene canons 2, 17, 8, 19, and 18. Thus, it would be easy to assume that the canons of Laodicea are a comprehensive collection of the Phrygian canonical tradition, which possibly consisted of two successive synods in Laodicea.¹⁰⁷ E. Schwartz tried to explain the reception of the canons of Laodicea into the Greek *corpus canonum* through its stress

102. *Ad Coloss.* 2:18 (PG 82.614B, 620).

103. Cf. K. Belke and N. Mersich, *Phrygien und Pisidien, Tabula Imperii Byzantini* 7, ed. H. Hunger (Vienna 1990) 78.

104. Cf. G. Bardy, 'Photin de Sirmium', *DThC* 12.1532–36; B. Kotter, 'Photeinos', *LThK*³ 8.483.

105. Cf. Hefele *Concilien*, 1.753–54; my opinion is that this speaks for the historicity of the attribution, contrary to Hefele.

106. Cf. Schwartz, 'Kanonensammlungen' 190–94.

107. Thus in Joannou, *CSP* 128.

on the ranking of the clergy and its origins in the equally anti-Nicene diocese of Asia. 'The epitomized form can be explained by the fact that it had been transcribed to order'.¹⁰⁸

Alongside the canons on heresy mentioned above (7, 9, 10, 31), c. 8 prescribed rebaptism for Montanists. C. 6 forbade heretics to set foot in orthodox churches, and canons 32 and 33 forbade persons to accept *eulogiai* from heretics or to pray with them.

C. 1 allowed a second marriage with a small penance. C. 11 banned the installation of *presbytides*,¹⁰⁹ and c. 44 forbids women's access to the altar. No neophytes were to be received into the clergy (c. 3), and clerics were not to take usury (c. 4). Consecrations were not to be performed in the presence of the unbaptized (c. 5), the election of bishops pertained to the metropolitan and the bishops of the province (c. 12) and not to the people (c. 13).¹¹⁰ Bishops were obligated to attend synods (c. 40). Canons 56 and 58 regulated further the rights and duties of bishops, and c. 56 ordered the establishment of *periodeutes* in the place of *chorepiscopi*. Canons 20, 21, 22, and 43 dealt with regulations for deacons and subdeacons, canons 15 and 23 for lectors and cantors. C. 24 forbade the entire clergy from visiting taverns, canons 41 and 42 forbade travel by clerics without permission and a letter of the bishop. Canons 25 to 28 regulated liturgical rights and bans. Canons 29, 30, 36, 39, and 53 to 55 forbade the use of pagan or Jewish practices. Regulations on dealings with the consecrated elements of the eucharist (c. 14) and the ordering the divine service (canons 16 to 19) were also passed. Questions of the practice of baptism were decided by canons 45 to 48, rules for fasts by canons 49 to 52. Finally, c. 59 forbade the liturgical usage of 'private psalms' and uncanonical books. C. 60 named the canonical books of the Old and New Testaments; in the former, the books of *Judith*, *Tobias*, *Wisdom of Solomon*, *Wisdom of Jesus of Sirach*, and *Maccabees* were missing, and in the latter, only *Revelation*.

The Synod of Constantinople (381)

Editions: COGD 64–70; Joannou, CCO 45–48; Lauchert 84–87; Pitra, *Juris* 1.508–9; Pedalion 155–65; Rhalles-Potles 2.165–91; *Versiones*: ClavisG 8600.

Translations: English: L'Huilier, *Ancient Councils* 111–42; NPNF 14.171–86; Cummings, *Rudder* 202–20 and Tanner, *Decrees* 31–35; German: Wohlmuth, *Dekrete* 31–35; Ortiz de Urbina, 313–14; French: Joannou, CCO 45–48.

¹⁰⁸ Schwartz, 'Kanonensammlungen' 31–35, at 35.

¹⁰⁹ Cf. Bardy, DDC 6.340–41; N. Afanasiev, 'Presbytides or Female Presidents', *Women and the Priesthood*, ed. T. Hopko (New York 1983) 61–74.

¹¹⁰ Cf. J. Gaudemet, 'Note sur la transmission des canons 12 et 13 du Concile de Laodicée relatifs à la désignation des évêques', *Liber amicorum Monseigneur Onclin* (Gembloux 1976) 87–98.

Literature: G. Bardy, 'Constantinople, concile de (381)', DDC 4.424–28; P. Chrestou, 'The Ecumenical Character of the First Synod of Constantinople 381: The Reception of the Synod', *The Greek Orthodox Theological Review* 27 (1982) 359–74; E. Chrysos, 'Die Akten des Konzils von Konstantinopel I (381)', *Romanitas-Christianitas: Festschrift J. Straub zum 70. Geburtstag*, ed. G. Wirth, et al. (Berlin–New York 1982) 426–35; D. J. Constantelos, 'Toward the Convocation of the Second Ecumenical Synod', *The Greek Orthodox Theological Review* 27 (1982) 395–405; B. E. Daley, 'Position and Patronage in the Early Church: The Original Meaning of "Primacy of Honour"', *JTS N.S.* 44 (1993) 529–53; Hefele-Leclercq *Histoire* 2.1.1–48; C. Kannengiesser, 'Constantinople II, Councils', *EEC* 195–96; L'Huillier, *Ancient Councils* 101–42; Bernard Meunier, *Les premiers conciles de l'église: Un ministère d'unité* (Lyon 2003) 93–108; Ohme, *Kanon* 510–42; Ortiz de Urbina, 133–289 [German version] 231–35; *Le II^e Concile Œcuménique* (Études théologiques 2; Chambésy 1982); Ritter, *Konzil*; A. M. Ritter, 'Das II. ökumenische Konzil und seine Rezeption: Stand der Forschung', *Le II^e Concile Œcuménique* 43–62; A. M. Ritter, 'Konstantinopel. Ökumenische Synoden. I. ökumenische Synode von 381', *TRE* 19 (1991) 518–24; *COGD* 37–54; BISA.

Ordinarily, the Greek canonical collections attribute seven canons to the Second Ecumenical Council of Constantinople in 381. Of these, general consensus identifies canons 1 to 4 as authentic. This is because the old Latin translations in the *Prisca*, Dionysius Exiguus, Isidore, and the Codex of Lucca contain only these first four canons, which are taken from independent sources, since they divide the text differently.¹¹¹ Further, the early historians speak only of the first four canons.¹¹² Hence, canons 5 and 6 probably belong to the Constantinople synod of 382;¹¹³ c. 7, which is still missing in John Scholasticus and which contained a discussion of the practice of Constantinople for the return of heretics, appears to be an excerpt of a letter from the middle of the fifth century from the Patriarch Gennadius I of Constantinople to Martyrius of Antioch.¹¹⁴ All three canons were only later joined to the council of 381 in the manuscript tradition.¹¹⁵

Canons 1 to 4 constitute the actual decisions of the council which were presented to the Emperor Theodosius I for his confirmation at the final session on 9 July 381 by the bishops through the *Logos Prosphonetikos*,¹¹⁶ a

111. Cf. Hefele-Leclercq *Histoire* 2.1 18–19.

112. Socrates, *Historia ecclesiastica* 5.8 (ed. Hansen, GCS NF 1, 279–81); Sozomenus, *Historia ecclesiastica* 7.9 (ed. Bidez and Hansen, GCS NF 4, 311–13); Theodoret, *Historia ecclesiastica* 5.8 (ed. Parmentier and Scheidweiler, GCS 44, 287–89).

113. Cf. Joannou, *Die Ostkirchen* 272–81; S. Gerber, *Theodor von Mopsuestia und das Nicänum: Studien zu den katechetischen Homilien* (Supplement to *Vigiliae Christianae* 51; Leiden-Boston-Cologne 2000) 143–44.

114. See below, 000.

115. This historical discovery has not yet been accepted in Orthodox theology. Cf. P. Rhodopoulos, 'Primacy of Honor and Jurisdiction (Canons Two and Three of the Second Ecumenical Synod)', *Le II^e Concile* 378. V. Pheidias, in 'Les critères des décisions administratives du II^e Concile œcuménique', *Le II^e Concile* 385–98, knows the historical problem, but he still deals with canons 5 to 7 as canons of 381; also see Menevisoglou, *Ἱστορικὴ* 192–93.

116. Mansi 3.557; Benešević, *Syntagma* 94–95.

document which has survived. The emperor responded to this request for confirmation with his edict of 30 July 381.¹¹⁷ The Nicene–Constantinopolitan Creed, which current research attributes to this council, but whose role at the council is still disputed, together with a doctrinal tome, which has not survived, and can only be reconstructed using the synodal letter of the Constantinople synod of 382, are (in agreement with A. M. Ritter) not to be regarded as decisions of the council in the narrower sense.¹¹⁸

Any statements about the course of the council can only be based on a historical reconstruction, though one of high probability, since minutes not only do not survive but were probably never even kept.¹¹⁹ In keeping with Ritter's reconstruction, the composition of the four canons can be understood in the context of the council as follows.

The resolving of the question about the bishop of Constantinople after the opening of the council in May 381, with the election of Gregory of Nazianzus, ended the dispute involving the 'cynic' Maximus from Alexandria. He had been consecrated bishop of the imperial capital in 380 through a clandestine action supported by the Alexandrian bishop Peter. C. 4 declared that this election was invalid, as well as all of Maximus's consecrations and actions.¹²⁰ One must keep in mind this Alexandrian intervention into the affairs of the church of Constantinople to understand canons 2 and 3, which have the greatest historical importance among the canons of the council.¹²¹

Therefore, c. 2 forbade the bishops of an imperial diocese to intervene in the affairs of the bishops of another imperial diocese, to cross their boundaries without permission, or to undertake ordinations there. Specified were the five dioceses of the eastern half of the Empire: Aegyptus, Oriens, Asia, Pontus, and Thracia. This ruling would leave untouched the competence of provincial synods regulated in Nicaea (see above), as well as responsibilities for the missionary churches outside the boundaries of the empire. C. 3 directed that the bishop of Constantinople should have 'precedence in honor (πρεσβεία τῆς τιμῆς) (directly) behind the bishop of Rome', 'because this city is the new Rome'.

In this manner the reordering of the ecclesiastical structure continued, based on the foundation of the constitution of the Roman Empire. While the council of Nicaea (see above) had created ecclesiastical provinces (met-

117. *Codex Theodosianus* 16.1.3

118. Ritter, *Konzil* 132–209, 239–53; Ritter, 'Stand der Forschung' 48–52; COGD 64–70; for other positions, see these as well.

119. Chrysos, 'Die Akten'.

120. Cf. Ritter, *Konzil* 49–52.

121. Cf. Ritter, *Konzil* 85–96; Ritter, 'Stand der Forschung' 47–48; J. Meyendorff, 'The Council of 381 and the Primacy of Constantinople', *Le II^e Concile* 399–413;

ropolitan districts) beyond the episcopal 'parochia', which were geographically congruent with the civil provinces, the council at Constantinople established larger districts that conformed to the boundaries of the imperial dioceses and that encompassed a number of metropolitan districts. These districts were autonomous.

This was an important step toward the later Justinianic patriarchal order, although there is still no mention of patriarchs in this canon. The occasion for this reorganization was the experience that, since Nicaea, neither the emperor nor the various ecclesiastical parties had respected the rights and authority of provincial synods or metropolitans in the ecclesiastical disputes. Yet c. 2, and even more c. 3, could be interpreted as undermining the rights of the see of Alexandria, which traditionally had held second rank behind Rome and therefore the first rank in the East. Now, however, not only was the most important ally of the Roman Church in the East downgraded for the benefit of ecclesiastically traditionless Constantinople, but also the canons implied that even the precedence of Old Rome was only a 'precedence of honor' in analogy to the position of the imperial city and center of the *Imperium Romanum*. So, both canons were fateful steps toward the imperial church's conforming to the organization and administration of the empire.

In the final phase of the council the fathers must have turned to composing the doctrinal tome, which has been lost, as well as the dogmatic c. 1, which constituted a summary of the tome's doctrinal statements and anathemas.¹²² The canon restricted itself to confirming the 'faith of the 318 Fathers' of Nicaea and anathematizing the 'Eunomians or Anhomoeans, the Arians or Eudoxians, the Semi-Arians or Pneumatomachians, the Sabellians, the Marcellians, the Photinians, and the Apollinarians'.¹²³ The formulation of these dogmatic decisions were in addition to the doctrinal tome, and its loss can be understood only if c. 1 is meant as the doctrinal decision of the council.¹²⁴ Through these decisions, the council put an end to all the trinitarian conflicts of the fourth century, which had created in the church great confusion and distress for more than five decades.

One may speak of a general recognition of the synod of Constantinople of 381 as the Second Ecumenical Council only after the Council of Chalcedon in 451 (see below). Its status as an ecumenical council was supported—at least in the West—by recognition of the Nicene-Constantinopolitan creed (and hence implicitly of c. 1). However, c. 2 and especially c. 3 were

122. Ritter, *Konzil* 116–27; Ortiz de Urbina 234–39.

123. For these groups, see Hanson, *Search*.

124. Cf. Ohme, *Kanon* 510–28.

not generally accepted in the Western Church. Pope Leo the Great lodged a vigorous protest against c. 3,¹²⁵ and the council was not declared one of the four ecumenical councils until the time of Pope Hormisdas (514–23).¹²⁶ Even the final Roman reception by Gregory the Great in his *epistula synodica* of February 591 did not include c. 3, which certainly led him at the same time to reject all the canons of 381.¹²⁷ The Roman Church was only ready to accept c. 3 at the Fourth Lateran Council in 1215; that is, at a time when a Latin patriarch occupied the throne of Constantinople.¹²⁸

The Synod of Ephesus (431)

Editions: Joannou, CCO 57–65 (reprint Benešević, *Synogoga* see below); ACO 1.1–3, 27–28 (c. 1–6); 1.1–7, 105–6 (c. 7); 1.1–7, 122 (c. 8); Lauchert 87–88; Pitra, *Juris* 1.522–34; Rhalles-Potles 2.192–215; Pedalion 170–79; *Versiones*: ClavisG 8800; *Gesta*: ClavisG 8675–8802.

Translations: English: L'Huillier, *Ancient Councils* 154–79; Rudder 221–40; NPNF 14.225–42; German: P.-T. Camelot, *Ephèse et Chalcédoine* (Mainz 1963) 207–11; French: Joannou, CCO 57–65; A.-J. Festugière, *Ephèse et Chalcédoine. Actes des conciles* (Paris 1982).

Literature: L. Abramowski, COGD 73–80; G. Bardy, 'Éphèse (Concile de 431)', DDC 5.362–64; P.-T. Camelot, *Éphèse et Chalcédoine* (Paris 1962); German translation *Ephesus und Chalkedon* (Mainz 1963); Franca de Marini Avonzo, 'Codice Teodosiano e concilio di Efeso', *Dall'impero cristiano al medioevo: Studi sul diritto tardoantico*, ed. Franca de Marini Avonzo (Bibliotheca eruditorum = Internationale Bibliothek der Wissenschaften 24; Goldbach 2001) 65–82; A. Grillmeier, *Jesus der Christus im Glauben der Kirche* 1 (Freiburg 1979) 642–91; Hefele-Leclercq *Histoire* 2.1.330–42; Kaufhold, 'Väterlisten'; L'Huillier, *Ancient Councils* 143–79; J. Liebéart, 'Éphèse (Concile d')', DHGE 15.561–74; J. Liebéart, 'Ephesus, ökumenische Synode (431)', TRE 9 (1982) 753–55; Bernard Meunier, *Les premiers conciles de l'église: Un ministère d'unité* (Lyon 2003) 113–38; L. I. Scipioni, *Nestorio e il concilio di Efeso* (Studia patristica Mediolanensia 1; Milan 1974); M. Simonetti, 'Ephesus. II. Councils', EEC 275; BISA.

As a rule, Greek canonical collections preserve eight canons of the Third Ecumenical Council of 431 in Ephesus. These are, for the most part, decisions which the partial synod of the Cyrillian majority made at various sessions on varying questions.

On 19 November 430, Emperor Theodosius II called the council to meet the following Pentecost, 7 June 431, to settle the Christological controversy which had raged between the patriarchs of Constantinople and Alexandria, Nestorius and Cyril, since 428. In his *sacra* to the council,¹²⁹ he informed it that no other question than the dogmatic one was to be discussed there. It

125. Epp. 105, 106: ACO 2.4, pp. 58, 61.

126. Ep. 76, 4 (*Epistulae Romanorum Pontificum*, ed. Thiel [1868] 873).

127. *Epistulae* I Letter 25 (PL 77.478 = Jaffé, 1092).

128. Fourth Lateran Council, c.5, Mansi 22.990, *Conciliarum oecumenicorum decreta*, ed. G. Albergo, et al. (Bologna 1973) 236. Tanner 236. Antonio García y García, ed. *Constitutiones Concilii quarti Lateranensis una cum Commentariis glossatorum* (Monumenta iuris canonici, Series A: Corpus Glossatorum 2; Città del Vaticano: Biblioteca Apostolica Vaticana, 1981) 52.

129. ClavisG 8668.

was the responsibility of the imperial 'comes domesticorum', Candidianus, to oversee this and to see to it that the synod proceeded in good order. Imperial intentions were, however, subverted by a majority of 154 bishops under Cyril, Memnon of Ephesus, and Juvenal of Jerusalem, who opened the synod over the protests of Candidianus and 68 bishops on 22 June 431, even before the arrival of the bishops of the imperial diocese of Oriens led by John of Antioch. The synod was initiated as a trial against the absent Nestorius, and his deposition and excommunication were immediately ordered at the first session. This 'Ἀπόφασις' bears 197 signatures.¹³⁰ In the strictest sense the synod did not issue any dogmatic 'horos' nor a detailed description of the errors being condemned. One might see the confirmation of Cyril's so-called second letter to Nestorius¹³¹ as a dogmatic statement, which was accepted by 125 votes, as well as the rejection of Nestorius's second letter to Cyril¹³² by 35 votes.¹³³

As soon as John of Antioch arrived on 26 June, he held a synod with a minority of the bishops, in which the deposition and excommunication of Cyril and Memnon were proclaimed in a 'ψῆφος', but it excluded all who held communion with them.¹³⁴ By this act the synod was split. Contrary to the emperor's mandate (*sacra*) of 29 June to reopen the council in the presence of all bishops,¹³⁵ Cyril's majority held second and third sessions on 10 and 11 July, after the arrival of the papal legates.¹³⁶ In keeping with the directions of Pope Celestine, his legates approved the decision of 22 June with their signatures. On 16 and 17 July, the 'Cyrillians' held two further sessions in the presence of the legates, in order to respond to the depositions and excommunications by the synod of the 'Orientals'. These *actiones* 4 and 5 were trial proceedings against John of Antioch, leading to the deposition and excommunication of John and 33 other bishops.¹³⁷ The letters to the emperor and to the pope as well as the *epistula universalis*¹³⁸ of the majority synod are certainly to be attributed to the time of this *actio* 5.¹³⁹ The reason for this assumption is because this 'συνοδικὸν γράμμα', as it was named in the surviving address to the bishops of *Epirus vetus*,¹⁴⁰ 'to the bishops, priests, deacons and the entire people in every eparchy', listed

130. ACO 1.1-2, pp. 54, 16-28.

132. ClavisG 5669.

134. ClavisG 8691.

136. ClavisG 8710.

138. ClavisG 8718, 8719, 8717.

131. ClavisG 5304.

133. ACO 1.1-2, 13-35.

135. ClavisG 8696.

137. ACO 1.1.3, pp. 15-26.

139. The writing is not dated. R. Schieffer in the 'Index Auctorum der ACO' (4.3.1.523) lists the *Epistula generalis de decretis* only after *actio* VI and after the *Gesta de episcopis Cypris* and the *Gesta de episcopis Europae*, without attributing them to a specific session. Bardy, DDC 5.363 (without using the ACO) asserts the decree of 6 canons after the seventh session, as does Joannou, CCO 56. This temporal ordering is taken from Hefele *Concilien* 2.209 and Mansi 4.1469-73.

140. ACO 1.1.3, p. 70.

along with John the names of all 33 excommunicated and deposed bishops. In a second part, six specific rules were formulated on how to deal with adherents to Nestorius, and the synodal letter was concluded by a list of subscribers.

These six decisions, taken from the letter without alteration, constitute what is called canons 1 to 6 of the Council of Ephesus.¹⁴¹ In the synodal letter itself or in other parts of the conciliar acts, they are not described as canons. The first canon proclaimed the deposition and excommunication of all metropolitans who either attended the minority synod or who had approved or approve the Pelagian, Caelestius (c. 1). Here for the first time the Eastern and Western Church condemn Pelagianism.¹⁴² Bishops who maintained communion with 'apostasy' should be deposed (c. 2); clerics deposed by Nestorius were reinstated in their offices (c. 3). Clerics who were adherents of Nestorius or Caelestius were to be deposed (c. 4), and clerics uncanonically restored to office by Nestorius and his adherents were to remain deposed (c. 5). Finally, all efforts against the decisions of the synod would lead to deposition for clerics and excommunication for lay persons.

The acts of a further session are preserved in the *Collectio Atheniensis*, the so-called *actio* 6 of 22 July 431.¹⁴³ These acts are incomplete and were probably gathered after the fact by Cyril.¹⁴⁴ The emphasis in *actio* 6 is on the report of the priest and 'oikonomos' of the church of Philadelphia, Charisius, about a creed of Constantinopolitan origins circulating in Lydia. This creed was being presented to clerics for their signature, and it was also used when Quartodecimans and Novatians were received back. Charisius had resisted signing it and had been excommunicated. Yet the creed was, in his view, heretical and Nestorian but that the council should decide. The decision on this constitutes c. 7 in the canonical collections,¹⁴⁵ though it does not appear as a canon in the acts. It decrees the sole use of the *pistis* of the Nicene Fathers, the formula of 325, and directs that anyone using the *ekthesis* cited by Charisius would lie under the 'ἀπόφασις' of the synod, hence under the 6 decisions already described.

141. It is at least misleading to state, 'Après ce décret général viennent les six canons suivants' (Hefele-Leclercq *Histoire* 2.1, 337); but Hefele was already imprecise here, cf. 2.209.

142. Cf. J. Speigl, 'Der Pelagianismus auf dem Konzil zu Ephesus', *AHC* 1 (1969) 1–14; M. Lambrechts, 'Les évêques pélagiens déposés: Nestorius et Ephèse', *Augustiniana* 35 (1985) 264–280.

143. On the collection of the acts of the council, cf. Liebaert, *DHGE* 15.561ff. For the *actio*, cf. *ClavisG* 8721.

144. Cf. *ACO* 1.1.4, pp. xviii–xix; 1.1.8 p. 10.

145. *Col. Athen.* 77 = *ACO* 1.1–7, pp. 105–6; τοῦτων τοίνυν ἀναγνωσθέντων ὤρισεν ἡ ἅγια σύνοδος . . . On the decision, cf. M. Jugie, 'Le décret du concile d'Ephèse sur les formules de foi et la polémique anticatholiques en Orient', *Échos d'Orient* 30 (1931) 257–70; S. Gerber, *Theodor von Mopsuestia und das Nizänum: Studien zu den katechetischen Homilien* (Supplement to *Vigiliae Christianae* 51; Leiden-Boston-Cologne 2000) 273–75; *COGD* 76.

Collectio Atheniensis 81 preserves the protocol of *actio* 7 of the council, which constitutes the basis for the autocephaly of the Church of Cyprus.¹⁴⁶ The dating in *actio* 7, 31 August, was a scribal error for 31 July.¹⁴⁷ A petition (*libellos*) was read out from the Cypriot metropolitan Rheginus of Constantia, who was present with two other Cypriot bishops. The petition protested against the ban pronounced by the proconsul of Antioch, Dionysius, against the synod of Cyprus's filling the vacant metropolitan see of Constantia before the synod in Ephesus had decided whether this right pertained to the metropolitan of Antioch. Behind this lay a long history of efforts by the bishops of Antioch to assure themselves of superior metropolitan rights over the island of Cyprus. The Cypriots had ignored the proconsul's ban, and they elected Rheginus and asserted their traditional rights. The synod decided, on the basis of customary law established by the Nicene canons 4 and 6, that the synod of Cyprus might henceforth install their own bishops. This decision, which is entered in the canonical collections as c. 8, ends the minutes and is not even designated there as a canon.¹⁴⁸

Between the *gesta* of *actio* 6 and the *gesta de episcopis Cypriis*, the *Collectio Atheniensis* preserves a resolution by the synod as well as two further decisions after the Cypriot affair that were not received into canonical collections, but which barely differ in form or content from the others. All three decisions are undated. The first is a *horos* against 'Messalians or Euchites'¹⁴⁹ and regulated their return to the church on the basis of a synodal decision of Constantinople for Pamphylia and Lykaonia as well as on Alexandrian practice. According to it, clerics might remain in office if they condemned their own errors. Laymen were also admitted to communion under the same conditions. In contrary cases, clerics were to be deposed and excommunicated, and lay persons excommunicated. No Messalian was permitted to enter a monastery, and one of their writings, entitled *Asketikon*, was condemned.

The second decision is also the *horos* to a petition (*libellos*) of two bishops of the province of Europa.¹⁵⁰ Euprepius of Bizye and Arkadiopolis and Cyril of Koila and Kallipolis expressed their anxiety that their metropolitan, Phritilas of Herakleia, the partisan of John of Antioch, was seeking to isolate them by trying to install new bishops for cities under them. The synod was to confirm the customary law of several *poleis* belonging to their sees, as was the general norm in Europe. The synod approved this request.

146. ClavisG 8744.

148. ACO I.1.7, p. 122.1–22, 'Ἡ ἀγία σύνοδος . . .

149. ClavisG 8746.

147. Cf. Hefele-Leclercq 2.1 p. 334.

150. ClavisG 8745.

The third text was a letter to the eparchial synod of Pamphylia¹⁵¹ on the matter of Bishop Eustathius, who had resigned his office but, with the agreement of his successor, asked to remain nominally as bishop. The synod ruled that he could retain the *ὄνομα, τιμὴ, and κοινωνία* of his episcopal position but could act as a bishop only with the approval of his successor.¹⁵²

It is surprising that the 8 texts that later entered Greek canonical collections were never designated as 'canons' in the conciliar minutes. Even Socrates, whose report on the council of Ephesus is remarkably short for a contemporary, mentioned no canons.¹⁵³ The oldest known Greek canonical collections also appear not to have received the canons of Ephesus. So, for example, they do not appear in the Syrian translation of the Greek corpus of 500–501 in Hieropolis-Mabbug (= British Library addit. 14528), although six canons of Chalcedon are found there.¹⁵⁴ Dionysius Exiguus also knew nothing about them, so that he must have used a Greek model without these canons. The oldest Latin translation was taken from a translation of conciliar acts by the deacon Rusticus in the third quarter of the sixth century.¹⁵⁵ It is not a matter of a translation of canons but rather of the conciliar acts. These canons had obviously not yet entered Latin canonical collections.

The Ephesian decisions became valid as 'canons' only in the *Synogoge* of John Scholasticus in the middle of the sixth century. Yet their number and order was for a long time diverse, so that in the foreword to the *Synogoge*, 7, 6, and 8 canons are attributed to the synod of Ephesus in the manuscripts.¹⁵⁶ The canons themselves are distributed into *titloi* 37, 38, 1, and 47. The decision on Cyprus cited in title 1 was designated as c. 6, but many manuscripts also list it as c. 7 or 8.¹⁵⁷ In 545, when Emperor Justinian in his Novella 131.1 declared the canons of the ecumenical synods equal to laws, the canons of Ephesus were included.

The Synod of Chalcedon (451)

Sources: COGD (canons 1–28) 138–51; canons 1 to 27: ACO 2.1.2, 158–63 (354–59) (*actio* 7; c. 28: ACO 2.1.3, 88 (447) 28–94 (453), 32 (*actio* 17); c. 29: ACO 2.1.3, 108.11–21; 108.31–109.6; c. 30: ACO 2.1.2, 114.2–18; Joannou, CCO 69–97 (reprint Benešević, *Synagoga* [canons 1 to 27]; Lauchert 89–97; Pitra, *Juris* 1.522–36; Rhalles-Potles 2.216–91; Pedalion 185–211; *Versiones*: ClavisG 9008, 9018, 9015.

151. ClavisG 8747. In some canonical collections it was placed after c. 8 (cf. Ralles-Potles 2.206ff.; Pedalion 178–79) and later even designated as 'c. 9' (cf. Menevisoglou, *Ιστορική* 224–25).

152. ACO 1.1.7, p. 124.20: ὠρίσασμεν . . .

153. *Historia ecclesiastica* 7.34 (ed. Hansen, GCS NF 1, 382–84).

154. Cf. Schwartz, 'Kanonensammlungen' 163–64.

155. Cf. ACO 1.1.4, pp. vii–xvi.

156. Cf. Benešević, *Synagoga* 6.

157. Cf. Benešević, *Synagoga* 33.

Translations: English: L'Huillier, *Ancient Councils* 206–328; NPNF 14.267–88; Tanner 87–103; *The Acts of the Council of Chalcedon*, translated with introduction and notes by Richard Price and Michael Gaddis (Translated Texts for Historians 45; Liverpool 2005). German: Wohlmuth 87–103; French: A.-J. Festugière, *Actes du Concile de Chalcedoine sessions III–VI*, Genf 1983; Joannou, CCO 69–97; Hefele-Leclercq *Histoire* 2.2.649–847, 767–828, 929–44.

Literature: G. Bardy, 'Chalcédoine (Concile de)', DDC 3.287–92; Camelot, *Éphèse et Chalcedoine*; E. Chrysos, 'Der sog. 28. Kanon von Chalcedon in der "Collectio Prisca"', AHC 7 (1975) 109–17; B. E. Daley, 'Position and patronage in the early church. The original meaning of "primacy of honour"', JTS N.S. 44 (1993) 529–53; R. Delmaire, 'Les dignitaires laïcs au concile de Chalcedoine', *Byzantion* 54 (1984) 141–75; *Das Konzil von Chalcedon: Geschichte und Gegenwart*, ed. Aloys Grillmeier and Heinrich Bacht (3 vols. Würzburg 1951–54; 5th ed. Würzburg 1979) 3.825–65; A. de Halleux, 'Le décret chalcédoine sur les prérogatives de la Nouvelle Rome', *ETHL* 64 (1988) 288–323; André de Halleux, 'Le vingt-huitième canon de Chalcedoine', *Papers presented to the Tenth International Conference on Patristic Studies held in Oxford, 1987: Historica*, ed. Elizabeth A. Livingstone (5 vols. *Studia Patristica* 19–23; Leuven 1989) 1.28–36; André de Halleux, 'Les deux Rome dans la définition de Chalcedoine sur les prérogatives du siège de Constantinople', *Anaphora eis mnemen Metropolitou Sardeon Maximou* 2 (1989) 89–104; Hefele-Leclercq *Histoire* 2.2.649–847, 767–844; E. Herman, 'Chalcedon und die Ausgestaltung des konstantinopolitanischen Primates', *Das Konzil von Chalcedon* 2.459–90; St. O. Horn, *Petrou Kathedra* (Paderborn 1982); P. L'Huillier, 'Le décret du concile de Chalcedoine sur les prérogatives du siège de la très sainte église de Constantinople', *Messenger de l'Exarchat du Patriarcat russe en Europe Occidentale* 27 (1979) 33–69; L'Huillier, *Ancient Councils* 181–328; P. L'Huillier, 'Un aspect estompé du 28e canon de Chalcedoine', *Revue de droit canonique* 29 (1979) 12–22; Kaufhold, 'Väterlisten'; Thomas O. Martin, 'The Twenty-Eighth Canon of Chalcedon: A Background Note', *Das Konzil von Chalcedon* 2.433–58; Bernard Meunier, *Les premiers conciles de l'église: Un ministère d'unité* (Lyon 2003) 151–82; E. Schwartz, *Der sechste nicaeanische Kanon auf der Synode von Chalcedon* (Sitzungsberichten der Preußischen Akademie der Wissenschaften, Phil.-hist. Klasse 27; Berlin 1930) 611–40; E. Schwartz, *Aus den Akten des Konzils von Chalcedon* (Abhandlungen der Bayerischen Akademie der Wissenschaften, Phil.-philolog.-hist. Klasse 32.2; Munich 1925); M. Simonetti, 'Chalcedon. II. Council', EEC 159; L. Ueding, 'Die Kanones von Chalcedon in ihrer Bedeutung für Mönchtum und Klerus', *Das Konzil von Chalcedon* 2.569–676; W. de Vries, 'Die Struktur der Kirche gemäß dem Konzil von Chalcedon', OCP 35 (1969) 63–122; L. R. Wickham, 'Chalcedon', TRE 7 (1981) 668–75; BISA.

With his *sacra* of May 451,¹⁵⁸ Emperor Marcian called a synod for 1 September 451 in Nicaea to bring ecclesiastical concord to the dogmatic question of the unification of the divine and human in Jesus Christ. The conflict, underway since the dispute over Nestorius and the synod of Ephesus in 431, had broken out into an open struggle during the proceedings against the Archimandrite Eutyches (from 8 to 22 November 448) and his rehabilitation at the Ephesian 'Robbers' Council' (8 to 22 August 449) by Dioscorus of Alexandria and Juvenal of Jerusalem. The Fourth Ecumenical Council was finally transferred from Nicaea to Chalcedon, in the immediate vicinity of the capital, and opened on 8 October 451. By its sixth session, on

158. ClavisG 8981, 8982.

25 October, it came to an agreement on the dogmatic question under the leadership of five legates of Pope Leo but especially under the leadership of 19 leading imperial officials.¹⁵⁹ The result of this agreement was the formulation of a doctrinal definition (*horos*),¹⁶⁰ which preceded the deposition of Dioscorus and the annulment of the decisions of Ephesus of 449.

At the sixth session,¹⁶¹ the doctrinal formula was confirmed by the emperor and endorsed by 452 bishops¹⁶² in his presence and in the presence of his wife, Pulcheria. At the end of the session Marcian asked the bishops not to leave Constantinople before all of the pending questions had been resolved.¹⁶³ These questions were exclusively of a canonical nature and would occupy the council for one more week. The emperor had already told the members of the synod that he expected the resolution of three questions, since their regulation had to proceed 'κανονικῶς' and not through secular laws.¹⁶⁴ For this purpose he had three pre-formulated *kephalaia* read out to the bishops at once.¹⁶⁵ They were adopted in modified form as canons 4, 3, and 20 among the Chalcedonian canons.

In the edition of the acts of Chalcedon by E. Schwartz,¹⁶⁶ the material of the Greek minutes have been distributed into 17 *actiones*.¹⁶⁷ This order goes back to the official first edition of the Greek acts prepared soon after 451, which is followed by the oldest of the three Latin translations, the so-called *Versio antiqua*. In this edition, it is clear that substantive topics took precedence over chronological order.¹⁶⁸ E. Chrysos has particularly questioned the order of the canonical *actiones* 7 to 17 with detailed arguments.¹⁶⁹ In keeping with the order of the Greek acts, the 27 canons of the council follow immediately on the order of the emperor already mentioned in what is called *actio* 7 on the same day (25 October).¹⁷⁰ It is in fact a surprise that this *actio* 7 consists only of the words of the 27 canons without any description of the proceedings.¹⁷¹ In addition, with the close connection of

159. Among them was the *magister militum* (supreme commander of the military), the *praefectus praetorio Orientis* (supreme civil official in the eastern Imperial dioceses of Aegyptus, Oriens, Pontus, Asia, and Thracia) and the *praefectus urbis Constantinopolitanae*; cf. *actio* I.2.

160. *Actio* V.30–34; ClavisG 9005.

161. ClavisG 9007.

162. *Actio* VI.9; the Latin text has 449 signatures.

163. *Actio* VI.23.

164. *Actio* VI.16.

165. *Actio* VI.17–19.

166. ACO 2.1–6; cf. TRE 7.674–75.

167. ClavisG 9000–9020.

168. The principle of organization was clearly (1) the annulling of the Ephesian synod of 449 and the deposing of Dioscorus; (2) dogma and canons; (3) episcopal legal questions. For this reason E. Schwartz already reversed the order of *actio* II and III; cf. ACO II 1, 3, xxii.

169. E. Chrysos, 'Η διάταξις τῶν συνεδριῶν τῆς ἐν Χαλκηδόνι οἰκουμηνικῆς συνόδου', *Kleronomia* 3 (1971) 259–84.

170. According to the Latin *Versio antiqua a Rustico correctata*, the canons only belong to *actio* XV of 31 October, standing after the session on the case of the bishop of Perre and before the acts on the jurisdiction of Constantinople. Cf. Hefele-Leclercq *Histoire* 2.2 767ff.

171. ClavisG 9008; ACO 2.1.2, pp. 158–63 (354–59).

the canons to the formal session of 25 October and the promulgation of the dogmatic *horos*, it is difficult to understand why the emperor presented the three *kephalaia* and did not pass immediately to the promulgation of the canons. Yet the synod did not adopt the three *kephalaia* moved by the emperor without modification, but rather added to them, altered them, and passed them on their own.¹⁷² This took time, so that it was impossible to pass the canons immediately in keeping with the emperor's desire. Marcian had also referred to the synod a number of pending disputes in which the persons had appealed to the emperor. It would only be logical, once the synod had resolved the disputes and the 'negotia privata', to move to the presentation of general rules as can be seen in the unusual opening formula of canons 3, 12, 19, and 23, 'ἦλθεν εἰς τὴν ἁγίαν σύνοδον ὅτι . . . ' and similar. It appears mandatory, then, to place the promulgation of the canons after *actio* 15, on 30 or 31 October. Then discussions took place about the so-called c. 28.¹⁷³

The Greek acts of *actio* 8 of 26 October bring an end to the debates between Maximus of Antioch and Juvenal of Jerusalem on the region of jurisdiction between the two thrones.¹⁷⁴ The two of them presented to the synod an agreement they had negotiated on 23 October,¹⁷⁵ which was unanimously approved by the synod and which was entered into the acts by the imperial commissioners as synodal 'ἀπόφασις' and 'ψῆφος' with validity for all time.¹⁷⁶ Henceforth, only the provinces of Phoenicia I and II and Arabia would be subject to the see of Antioch, while the provinces of Palestina I to III were placed under the jurisdiction of the bishop of Jerusalem. There was no more talk about the rights of the metropolitan of Caesarea in Palestine, which had still been expressly defended in c. 7 of Nicaea. With that, Juvenal had achieved the goal of autonomy for Jerusalem that he had been pursuing since Ephesus in 431. The decision of *actio* 8 could be said to be the foundational charter of the patriarchate of Jerusalem.

In the course of *actio* 9 (also on 26 October), the case of Theodoret of Cyrrhus was given a legally clear decision.¹⁷⁷ Although his deposition by Dioscorus in 449 had been rendered null and void when the acts of the 'Robbers' Council' had been annulled, and he had taken a seat and had a

172. Ueding, 'Bedeutung' 602–9, offers a precise comparison of 'kephalaia' 1 and 2 with canons 4 and 3. On the content, see below, n. 197.

173. On that in detail, see p. 000 at n. 205.

174. ClavisG 9007; according to the *Versio antiqua a Rustico correcta: actio* VIII; on the following, cf. Schwartz, 'Aus den Akten' 4–7, 29–40, 43–46.

175. ClavisG 9006; Schwartz, 'Aus den Akten' 45–46.

176. *Actio* VIII 3.17.

177. ClavisG 9010.

vote as one of the synod participants at the first session, but his participation had been accompanied by loud protests of the Palestinians, Egyptians, and Illyrians.¹⁷⁸ The council proceeded to order his reinstatement as bishop of Cyrrhus after he anathematized Nestorius.¹⁷⁹

The tenth and eleventh sessions on 26 and 27 October settled the case of Bishop Ibas of Edessa.¹⁸⁰ During these sessions the records of the proceedings held against him in Tyre and Berytus were read out, though the use of the proceedings of the *Latrocinium* was rejected. Ibas was rehabilitated, the orthodoxy of his letter to Maris was confirmed by the Roman legate,¹⁸¹ and his reinstatement as bishop of Edessa was ordered after he had also explicitly anathematized Nestorius.¹⁸²

In *actiones* 12 and 13 on 29 and 30 October, the legal dispute between the two bishops of Ephesus, Bassianus and Stephanus, was debated and both were ordered to be deposed.¹⁸³

The dispute between the metropolitan of Bithynia, Eunomius of Nicomedia, and the bishop of Nicaea was recorded in *actio* 14 on 30 October.¹⁸⁴ The reason for this was the earlier elevation of Nicaea, which was ecclesiastically a suffragan of Nicomedia, to a (secular) metropolis by the emperors Valentinian and Valens, which led the bishop of Nicaea to make ecclesiastical claims on behalf of his see. The council restricted the ecclesiastical rights of Nicaea and confirmed the metropolitan rights of Nicomedia. This decision was recorded in general terms in c. 12 (see below).¹⁸⁵

Actio 15 of 31 October dealt with the effort of Bishop Sabinianus of Perre,¹⁸⁶ deposed at Ephesus in 449, to obtain reinstatement. They did not come to a decision on this matter but referred it to Maximus of Antioch and asked that it be settled within 8 months.

The 27 canons of the council, under the title, 'Ὅροι ἐκκλησιαστικοὶ ἐκφωνηθέντες παρὰ τῆς ἁγίας καὶ οἰκουμένης συνόδου τῆς ἐν Χαλκεδόνι συναχθείσης',¹⁸⁷ produced a plethora of new decisions on questions about discipline of the clergy and of monasticism, about the episcopal office, and about the structure of the church. At the head of the collection is a confirmation of all synodal canons enacted until then (c. 1).

The canons on monasticism have special importance, since monasti-

178. *Actio* I 25–46.

180. *ClavisG* 9011, 9013.

182. *Actio* XI 180.

183. *ClavisG* 9014, 9016; cf. on this Hefele-Leclercq 2.2 pp. 755–61.

184. *ClavisG* 9017; cf. Hefele-Leclercq 2.2 pp. 761ff.

185. These honorary metropolises would become the autocephalic archbishops of the next century. Cf. on this E. Chrysos, 'Zur Entstehung der Institution der autokephalen Erzbistümer', *BZ* 62 (1969) 263–86.

186. *ClavisG* 9019.

179. *Actio* IX 13.

181. *Actio* XI 161.

187. *ACO* 2.1.2, p. 354.

cism was given a legal standing as an institution and was integrated into the church.¹⁸⁸ C. 4 is fundamental; it placed monasteries under the control of bishops, without whose approval no monastery could even be founded. The monastery was to be the sole place where the monastic life was to be practiced, which was defined as *hesychia*, fasting, and prayer. Without the permission of the bishop, the monk was not allowed to leave the monastery. Monks were to intervene neither in ecclesiastical nor in public matters.¹⁸⁹ The demand for constancy and steadfastness is doubled, first by the ban on secularizing established houses and their property (c. 24), second by the threat to excommunicate virgins and monks who break their vows of voluntary celibacy (c. 16). An entire series of canons treated monks and clergy together. Hence c. 3 banned them from participating in any enterprise to make a profit,¹⁹⁰ and c. 7 banned them from accepting worldly office or exercising any military service. All clerics in charitable establishments, monasteries, or *martyria* were placed under bishops (c. 8), and any conspiracy against bishops was threatened with the penalty of deposition (c. 18). C. 23 sharpened the residency requirement once more for both clerical groups, particularly forbidding them to live in Constantinople without permission.

The following regulations dealt with the discipline and order of the clerical estate, including the bishops: c. 5 confirmed previous canons on the theme of translation, threatening the non-observant with excommunication (c. 20).¹⁹¹ C. 6 forbade absolute ordination (ordination must be connected to a particular church), and c. 10 forbade the possibility of being ordained to two churches. Canons 11 and 13 regulated the necessity and distinction of letters of recommendation and peace. Lectors and cantors were forbidden to marry heterodox wives (c. 14). Consecration as deaconess was to be bestowed on women only after the age of 40 (c. 15), and the estates of deceased bishops was protected against clerical claimants (c. 22). Complaints against bishops and clerics demanded that the reputation of the plaintiff be investigated (c. 21).

The following canons dealt with the office of the bishop and his duties: any practice of simony is punished with deposition (c. 2). Lobbying at court to have a metropolitan district divided in order to create new *metropoleis* is also punished with deposition, and *metropoleis* already created this way are declared 'honorary *metropoleis*' (c. 12). Rural parishes should remain under the control of the bishop under whose jurisdiction they had been during the

188. On this particularly, cf. Ueding, 'Bedeutung'.

189. C.4 is taken extensively from the emperor's *Kephalaion* 1.

190. This decision as well goes back to a proposal of the emperor (*Kephalaion* 2) see above.

191. This decision is taken from the emperor's *Kephalaion* 3.

previous thirty years (c. 17). The duty of holding a provincial synod twice a year was reinforced (c. 19). Metropolitans had to complete the consecration of suffragans presented to them (c. 25) within three months, and every bishop had to transfer the financial administration to his *oikonomos* (c. 26).

It is clear that the immediate experiences and conflicts of the previous years are in the background of many of these canons: the disputes with Eutyches and his monks in Constantinople, the rabble-rousing of Syrian monks by Barsaumas and his intervention in the *Latrocinium*, the intrigue of clergy from Edessa against Ibas, as well as the struggles between Nicaea and Nicomedia, or between Tyre and Berytus.¹⁹²

Two further canons that regulated appeals of ecclesiastical cases constituted the bishop of Constantinople as the highest court of appeal and brought him into competition with the 'exarchs' of the imperial dioceses. This led to the legal establishment of the primacy of the see of Constantinople before the battle erupted over the so-called c. 28 at Chalcedon. Thus, c. 9 specified that conflicts between clerics fall under the jurisdiction of the bishop, to the exclusion of all secular courts. In proceedings between clerics and bishops, the proper court is the provincial synod, but in proceedings against metropolitans it can be either the *exarchos* of the diocese or the bishop of the capital city. C. 17 already applied this canon to a conflict over the jurisdictional subjection of rural congregations (see above). Hence, the archbishop of Constantinople received the right to take the place of the 'exarchs' of the three dioceses surrounding the capital city, Pontus, Asia, and Thracia (the metropolitans of Caesarea in Cappadocia, Ephesus, and Heraclea), and to judge cases appealed from their courts, if the appellants turn to him.¹⁹³ This regulation offered, along with the so-called c. 28, a consistent general picture that the church had taken an essential step in the direction of a patriarchal constitution.

The Greek acts contain as *actio* 17 the minutes from a session on 30 October on the privileges of the archbishop of Constantinople.¹⁹⁴ The substance of these minutes consisted of the reading out of a resolution on this matter passed by a synodal session of the previous day, the so-called c. 28, with a subscription list of 185 bishops, who brought proxies for 23 more bishops.¹⁹⁵

The resolution passed the following decisions: confirming c. 3 of the

192. Cf. Schwartz, 'Aus den Akten' 3–4.

193. A wider interpretation possible from the phrasing of the canon to include the exarchs of the dioceses of Oriens and Aegyptus, hence the archbishops of Antioch and Alexandria, can certainly be characterized as improbable. This position is, however, represented in the Roman Catholic literature, cf. Herman, 'Ausgestaltung' 474–77.

194. ClavisG 9018; on the rest, cf. Schwartz, 'Der sechste nicaenische Kanon' 611–40; Martin, 'Twenty-Eighth Canon'; Herman, 'Ausgestaltung'.

195. ClavisG 9015.

Council of Constantinople (381),¹⁹⁶ that the see of Constantinople–New Rome should receive the same privileges (τὰ ἴσα πρεσβεῖα) as those accruing to Old Rome and that Constantinople should hold the second rank after Rome. The justification for the precedence of both thrones is the fact that both cities are imperial residences and seats of the Senate. The ecclesiastical rank of both cities should correspond to their secular ranks. Further, in the future the metropolitans of the imperial dioceses of Pontus, Asia, and Thracia as well as bishops residing outside imperial territory should be consecrated by the patriarch of Constantinople. The suffragans in the named dioceses should henceforth only be consecrated by the metropolitans together with all eparchial bishops, after the archbishop of Constantinople had been informed of the election.

In this way the exarchs of the dioceses named were deprived of their traditional rights. In any case, it appears that this canon only confirmed what had long been the practice.¹⁹⁷ Yet the bishops of these dioceses resisted the implementation of the new law (see below). The patriarch of Constantinople obtained a jurisdictional district equal to that of old Rome, Alexandria, Antioch, and recently Jerusalem. Beyond that, Constantinople was to have a position of primacy in the East that was comparable to that of Rome in the West. This constitutional development in the church followed the structural logic of the secular state: with two emperors, two capitals, and two senates, the church would now have two heads.

It is surprising that the first reading of the resolution was not taken into the minutes,¹⁹⁸ and hence was not counted as a session. Further, the first reading appears not to have led to a final clarification, since a further session was needed on the following day for the same set of problems. E. Chrysos has convincingly shown that these minutes probably had been removed from the first edition of the Greek minutes because it included the votes of opponents and their arguments.¹⁹⁹ These are still discernible in the minutes of *actio* 17 with the protests of Eusebius of Ankara and Thalassus of Caesarea.²⁰⁰ Further, there must have been other Pontic bishops, so that many more synodal participants were present than the 185 in the subscription list.²⁰¹

The papal legates certainly refused cooperation from the outset, on the grounds that they had no instructions.²⁰² Beyond this there was the

196. See above, 51. There it still says τὰ πρεσβεῖα τῆς τιμῆς!

197. Cf. Herman, 'Ausgestaltung' 472.

198. ClavisG 9015.

199. Chrysos, 'Ἡ διάταξις' 275–82.

200. *Actio* XVII 35–42.

201. This number is often incorrectly cited as the number of participants; cf. for example, Herman, 'Ausgestaltung' 463.

202. ACO 2.1.3, p. 447.18–19.

legal necessity of carrying out a voting procedure (ψηφος) that implied a discussion of substance. This is the only possible explanation for the fact that, together with the planned resolution, the minutes contained a subscription list as the result of a 'ψηφος'. In keeping with that, this resolution was described by the bishops as a 'ψηφος',²⁰³ never as a 'canon'.

Chrysos had plausibly explained that *actio* 16 contained in the Greek minutes, with the reading of the letter of Pope Leo to the synod, is bogus.²⁰⁴ The virtually unexplainable reading of this letter only at the end of the council and in a session held for it alone becomes comprehensible if one assumes that this letter stands in the place of the first reading of c. 28, with Leo's demand that the synod assure the canons and rights of the bishops after the restoration of ecclesiastical peace,²⁰⁵ which was to witness the legitimacy of the proceedings that established the primacy of Constantinople, even against the position of the papal legates. Thus, the absence of *actio* 16 in the entire Latin tradition can be explained. According to this, the first reading of c. 28 was to be put in the place of *actio* 16, and *actio* 17 was to be dated on 1 November.

However, the papal legates now declared the entire resolution to be null and void, and they had their objections registered in the minutes.²⁰⁶ The synod then turned to Pope Leo in its *epistula synodica* and asked him to approve this 'ψηφος'.²⁰⁷ The same was done by the emperor and Anatolius of Constantinople, who even described the decision as a restriction of his earlier rights.²⁰⁸ Leo refused his approval in letters to Marcian, Pulcheria, and Anatolius,²⁰⁹ as well as in his answer to the bishops.²¹⁰ Anything in opposition to the canons of Nicaea was not acceptable; c. 6 of Nicaea had established a definitive ranking: Rome, Alexandria, Antioch.²¹¹ Anatolius appeared to be satisfied with that,²¹² though his approval did not alter the

203. ACO 2.1.3, pp. 458.10ff.

204. Chrysos, "Ἡ διάταξις" 272–75. *Actio* 16: ClavisG 9020. Letter: ClavisG 8993.

205. ACO 2.4, pp. 51–53.

206. *Actio* XVII, 45.

207. ClavisG 9022; ACO 2.1.3, p. 477.7–8.

208. ClavisG 9026; ACO 2.1.2, p. 250.2–6; one may only understand this statement together with a comment of the archdeacon of Constantinople and first secretary of the synod, Aetius, at the fourteenth session (ACO 2.1, p. 421.17–25), to mean that Constantinople originally wished to claim the right to consecrate the entire episcopate of the dioceses in question, but that it had to retrench during discussions of the omitted first reading. Cf. Chrysos, "Ἡ διάταξις" 278–79.

209. ClavisG 9031–33; Jaffé 481–83.

210. ClavisG 9047; Jaffé 490.

211. This thesis is based solely on the Latin tradition of c. 6 falsified in Rome, which begins without any basis in the original: *Quod Ecclesia Romana semper habuit primum*; cf. Schwartz, 'Der sechste nicänische Kanon' 627–640.

212. ClavisG (9065) = 5959, ACO 2.4, pp. 168–69 = PL 54.1082–83 (1084A). On the pope's attitude to the Council of Chalcedon, cf. F. Hoffmann, 'Der Kampf der Päpste um Konzil und Dogma von Chalcedon von Leo dem Großen bis Hormisdas (451–519)', *Das Konzil von Chalcedon* 2.13–94.

de facto primacy of Constantinople in the East and did not change Constantinople's exercise of its rights.

In keeping with this result, only 27 canons were attributed to the council of Chalcedon even in the East until the second half of the sixth century. John Scholasticus in his *Synogoga L titulorum* around 550 documented only 27 canons.²¹³ Finally, canon 28 was included in the *Syntagma XIV titulorum*,²¹⁴ together with two further decisions. All three were admittedly not designated as 'canons'.²¹⁵ They consisted of excerpts from the minutes of the session on the affair of Photius of Tyre and Eustathius of Berytus,²¹⁶ as well as material from *actio* 4. One of the texts established the impossibility (sacrilege) of demoting a bishop to a priest and the other described the reluctance of Egyptian bishops to take a binding dogmatic position without the instruction of the archbishop of Alexandria, who still had to be elected. All 30 canons have been included in Byzantine ecclesiastical law ever since.

The Synod of Serdica (342)

Editions: EOMIA 1.2.442–560; Joannou, CSP 159–189; Lauchert 51–72; Pitra, *Juris* 1.468–483; Rhalles-Potles 3.227–85; Pedalion 443–61; *Versiones*: ClavisG 8570.

Translations: English: Hamilton Hess, *The Early Development of Canon Law and the Council of Serdica* (Oxford Early Christian Studies; Oxford 2002) 211–55; Rudder 583–99; German: Hefele 1.556–607; French: Joannou, CSP 159–89.

Literature: G. Bardy, 'Sardique (Concile de)', DThC 14 (1939) 1109–14; Leslie W. Barnard, 'The Council of Serdica: Some Problems Re-Assessed', AHC 12 (1980) 1–25; Leslie W. Barnard, *The Council of Serdica, 343 A.D.* (Sofia 1983); Hans Christof Brennecke, *Hilarius von Poitiers und die Bischofsopposition gegen Konstantius II* (PTS 26; Berlin 1984); Hans Christof Brennecke, 'Rom und der dritte Kanon von Serdika (342)', ZRG Kan. Abt. 69 (1983) 15–45; E. Caspar, *Geschichte des Papsttums I* (Tübingen 1930) 131–65; J. St. H. Gibaut, 'The Peregrinations of Canon 13 of the Council of Sardica', *Ritual, Text and Law Studies in Medieval Canon Law and Liturgy Presented to Roger E Reynolds*, ed. Kathleen G. Cushing and Richard F. Gyug (Aldershot 2004) 141–60; Girardet, 'Appellatio' 98–127; K. M. Girardet, *Kaisergericht und Bischofsgericht. Studien zu den Anfängen des Donatistenstreites (313–315) und zum Prozeß des Athanasius von Alexandrien (328–346)* (Antiquitas, ser. 1, vol. 21); E. Heckrodt, *Die Kanones von Sardika aus der Kirchengeschichte erläutert* (Jenaer Historische Arbeiten 8; Bonn 1917); Hefele-Leclercq *Histoire* 1.2, 737–823; Hamilton Hess, *The*

213. For the East, cf. for example, Theodorus Lector, *Historia ecclesiastica* 1.4 (PG 86.168B); the same is the case in the Syrian and Arabic translations, cf. ClavisG 9008. On John Scholasticus, cf. Benešević, *Synogoga* 7.259 and Brian E. Ferme, *Introduction to the History of the Sources of Canon Law: The Ancient Law up to the Decretum of Gratian* (Gratianus; Montreal 2007) 86–87.

214. See Troianos.

215. The so-called 'canon 28' bears the title, 'Ψῆφος τῆς αὐτῆς ἁγίας συνόδου ἐκφωνηθεῖσα χάριν τῶν πρεσβείων τοῦ θρόνου τῆς ἀγιωτάτης ἐκκλησίας Κωνσταντινουπόλεως', cf. Benešević, *Syntagma* 124–25. The so-called 'canons 29 and 30' are introduced without title as 'τῆς αὐτῆς συνόδου ἐκ τῆς πράξεως τῆς περὶ . . . and 'τῆς αὐτῆς . . . συνόδου ἐκ τῆς δ' πράξεως . . .' Cf. Benešević, *Syntagma* 126, 128.

216. Cf. on this Hefele-Leclercq *Histoire* 2.2 713ff.; Schwartz, 'Aus den Akten' 3ff.

Canons of the Council of Sardica: A Landmark in the Early Development of Canon Law (Oxford Theological Monographs 1; Oxford 1958), revised edition *The Early Development of Canon Law and the Council of Serdica* (Oxford Early Christian Studies; Oxford 2002); Kaufhold, 'Väterlisten'; Ohme, *Kanon* 408–49; E. Schwartz, *Zur Geschichte des Athanasius IX*, (NGWG; Göttingen 1911) 409–522 (reprint *Gesammelte Schriften* 3 [Berlin 1959] 265–334); E. Schwartz, *Der griechische Text der Kanones von Serdika* (ZNW 30; Berlin 1931) 265–334; Schwartz, 'Kanonensammlungen' 208–20; H. J. Sieben, 'Die sardicensischen Appellationskanones im Wandel der Geschichte', ders.: *Die Partikularsynode*, Frankfurt/M. 1990, 193–228; M. Simonetti, 'Serdica. II. Council', *EEC* 757; S. Troianos, 'Der Apostolische Stuhl im früh- und mittelbyzantinischen kanonischen Recht', *Il primato del vescovo di Roma nel primo millennio* (Vatican City 1991) 245–59; C. H. Turner, 'The Genuineness of the Sardican Canons', *JTS* 3 (1902) 370–97; J. Ulrich, *Die Anfänge der abendländischen Rezeption des Nizänums* (PTS 39; Berlin 1994); BISA.

The imperial synod in Serdica (modern Sofia, Bulgaria) in the autumn of 342 constituted the end of the first phase of the dispute begun by Arian conflict. Its failure was marked at the outset by the mutual anathematization of ecclesiastical leaders in the Eastern and Western Empire, and it would lead to the first schism between the Eastern and Western Church.²¹⁷

Athanasius of Alexandria (295–373) had been deposed and excommunicated by the party of Eusebius of Nicomedia at the imperial synod of Tyre (335). After vain attempts to reverse this judgment, Athanasius had to flee from Egypt in 339. He turned to Pope Julius I (337–52), who summoned the Eastern bishops in early 340 to a Roman synod to review the judgment of Tyre. The bishops rejected the review and confirmed their decision at the so-called 'synod in *encaeniis*' in Antioch (341) and formulated their confession in the form of a new creed, colored by Origenism.²¹⁸ After an alliance of the two emperors, Constantius II and Constans, which was favorable to the West, the synod demanded by the Athanasian party was to be called for autumn 342. The place of meeting was Serdica, located near the border between the Eastern and Western Empires, where about 76 bishops from the East and 94 from the West gathered.²¹⁹ The Western party stood under the leadership of the aged Ossius of Cordoba.

The need for clarification had arisen in many matters: in the area of doctrine, since the Nicene formulation of the trinitarian faith was not interpreted uniformly. In other matters the anti-Arian spokesman of the Nicene

217. The discussion on the date of the synod has not yet been resolved. For a date of 342, see particularly Schwartz, 'Athanasius IX' 515ff.; cf. also Brennecke, *Hilarius* 25–29. For 343, see Hess, *Sardica* 140–44 (Appendix I). On the historical context, cf. Hess, *Sardica* 1–21; Hess, *Council of Serdica* 95–113; Caspar, *Geschichte* 1.142–65; Girardet, *Kaisergericht und Bischofsgericht* 106–20; Brennecke, *Hilarius* 17–64; and Barnard, 'Council of Serdica'.

218. Cf. J. N. D. Kelly, *Althristliche Glaubensbekenntnisse* (2nd ed. Göttingen 1993) (translation of *Early Christian Creeds* [3rd ed. London 1972.] 260–72, 274–77).

219. On the spelling for Serdica (or Sardica; today Sofia), cf. ODB and EOMIA 1.2 p.533. On the number of synodal participants, cf. Hess, *Sardica* 3–4; Ulrich, *Die Anfänge* 91–96.

synod, Marcellus of Ancyra, had been excommunicated and deposed in the meantime by Eastern synods (Constantinople, 330–31 or 334–35), and Antioch, 341).²²⁰ The fates of the leading representatives of the struggle against Arianism (Athanasius, Marcellus, Eustathius of Antioch, and others), who had been excommunicated and deposed in the East, raised the issue of the finality of synodal judgments. Could their cases be heard again? Finally, the question arose whether the state could intervene in the proceedings, which would lead to the state carrying out judgments of banishment. The Eastern party had carried out the trial against the head of the Egyptian church and consisted primarily of representatives of the churches of Syria and Asia Minor, while, with the exception of the Melitians, the Egyptian church stood almost unanimously behind Athanasius.

Correspondingly, the synodal letter of Serdica to Pope Julius set the three following points on the agenda: *Tria fuerunt, quae tractanda erant. . . . ante omnia de sancta fide et de integritate ueritatis. . . . secunda de personis. . . . tertia uero quaestio, quae uere quaestio appellanda est. . . .*²²¹ H. C. Brennecke has presented a plausible case that interpreting the first point of the agenda in terms of Athanasius as a defense of the faith of Nicaea is not convincing, and that in the background of the planned discussion lay the doctrinal statements of Marcellus, which would have been a precondition for the Eastern bishops and their involvement in the question of a synod, as well as for their eventual appearance.²²² The agenda was, however, changed by the Western bishops, who appeared first and who preferred to deal at the outset with the second point, *de personis*, thus following the action of the Roman synod of the prior year and renewing communion with those who had been condemned. The Eastern bishops, who had arrived, demanded that the condemned had to be excluded, at least from these meetings. Their demand was rejected, so they departed the assembly and constituted their own synod in the city's imperial palace.²²³ The position of the Westerners had provoked this step. Behind their decision stood a fundamental question of law within the church. Could synodal judgments henceforth be seen as irreversible or could their validity be judged by their reception? Could the West reverse Eastern judgments without the consent of the original synodal judges?²²⁴

Consequently, the council split even before the beginning of actual dis-

220. K. Seibt, *Die Theologie des Markell von Ankyra* (Arbeiten zur Kirchengeschichte 59; Berlin-New York 1994) 241–44.

221. Hilarius, *Collectanea Antiariana Parisina* B II.2.3 (ed. A. L. Feder) = CSEL 65.128.4–11.

222. Brennecke, *Hilarius* 30ff.

223. Not in Philippopolis: cf. Girardet, *Kaisergericht und Bischofsgericht* 113 n. 15.

224. This in Girardet, *Kaisergericht und Bischofsgericht* 116.

cussions. Both rump synods met separately and anathematized the leaders of the other side. After the departure of the Eastern bishops, the Western bishops continued to meet, promulgating canons as well as a theological declaration against eastern Origenism. Their declaration was not accepted. Both synods also made divergent decisions on the calculation of Easter that lasted for the next 50 or 30 years.²²⁵

The canons in ecclesiastical law passed by the Western bishops present problems in terms of numeration, form, and original language. The numbering of canons not only diverges between the Latin and Greek versions, but even for the Latin text there are various systems of numeration in the literature. The most widely distributed version is the numeration according to Dionysius Exiguus and the *Prisca*, according to which the text is divided into 21 canons with considerable variations. The Greek text brings 20 canons with great variations from the Latin version in the division of the material. Thus canons 10b, 12, and 18 are missing there, while in the Latin version the Greek canons 18 and 19 are missing. From this corpus and form of publication (see below), one can conclude 'that the canons were not originally numbered at all, but formed a continuous record of synodical acts'.²²⁶ C. H. Turner, in his critical edition of what he regards as the original Latin text, introduced yet another system of division, which has the advantage of placing together in one canon material that belongs together.²²⁷ Consequently, his edition has 13 canons. But his numbering has not been adopted in the literature.²²⁸

The original form in which the canons circulated reveals that this canonical material was shaped under Western influence.²²⁹ The proof of this is that, though the canons of Eastern synods of the fourth century normally have the 'form of order' 'without preserving a trace of the discussion that produced the written product', the canons of Serdica appeared as proposals that the synod accepted, in the course of which extensive justifications, summaries, and proposals for amendments were given.²³⁰ Such

225. On the many documents issued by the two synods, cf. *ClavisG* 8560–74. For the 'Symbolum Serdicense', see Ulrich, *Die Anfänge* 47–91, 96–111. On the calculations of Easter, cf. *ClavisG* 8574; Hefele-Leclercq, *Histoire* 1.2 p. 804.

226. Hess, *Sardica* 24; earlier reaching an identical conclusion, Turner, 'Genuineness' 374 n. 1.

227. EOMIA 1.2 p.442. The Greek text printed in Turner, EOMIA 1.490–531 does not have an adequate manuscript basis; cf. Schwartz, 'Der griechische Text' 9, 12–19. The model is the edition by Benešević, *Syntagma* = Joannou.

228. Hess, *Sardica* 137 (Table A), Hess, *Council of Serdica* 210, presents a tabular overview of the numbering systems in use. In what follows, the numeration of Dionysius and the *Prisca* will be preserved. Also in keeping with Hess and for the purpose of simplicity, the Latin version will be designated with Arabic numerals and the Greek with Roman numerals.

229. Cf. in particular Hess, *Sardica* 24–41; Hess, *Council of Serdica* 60–84.

230. Schwartz, 'Kanonensammlungen' 209; similarly, Schwartz, 'Der griechische Text' 5.

a form of publication, presenting the canons as the result of discussion in which the connection with the minutes was preserved, is a distinguishing mark of African synods from the earliest times to the start of the fifth century.²³¹ The stylistic characteristics of this minute-style include the proposal by a named participant framed as a question (*N. N. episcopus dixit: . . . si omnibus [hoc] placet*) in discursive, informal diction, with the formula of approval added (*placet; placere sibi; omnes episcopi dixerunt*) with the acclamation of the whole synod. Hence the canons of Serdica are formed in groups (canons 1 to 2; 3, 4, and 7; 8 to 12; 14 and 15; 16 and 17) within the minutes of an occasionally interrupted discussion. Canons 12, XVIII, and XIX can hardly be described as canons but rather as concurrent contributions to discussions. If one takes the 23 Latin and Greek canons as a group, 'only thirteen may properly be classed as legislative acts; the other ten are dependent comments or resumé's'.²³²

Accepting the theses of P. Batiffol, A. Steinwenter, and H. Gelzer on the parallels between the discussion methods of the Roman Senate and the synods (*relatio—sententia—acclamatio—senatus consultum*), one may see that the canons of Serdica emerge, according to Hess's analysis, as a reflection of this 'parliamentary method'.²³³ In view of this discovery one might well conclude that there were never more complete minutes of this council than what is preserved in the canons.²³⁴

There exists no direct historical evidence for the question thoroughly discussed in the older literature concerning the priority of the Latin or Greek text.²³⁵ Both of the forms of the text are well witnessed, yet each exhibits great differences not only in the order but in content. Each version contains material lacking in the other, with differences which are significant. All of the Latin versions of the text have a single common prototype, but the Greek manuscript versions also agree in their variations from the Latin text.

Due to the work of C. H. Turner and E. Schwartz, it is generally accepted today that the Latin text is closer to the original.²³⁶ Schwartz saw the Greek version as a later translation.²³⁷ Due to the presence of canons XVIII

231. Cf. Hess, *Sardica* 26ff; Ohme, *Kanon* 450–77.

232. Hess, *Sardica* 29.

233. P. Batiffol, 'Le règlement des premiers conciles africaines', *Bulletin d'ancienne littérature et d'archéologie chrétiennes* 3 (1913) 3–19; A. Steinwenter, 'Der antike kirchliche Rechtsgang und seine Quellen', *ZRG Kan. Abt.* 23 (1934) 1–116, 48–49; H. Gelzer, 'Die Konzilien als Reichsparlamente', *Ausgewählte kleine Schriften* (Leipzig 1907) 142–55; Hess, *Sardica* 31–35.

234. Hess, *Sardica* 40.

235. On this question, cf. Hess, *Sardica* 41–48 and Hess, *Council of Serdica* 117–34.

236. Turner, 'Genuineness' 370–97 and Schwartz, 'Der griechische Text'. Cf. Girardet, *Kaisergericht und Bischofsgericht* 111, n. 32; H. Brennecke, 'Rom und der dritte Kanon' 15–45, 19, n. 17.

237. Schwartz, 'Die griechische Text' 18ff., 31.

and XIX, which are found only here, and the special references to the church of Thessalonike, Schwartz concluded that the Greek version was prepared in Thessalonike about 360 or later. The attempt by G. R. von Hankiewicz to establish the priority of the Greek text must be seen as not convincing.²³⁸

Still, the detailed investigation undertaken by Hamilton Hess, renewing the thesis of the Ballerini assuming an originally double edition, does deserve respect.²³⁹ It is in fact surprising that the Greek text often gives a truer image of the debates.²⁴⁰ It must be added that among the synodal participants for whom we know their origins, there are about 38 Greek-speakers and 33 Latin-speakers, so that there was a distribution of languages which was truly unique for the synods of the fourth century.²⁴¹ While the language of proceedings under the presidency of Ossius was certainly Latin (all of the other synodal documents were composed in Latin), there still must have been a translation during the synod from Latin into Greek, which could be the cause of the unquestionable dependency of the Greek on the Latin text. Hence, according to Hess, the Greek version was a 'set of minutes taken from the Latin debate by a bilingual scribe or, as is more likely, a verbatim record of the proposals as they were repeated by the interpreter'.²⁴²

The canons of Serdica deal almost exclusively with questions of the office of the bishop.²⁴³ In the course of this legislation, four major themes were addressed:

Translatio (Metathesis). One may hardly speak of an absolute ban on every translation of a bishop in the early church. Ecclesiastically ordered transfers appear to have been common. The canonical ban on translation dealt more with transfers made by oneself or in pursuit of one's own interests.²⁴⁴ That is also the case with the decisions at Serdica, c. 1 even threatening excommunication for this practice. The background for this appears to be the efforts of Valens of Mursa to win the see of Aquileia, as well as the switch of Eusebius of Nicomedia to the throne at Constantinople. Correspondingly, c. 2 punishes with excommunication any influencing of the election of a bishop. C. 3a dealt with the same issue. It forbade any visit by

238. G. R. von Hankiewicz, 'Die Kanones von Sardika. Ihre Echtheit und ursprüngliche Gestalt', ZRG Kan. Abt. 2 (1912) 44–99; following him, E. Caspar, 'Kleine Beiträge zur älteren Papstgeschichte, IV. Zur Interpretation der Kanones III–V von Sardika', ZKG 47 (1928) 162–77; I. Gelzer, 'Das Rundschreiben der Synode von Sardika', ZNW 40 (1941) 1–24.

239. Hess, *Sardica* 43–48, 57–61. P. and G. Ballerini, *De antiquis collectionibus et collectoribus canonum* 15 = PL 56.41–44.

240. Cf. Hess, *Sardica* 43–44.

241. Cf. Ulrich, *Die Anfänge* 91–96.

242. Hess, *Sardica* 47.

243. Except for canons 16, 17, and 20.

244. Hence already Heckrodt, *Sardika* 4–42; Hess, *Sardica* 71–89, follows it; Hess, *Council of Serdica* 162–78.

a bishop to another province without an invitation. A bishop was not to spend more than three weeks in a city not his own (c. 14), and if he visited his own properties located in other provinces, he was to return after three weeks (c. 15). Bishops who receive excommunicated clerics were to report before a synod (c. 16). Canons 18 and 19 opposed the recruiting of clerical candidates in another diocese. C. 20 regulated the time non-local clergy could stay in Thessalonike, in analogy to c. 14. C. 21 finally made a special rule for the length of residency of bishops who had been deposed over a matter of faith. The translation rules of Serdica relied upon canons 15 and 16 of Nicaea.²⁴⁵

*Episcopal election.*²⁴⁶ C. 5 deals with the case when a bishop was unwilling to participate in an ordination. The context and terms addressed were entirely different in the Greek and Latin versions. The Greek version appeared to have been altered to fit later conditions.²⁴⁷ C. 13 regulated the practice of episcopal elections of wealthy men and lawyers. If they were ordained, the preliminary clerical grades were to be bestowed on them in adherence to the rules that governed the proper time required between each grade. Both canons hearken back to canons 2 and 9 of Nicaea.

*Appellatio.*²⁴⁸ Without any doubt the so-called 'appeal canons' have in all times attracted the greatest interest, and they play a central role in the question of the historical evidence that anchored Roman claims of primacy. Scholarly interest has been focused on canons 3 b+c, 4, 7, and less on c. 17, which foresaw a chance for appeal by priests and deacons to the bishops of the neighboring province, hence renewing c. 5 of Nicaea. In interpreting the canons first mentioned, what has been said of the form in which the canons circulated should be recalled. One should not look at these three canons as decisions made entirely independently of one another, that produced inevitable contradictions, but rather they must be seen as parts of a single resolution.²⁴⁹ Consequently, Turner has brought all of these together in his edition into a single 'c. 3'.

In Serdica the following procedure for an appeal was established:²⁵⁰ (1) In

245. See Sebastian Scholz, *Transmigration und Translation: Studien zum Bistumwechsel der Bischöfe von der Spätantike bis zum Hohen Mittelalter* (Kölner Historische Abhandlungen, 37. Cologne-Weimar-Vienna 1992) 31–36.

246. Cf. Heckrodt, *Sardika* 114–22; Hess, *Sardica* 90–108; Hess, *Council of Serdica* 146–61.

247. Hess, *Sardika* 90–100.

248. Cf. on this Girardet, *Kaisergericht und Bischofsgericht* 120–32; Girardet, 'Appellatio' 98–127; Heckrodt, *Sardika* 42–104; Hess, *Council of Serdica* 179–200; Troianos, 'Der Apostolische Stuhl' 243–59.

249. Cf. Hess, *Sardika* 109.

250. Relying on Girardet, 'Appellatio' 117.

a dispute between two bishops, no colleague from a neighboring province may be asked to judge. (2) A bishop who has been condemned by his colleagues within his own province may raise an objection against the judgment. (3) Those who carried out the proceedings (that is, his fellow provincials or the bishops of a neighboring province) may send a report of the objection to the bishop of Rome. (4) The see of the condemned person may not be occupied in the interim. (5) The bishop of Rome, after the review of the case, had two options: (a) if he thought the judgment correct, the judgment is final; (b) if he did not approve the judgment, he can order a *renovatio iudicii* and designate bishops as judges. The new trial would take place before bishops from a neighboring province. At the request of the defendant, the Roman bishop can send additional Roman priests.

With these canons the synod overturned previous legal practices, advocated by Eastern bishops, in which synodal judgments were in principle beyond appeal.²⁵¹ This corresponded to the understanding of synodal canons as immediately inspired by the Holy Spirit, so that they could not be reversed by the decisions of another synod. The canon of Serdica, however, created 'an instance for the entire church which made possible a *revocatio iudicii*, which had hitherto not been possible according to the synodal norms governing appeals; this canon also created a court which stood above the level of the province'.²⁵² The judgment of a synod over a bishop would, in the future, require the concurrence of the Roman bishop. The parallel to this procedure is not an appeal according to the norms of Roman imperial law. Rather the procedure demanded a *retractatio* of lawsuits whose judgments had been rendered by hitherto unappealable judgments. The judicial decisions could be confirmed or retried only through a *supplicatio* to the emperor. This process would not be described as an appeal but as a supplication.²⁵³

The notion that such rules were not based on the experience of the conflict over Athanasius, as E. Schwartz had argued in retrospect and that the purpose of the canons was only directed to the Western Empire, is generally rejected today.²⁵⁴

251. Cf., for example, Athanasius, *Apologia secunda* 22.6 (Opitz, 2.104, 18–19).

252. Girardet, *Kaisergericht und Bischofsgericht* 126.

253. First of all, E. Stein, review of Caspar's *Geschichte* 1, in *BZ* 32 (1932) 120; following him, A. Steinwenter, 'Der antike Rechtsgang' 85; L. Wenger, 'Appellation', *RAC* 1 (1950) 569; most recently, Girardet, *Kaisergericht und Bischofsgericht* 126ff. Troianos, 'Der Apostolische Stuhl' 252, has recently rejected an interpretation that recognized the model of *retractatio*.

254. Supporting this notion and purpose, cf. Schwartz, 'Der griechische Text' and H. Lietzmann, *Geschichte der alten Kirche* 3 (2d ed. Berlin 1953) 200. Rejecting it, cf. Girardet, *Kaisergericht und Bischofsgericht* 125, 129; Brennecke, 'Rom und der dritte Kanon' 20; and Caspar, 'Kleinere Beiträge IV' 165ff.

Episcopal relations with the imperial court. Episcopal petitions to the imperial court were regulated by canons 8 to 12, which hindered dubious and ambitious petitions, defined proper petitions, and clarified the rules of procedure.²⁵⁵

The history of the tradition of the canons of Serdica is rich in surprises.²⁵⁶ It is remarkable that the canons were seen and cited by the Roman church until Dionysius Exiguus as decisions of the Council of Nicaea. The case of the priest Apiarius from Sicca in Numidia, who in 417–18 appealed to Pope Zosimus of Rome against his deposition, was much discussed. Zosimus's legates cited the Serdican canons at the synod of Carthage in 419 (see below) as canons of Nicaea. These 'canons of Nicaea' were, however, utterly unknown in Africa.²⁵⁷

The text of the canons appeared to have been unknown outside of the Roman Church before their circulation in the first canonical collections.²⁵⁸ The practice of attributing canons to Nicaea was common and by no means restricted to the decisions of Serdica.²⁵⁹ The Greek text was not contained in any Eastern canonical collection before the middle of the sixth century. It is first found in the *Synogoge L titulorum* of John Scholasticus and then in the *Syntagma XIV titulorum*.²⁶⁰ All later Greek versions depended on these two collections. No direct literary witnesses of an older Greek text are known.

The Synod of Carthage (419)

Sources: C. Munier, *Concilia Africae A. 345–A. 525* (CCL 149; Turnhout 1974) 89–172: *Codex Apiarii causae* (canons 1–33 + *Gesta de nomine Apiarii*), 182–247: *Excerpta ex registro ecclesiae Carthaginensis* (canons 34–133); PL 67.181–230; Mansi 3.699–844; Joannou, CSP 197–436; Rhalles-Potles 3.286–624; Pedalion 462–542.

Translations: English: NPNF 14.441–511; French: Joannou, CSP 197–436.

Literature: G. Bardy, 'Afrique', DDC 1.288–307; F. L. Cross, 'History and Fiction in the African Canons', JTS 12 (1961) 227–47; Hefele-Leclercq *Histoire* 2.1, pp.196–211; Maassen, *Geschichte* 149–85; Jane E. Merdinger, *Rome and the African church in the time of Augustine* (New Haven 1997); Munier, *Concilia Africae* 79–87, 98ff., 173–81; C. Munier, 'Carthage. V. Councils', EEC 146–48; C. Munier, 'Vers une édition nouvelle des Conciles africains (345–525)', *Revue des Études Augustiniennes* 18 (1972) 249–59; Ohme, *Kanon* 460–69; Schwartz, 'Kanonensammlungen' 231–55.

255. Cf. Heckrodt, *Sardika* 105, 113; Hess, *Sardica* 128–36; Hess, *Council of Serdica* 201–9.

256. Cf. Hess, *Sardica* 49–67; also below 75 (Carthage, 419).

257. On this case, cf. Brennecke, 'Rom und der dritte Kanon' 15–19; Schwartz, 'Kanonensammlungen' 217ff.; Caspar, *Geschichte* 1.358–60, 365–72; W. Marschall, *Karthago und Rom* (Päpste und Papsttum 1; Stuttgart 1971) 161–204; M. Wojtowysch, *Papsttum und Konzile von den Anfängen bis Leo I (440–461)* (Päpste und Papsttum 17; Stuttgart 1981) 254–61.

258. For a different interpretation: Brennecke, 'Rom und der dritte Kanon' 25–45.

259. Cf. Hess, *Sardica* 55.

260. See below, Troianos.

The Greek translation of the acts of the African general synod of 25 and 30 May 419 as well as the canons later attributed to it belong to the corpus of Greek canonical collections. The occasion for discussions by the 217 synodal participants under the presidency of Bishop Aurelius of Carthage was the conflict with Roman claims to hear an appeal in the case of the priest Apiarius of Sicca. The acts which are preserved (*Gesta de nomine Apiarii*),²⁶¹ including the 33 *Canones Apiarii causae*, also survive complete in the Greek version. Canons 34 to 133 appear to be a private selection of African canonical material from the end of the fifth century. These *Excerpta ex registro ecclesiae Carthaginensis* were passed on into the Latin tradition separately and were widely distributed.²⁶² It was only with Dionysius Exiguus that they were ascribed to the acts of the synod of 419 in the second edition of his canonical collection as canons 34 to 133.²⁶³

In the Greek canonical collections, however, this identical body of acts with 133 canons is first found near the end of the sixth century in the *Syntagma XIV titulorum*.²⁶⁴ The Quinisext Council (692) confirmed these 'canons of Carthage' in its c. 2. The basis of the Greek translation, whose author and precise date are unknown, was probably the *Dionysiana secunda*. This is vouched for particularly by the numeration, which is largely identical with Dionysius, as well as the ordering of the acts in the Greek tradition. There is also a close literary dependency. It would be the sole example for the use of the Dionysian collections in the Greek East. It is conceivable that there was an early translation by the imperial chancery for relations with the Latin Church in North Africa. Alongside that there appears to have been yet another translation,²⁶⁵ for the verbatim citation of c. 81 in the *Epistula adversus Theodorum Mopsuestenum* by the Emperor Justinian, about 550. It offers a variant version.²⁶⁶

The Synod of Constantinople (394)

Sources: Joannou, CSP 438–44; Benešević, *Syntagma* 456–59; *Pelagii diaconi ecclesiae Romanae, In defensione Trium Capitulorum*, ed. Robert Devreesse (Studi e Testi 57;

261. Munier, *Concilia Africae* 79–172.

262. Munier, *Concilia Africae* 173–247.

263. PL 67.139–230, 181–230; there under the title, *Synodus apud Carthaginem Africanorum, quae constituit canones CXXXVIII*; cf. Munier, *Concilia Africae* 178–81.

264. The statement by Munier, *Concilia Africae* 177, that the *Excerpta* (canons 34 to 133) were already contained in John Scholasticus, *Syntagma L titulorum*, is not true; cf. Benešević, *Syntagma* 7.258–59.

265. PG 86.1091; E. Schwartz, 'Drei dogmatische Schriften Justinians' (Abh. Akad. 18; Munich 1939; reprinted *Legum Iustiniani imperatoris vocabularium Subsidia* 2, Milan 1973) pp. 68 and 124 respectively.

266. The editors of the Pedalion have made the traditional text unusable through the elimination of portions of acts which seemed to them not to be 'canonical', as well as through transposition, construction of novel 'canons', and a singular numeration. For their justification, see Pedalion 163, n. 4; there is a synopsis of the numeration in Joannou, CSP 193.

Rome 1932) 9–11; Pitra, *Juris* 2.162–65; Pedalion 461–62; Rhalles-Potles 3.625–28; ClavisG 8606.

Translations: English: *Rudder* 601ff.; NPNF 14.511–13; French: Joannou, CSP 438–44; Hefele-Leclercq *Histoire* (see below).

Literature: C. de Clercq, 'Les conciles de Constantinople de 326 à 715', *Apollinaris* 34 (1961) 345–68; L. Duchesne, 'Le pape Sirice et le siège de Bostra', *Annales de philosophie chrétienne* 111 (1885) 280–84; Hefele-Leclercq 2.1, pp. 97–100; E. Honigmann, *Trois mémoires posthumes d'histoire et de géographie de l'Orient Chrétien* (Subsidia hagiographica 35; Brussels 1961) 3–48; BISA.

It is only with the *Syntagma XIV titularum* that Greek canonical collections transmitted an excerpt of the proceedings from the acts of the Constantinople synod of 394.²⁶⁷ L. Duchesne (see above) discovered further fragments of these proceedings in Pope Pelagius I's (556–61) memorandum on the dispute over the Three Chapters in the Orléans, Bibliothèque municipale (*Codex Aurelianensis*) 73 (70).²⁶⁸ Even when joined in proper sequence,²⁶⁹ the two parts appear to constitute only a fragment of a single session of the council.

We can learn from the Greek excerpt of the proceedings that the synod had assembled in the baptistry of the 'Church of Constantinople' on 29 September 394 under Arcadius and Honorius, hence still under Theodosius I. Pelagius added that this was done on the summons of the *praefectus praetorio* Rufinus on the occasion of the consecration of the Church of the Apostles which he had established. Hence this is a dedication synod similar to that of Antioch (341) and Tyre (335); in time it would be called the 'synod of Rufinus'. Emperor Theodosius had placed Rufinus at the side of his son Arcadius as regent for the Eastern Empire.

The proceedings cite 20 participants by name, in the first place Nectarius of Constantinople, Theophilus of Alexandria, and Flavian of Antioch, and among the others there are Gelasius of Caesarea in Palestine, Gregory of Nyssa, Amphilochius of Iconium and Theodore of Mopsuestia, all holders of metropolitan sees, as well as 'various other bishops'.²⁷⁰ Pelagius knew of 37 bishops in all. Since almost all Eastern churches were represented, one might speak of a general council of the East. It had, however, not been called by the emperor.

The occasion for the gathering was the schism arising before 381 in the

267. Benešević, *Syntagma* 456–59; Benešević, *Sbornik* 86–87; cf. on that Honigmann, *Trois mémoires* 7–8; on the *Syntagma* see below, Troianos. *Lemma*: Ἐκ τῶν πραχθέντων ὑπομνημάτων ἐν Κωνσταντινουπόλει περὶ Ἀγαπίου καὶ Γαβαδίου, ἐκατέρου ἀντεχομένου τῆς ἐπισκοπῆς Βόστρης (Joannou, CSP 438).

268. Cf. Duchesne, 'Le pape Sirice'; cf. now the critical edition in Devreesse, *Pelagii*.

269. Cf. Honigmann, *Trois mémoires* 11–16.

270. Joannou, CSP 439–40; in detail, cf. E. Gerland and V. Laurent, *Les listes conciliaires* (Le Patriarcat byzantin II: Corpus Notitiarum Episcopatum I; Kadiköy 1936) 1–8; Honigmann, *Trois mémoires* 12–13, 26–44.

Arabian ecclesiastical province. The former occupant of the metropolitan see of Bostra, Gabadius, disputed the legitimacy of the present metropolitan, Agapius.²⁷¹ The minutes mention that Gabadius had been deposed by two bishops, since deceased, and that Agapius had been raised in his place.²⁷² In Pelagius the names of Palladius and Cyril are found. Duchesne (see above) believed this latter name is Cyril of Jerusalem († 386).

Pelagius went on to report that both opponents appealed to Pope Siricius (384–99), who had referred them to Theophilus of Alexandria until the matter finally came before the synod of Constantinople. It is surprising that the case apparently was tried neither in Antioch nor in a synod of the diocese of Oriens. One can infer from that a greater independence, even insubordination, of the metropolitans there toward the see of Antioch. The long-enduring schism in Antioch in the fourth century makes this understandable. Duchesne had wanted to see in the appeal to Rome an application of the ‘appeal canons’ of Serdica (see above).²⁷³ Theophilus of Alexandria actually did play a leading role in the discussions.

The entire proceeding documented ten votes by Nectarius, Arabianus of Ancyra, Theophilus, and Flavian. The result was that the synod, citing the council of Nicaea, forbade that a bishop be deposed or be consecrated by two bishops. This was to be possible only through the act of a larger provincial synod, ‘as the Apostolic Canons have ruled’. Apparently this is a citation of c. 74 of the Apostolic Canons. Nectarius passed the proposal of Theophilus in the form of a legal decision, to which the council gave its approval.

The Greek manuscripts transmitted their excerpt of the proceedings under the rubric of *Κανών*. Nikodemos Hagiortites (= Pedalion), who did not see this form of publication as proper for a ‘canon’, took two substantive sentences beginning with ‘ὀρίζομεν’ and called them *Κανών Α*’ and *Β*’ (= the proposal of Nectarius).

The Synod of Constantinople (691/2) (Quinisext Council)

Sources: COGD 219–93; Joannou, CCO 101–241 (Logos Prosphonetikos and canons); Ohme, *Quinisextum* 145–70 (subscription list); *Trullo Revisited* 41–186; Mansi II.921–1006; Rhalles-Potles 2.295–554; Pitra, *Juris* 2.14–72; Lauchert 97–139; Pedalion 215–313.

Translations: English: *Trullo Revisited* 41–186; NPNF 14.359–65; *Rudder* 283–413; French: Joannou, CCO 101–241; German: Ohme, *Konzil* 169–293.

Literature: E. Brunet, ‘Concilio Quinisesto (692): Recezione nelle fonti occidentali (VII–IX secc.)’, *Dissertation Turin* 2008; Demetrios J. Constantelos, *Renewing the Church: The*

271. The lists of the Second Ecumenical Council already contain both names. Cf. Honigmann, *Trois mémoires* 9. The Latin tradition has ‘Bagadius’. The original name was probably Badagios, cf. Honigmann, *Trois mémoires* 28ff.

272. Joannou, CSP 440.18ff.

273. Duchesne, ‘Le pape Sirice’ 281.

Significance of the Council in Trullo (Brookline, MA 2006); R. Flogaus, 'Das Concilium Quinisextum (691/2). Neue Erkenntnisse über ein umstrittenes Konzil und seine Teilnehmer', *ByZ* 102 (2009) 25–64; G. Fritz, 'Quinisexte (concile) ou in Trullo', *DThC* 13 (1937) 1581–97; Hefele-Leclercq *Histoire* 3.1 pp. 560–78; I. M. Konidaris, 'Das Mönchtum im Spiegel der Penthekte', *AHC* 24 (1992) 273–85; Peter Landau, 'Überlieferung und Bedeutung der Kanones des Trullanischen Konzils im westlichen kanonischen Recht', *Trullo Revisited* 215–27; V. Laurent, 'L'œuvre canonique du Concile de Trullo (691–692): Source primaire du droit de l'église orientale', *REB* 23 (1965) 7–41; George Nedungatt and S. Agrestini, *COGD* 205–215; *Trullo Revisited*; H. Ohme, *Konzil*; Ohme, *Quinisextum*; H. Ohme, 'Das Quinisextum auf dem VII. ökumenischen Konzil', *AHC* 20 (1988) 326–44; H. Ohme, 'Zum Konzilsbegriff des Concilium Quinisextum', *AHC* 24 (1992) 112–26; H. Ohme, 'Das Concilium Quinisextum—Neue Einsichten zu einem umstrittenen Konzil', *OCP* 58 (1992) 367–400; H. Ohme, 'In tempore. Weichenstellungen für die Edition des Concilium Quinisextum', *AHC* 41 (2009) 1–68; J.-M. Sansterre, 'Le Pape Constantin I^{er} (708–715) et la politique religieuse des Empereurs Justinien II et Philippikos', *Archivum historiae pontificiae* 22 (1984) 7–30; S. N. Troianos, 'Die Wirkungsgeschichte des Trullanum (Quinisextum) in der byzantinischen Gesetzgebung', *AHC* 24 (1992) 95–111; H.-J. Vogt, 'Zur Ekklesiologie des Trullanums', *AHC* 24 (1992) 127–44; BISA.

Emperor Justinian II (685–95, 705–11) called a synod in 691–92,²⁷⁴ which met in the domed hall (Trullos) of the imperial palace in Constantinople to fill the canonical gaps left by the Fifth and Sixth Ecumenical Councils.²⁷⁵ Other than the *Liber Pontificalis* (see below), the sole source of information about this council consists of the conciliar acts. Other Greek and Latin sources for this period either do not waste a word on the council or mention it only in passing.²⁷⁶

Besides the canons and the episcopal subscription list, the acts include the address of the council fathers to the emperor, the so-called *Logos Prophontikos*.²⁷⁷ From this it can be learned that the emperor himself had taken the initiative for this synod,²⁷⁸ the bishops had gathered at his command,²⁷⁹ and the council had assembled as a 'holy and ecumenical' council.²⁸⁰ The motivation for bringing the council into being was also declared.²⁸¹

274. The date can be determined from the chronological information in c.3. It can only be limited to the period between 1 September 691 and 31 August 692. A session in early summer, 692, after Lent, Easter festivities, and the storms of the early part of the year is likely. On the dating question, cf. V. Peri, 'Introduction', *Trullo Revisited* 18–20. It is not compelling to date it between 1 September 691 and 31 December 691 (contrary to Menevisoglou, *Ἱστορικὴ* 281).

275. From these basic facts arise the usual nomenclature which is used here, which is Trullanum, the Council in the Trullos, Quinisextum, Penthekte.

276. Cf. Ohme, *Concilium Quinisextum* 8–25.

277. From this council we have only conciliar acts in the narrow sense and no proceedings. One may not argue that the actual proceedings have been lost. This has been shown by E. Chrysos in his distinction between the protocol of decisions by non-judicial synods and the procedural minutes of synods with court hearings.

278. Cf. Ohme, *Concilium Quinisextum* 28–35. 279. Joannou, *CCO* 110.19; 110.8; 110.10.

280. Joannou, *CCO* 109.11ff.; 101.17; cf. canons 3 and 51: *CCO* 125.18–19; 188.12–13.

281. The situation of the people of God had grown lamentable, had been torn into disorder and brought to a fall. The remnants of heathen and Jewish religions had been allowed to flourish like weeds: Joannou, *CCO* 109.17–18.

The critical edition of the subscription list and the forthcoming edition of the Acts for *Acta conciliorum oecumenicorum* permit us for the first time to make definitive statements on the number of participants.²⁸² Of the 226 or 227 participants, 190 bishops came from the provinces of the patriarchate of Constantinople, 10 came from Illyricum orientale; the Alexandrian patriarch, 24 Antiochenes, and 2 representatives of Jerusalem represented the three Eastern patriarchates. Six places were left open for later signatures. Beyond that the list reveals significant alterations in the hierarchical sequence of subscribers, and it provides an answer to the question of Roman participation. Here we appear to have an early attempt to promote at the level of a conciliar proceeding the incorporation of East Illyricum into the jurisdiction of Constantinople.²⁸³ The small Western participation in the Trullan Council is not unique among early councils. The reason why few Western clerics participated could have been the generally altered circumstances in the Balkans and Italy that had arisen from the migrations during the sixth and seventh centuries.²⁸⁴

The signature of the metropolitan of Crete, Basil of Gortyna,²⁸⁵ has been seen in the Orthodox tradition since Balsamon as a sign of Roman participation at the Quinisext, even of its approval.²⁸⁶ But Basil was no Roman *apocrisarius*,²⁸⁷ rather he had been co-opted into the Roman synodal delegation of 125 bishops in the course of the Sixth Ecumenical Council. He continued to use the style of signature he had given there. He was no papal legate and cannot have had a papal delegation of plenipotentiary powers. Therefore, the Roman see was not represented at the Trullan Council through papal legates.

The 102 canons constituted the actual work of the council and in some ways the final stage in the development of canon law of the early church. This was an attempt to reorder the spiritual and moral life of the church with ecclesiastical law, arising out of an emergency in which Christian life and communities were being subjected to severe stress. The disasters suf-

282. Cf. Ohme, *Concilium Quinisextum*, 77–176, 177–344; Flogaus, 'Das Concilium Quinisextum 25–48; Ohme, 'In tempore' 3–8.

283. This was a development whose conclusion is generally placed in the 730s, even though the time and process of final incorporation remains unclarified.

284. Cf. especially Georg Ostrogorsky, 'The Byzantine Empire in the World of the Seventh Century', (*Dumbarton Oaks Papers* 13; Washington 1959; reprinted in 'Zur Byzantinischen Geschichte', *Ausgewählte kleine Schriften* [Darmstadt 1973] 87); J. F. Haldon, *Byzantium in the Seventh Century* (Cambridge 1990) 21, 32, 43–45.

285. Βασίλειος ἐπίσκοπος τῆς Γορτυνῶν μητροπόλεως τῆς φιλοχρίστου Κρήτης νήσου καὶ τὸν τόπον ἐπέχων πάσης τῆς συνόδου τῆς ἁγίας ἐκκλησίας Ῥώμης ὀρίσας ὑπέγραψα, cf. Ohme, *Concilium Quinisextum* 146, n. 15.

286. Cf. Ohme, *Concilium Quinisextum* 235–51.

287. *Contra Laurent*, 'L'Œuvre canonique' 14–15.

ferred by the Byzantine Empire in the course of the seventh century constitute the historical background.²⁸⁸

Canons 62, 65, 71, and 94 actually enumerated a plethora of festivals, customs, and rites from the pre-Christian, Hellenistic cycle of festivities which continued to be practiced, besides occultism and mantic practices (canons 60 and 61).²⁸⁹ Relations with Jews was the theme of c. 11. Public morality was also the object of bans on extensive pomp, on pornography, and on abortion, as well as the ban on sexual intercourse with nuns (canons 96, 100, 91, 4). Pimping was denounced (c. 86). Bathing of men and women together was banned (c. 77), as well as dice-playing (c. 50) and various forms of popular entertainment (c. 51). All public spectacles in the week following Easter were forbidden (c. 66).

In order to protect the sacred from profanation, holy places were not to be polluted by sexual intercourse (c. 97). No cattle were to be kept in churches (c. 88), and no inns were to be kept in their vicinity (c. 76). Even *agapes* were forbidden in the area of a church (c. 74). The cross was forbidden to be used as decoration on the floor (c. 73); similarly, the representation of Christ as a lamb (c. 82). The penalty for the destruction of holy books is excommunication (c. 68). The ban on laymen entering the area of the altar—with the exception of the emperor (c. 69)—and the renewal of the ban against secularizing religious houses (c. 49) were both designed to protect ecclesiastical areas.

Clerics were commanded to participate in Sunday services under the threat of deposition (c. 80). There was also a ban on clerics running taverns or loaning money (canons 9 and 10). They were enjoined not to participate in popular entertainments (c. 24). Further the synod regulated the ages of consecration (canons 14 and 15), the number of deacons in one city (c. 16), their rank behind the priests (c. 7), the tonsure (c. 21), and the wearing of special clothing (c. 27). C. 33 set conditions for ordination and condemned the Armenian practice of taking clergy only from clerical families. C. 17 ruled against translation; emigrated clerics should return to their congregations if conditions allowed (c. 18). Simony in ordination (c. 22) and in communion (c. 23) were threatened with deposition, as was conspiracy against the bishop (c. 34). A ban on living with women who are not above suspicion was renewed once more for priests in c. 5, as was any marriage after ordination (c. 6). Regulations in the case of a second mar-

288. Cf. John F. Haldon, *Byzantium in the Seventh Century: The Transformation of a Culture* (Cambridge 1990) 41–90.

289. For all canons of the Quinisext Council see now the commentary of H. Ohme, *Konzil* 35–157.

riage or impermissible marriage for clergy were established by canons 3 and 26. A general imposition of celibacy was rejected, against the Roman practice (c. 13), but abstention is required when a priest said Mass. Priests living among the barbarians were permitted the oath of celibacy as an exception (c. 30). Yet bishops were held to celibacy, and they were forbidden to continue living with their wives (c. 12); the wives were to enter religious houses (c. 48). Bishops were not permitted to preach outside their own dioceses (c. 20), but within their dioceses they were required to do so daily, especially on Sundays. The definitions of synods and the doctrines of the Fathers are to be their standard (c. 19). Metropolitans were forbidden to seize the property of deceased bishops (c. 35).

For the reordering of the monastic life: monastic life was open to every Christian (c. 43). The age of entering a religious house may not be below ten years (c. 40). Further regulations dealt with cloistering (canons 46 and 47), tonsure (c. 45), breaking of the oath (c. 44), and with the eremitic life (canons 41 and 42).

On sacramental practice and care of souls: baptizing in private chapels was fundamentally forbidden (c. 59). The repetition of baptism in case of uncertainty was made possible by c. 84. Catechumens should learn everything about the Christian faith and display it to the bishop or priests (c. 78). C. 95 thoroughly renewed and supplemented rules for the rebaptism and the reception of heretics. Communion bestowed by hand was obligatory for all (c. 101). Self-communion for laymen was forbidden (c. 58), and dead persons must be given the eucharist under no circumstances (c. 83). C. 102 established a therapeutically understood practice of confession and guidance of souls.

Canons 53, 54, 87, 92, and 98 gave decisions concerning marital law.

For ordering the time of fasting: c. 56 opposed the Armenian usage, and c. 55 the Roman custom (see below); the church of the entire 'oikumene' should follow the same order.

For liturgical order: c. 52 regulated the liturgy of the presanctified. C. 32 condemned the Armenian practice of using wine for the Eucharist without mixing it with water. Canons 28 and 57 opposed the combination of grapes as well as honey and milk with the eucharist. C. 99 opposed the Armenian practice of bringing meat to the altar. There was a ban on laymen preaching and teaching in public (c. 64). Women were to remain totally silent during the divine liturgy (c. 70). Decisions on choir singers (c. 75), the Trisagion (c. 81), genuflection (c. 90), and the celebration of 'Mary's childbed' (c. 79) were also included in the conciliar decisions.

On the constitution of the church: the ecclesiastical rank of a city was

determined by its civil status (c. 38); the established appropriation of a rural congregation to one eparchy should remain inviolate (c. 25). Provincial synods were to be held twice a year and at least once a year in difficult circumstances (c. 8). The rights of bishops who were unable to occupy the seat of their diocese due to barbarian conquests were regulated by c. 37. A special regulation for the exile of the archbishop of Cyprus along with his people in the eparchy of Hellespontus was the subject of c. 39.

It is clear that a large number of canons renewed or modified older decisions.²⁹⁰ Particular canons have been seen as the reason for the rejection of the council by Rome. The listing of the canons in question takes up a large part of the scholarly literature.²⁹¹ It is certain that some of the canons were unacceptable to Rome, since they explicitly threatened clerics with deposition and excommunication if they followed the Roman practice of celibacy (c. 13)²⁹² and the Roman urban practice of the Saturday fast in Lent (c. 55). Similarly, in c. 2—the first listing of the sources of the canon law of the ancient church—Western local synods (with the exception of Serdica and Carthage) were ignored, and all 85 ‘Apostolic Canons’ were accepted. In addition there was the condescending permission granting celibacy to priests in ‘barbarian churches’ (c. 30) and the ban on the consumption of blood (c. 67). C. 36 also ‘touches a hot button’ by renewing c. 3 of the Second Ecumenical Council and c. 28 of Chalcedon by ruling that the See of Constantinople should enjoy the same rights of honor as old Rome and rank in the second place behind it.²⁹³

The sole sources, other than acts of the councils, that are available to us on the conflict which arose between Rome and Constantinople over the Quinisext, are the entries in the *Liber Pontificalis*.²⁹⁴ In the *vitae* of Popes Sergius I (687–701), John VII (705–7), Constantinus I (708–15), and Gregory II (715–31),²⁹⁵ the *Liber Pontificalis* reports that Justinian II made three attempts to bring about a reception of the canons by the Roman see.²⁹⁶ Pope Sergius I not only refused to receive the *tomoi* and to have them read publicly, but he even rejected them as invalid.²⁹⁷ John VII did not accept Justinian’s proposal ‘to gather a council of the Apostolic Church and to confirm

290. Cf. Menevisoglou, Ἱστορικὴ 294–95.

291. Cf. H. Ohme, ‘Die sogenannten “antirömischen” Kanones des Concilium Quinisextum’, *Trullo Revisited* 307–22.

292. Cf. C. Pitsakis, ‘Clergé marié et célibat dans la législation du concile à Trullo: Le point de vue orientale’, *Trullo Revisited* 263–306.

293. Joannou, CCO 170.10ff.

294. *Liber Pontificalis*, ed. L. Duchesne (Paris 1886, 1955) 3 volumes.

295. *Liber Pontificalis* 371–76; 385–86; 389–93; 396.

296. Cf. Ohme, *Concilium Quinisextum* 55–76; Ohme, ‘In tempore’ 12–26; Sansterre, ‘Jean VII’; Sansterre, ‘Le Pape Constantin I^{er}’.

297. *Liber Pontificalis* 1.373.6–7.

what he approved and to reject and declare invalid what he disapproved'. He sent the acts back to the emperor without alteration.²⁹⁸ It was only with Constantinus I, who himself traveled to Constantinople for this purpose, that an agreement over the Quinisext was reached in Nicomedia, satisfying both parties.²⁹⁹ Constantinus would accept only those canons that did not oppose Roman usage.³⁰⁰ It is likely that the Roman Church achieved a dispensation from the application of the canons in question. Yet Constantinus did recognize their validity.³⁰¹ The renewal of Roman privileges stressed by the *Liber Pontificalis* certainly makes this concession possible. C. 36 also conceded a certain primacy to Rome. Further 'privileges' might have been a confirmation of Roman jurisdiction over the see of Ravenna and a renewal of tax privileges for the papal patrimony.³⁰²

Yet the conflict over the Trullan Council is not primarily to be understood on the basis of its canonical material. This emerged into the foreground only later. Over the course of the seventh and eighth centuries, if not longer, there was a readiness to compromise.³⁰³ The Roman popes' refusal to sign appears to have been dominated by the following motives: (1) the ranking of the bishops of Illyricum orientale in the subscription list; and (2) the conciliar procedure and the idea of an ecumenical council embodied in the synod.³⁰⁴ According to this model, the criteria for an ecumenical council would appear to consist in the bishops of the entire territory of the Roman state being present or represented in response to an imperial command, and that matters of faith should be the subject of discussion. It was assumed that the Roman bishop would add his signature after the fact, after the canons had already been given force of law by the subscription of the emperor.

In 1054, the Quinisext Council served spokesmen for ecclesiastical polem-

298. *Liber Pontificalis* 1.386.1–3.

299. On this there is general consensus. Cf. H. Ohme, 'Die Beziehungen zwischen Rom und Konstantinopel am Ende des 7. Jahrhunderts', *AHC* 38 (2006) 55–72; Ohme, *Concilium Quinisextum* 73–74; Laurent, 'L'oeuvre canonique' 34–35; Sansterre, 'Le Pape Constantin I^{er}' 13–20; Peri, 'Introduction', *Trullo Revisited* 30–35.

300. There is no proof for the imputation that Justinian II suspended the canons offensive to Rome and effectively accepted their rejection by the pope. This thesis is found again in Laurent, 'L'oeuvre canonique' 34–35; Sansterre ('Le pape Constantin I^{er}' 15–18) has made it clear in retrospect that this is not tenable.

301. Sansterre ('Le Pape Constantin I^{er}' 20–21) does not even wish to exclude c.36 from this. Earlier, Caspar speculated that 'not the least was changed' in the canons (*Geschichte* 2.640).

302. *Liber Pontificalis* 1.369; cf. C. Head, *Justinian II of Byzantium* (Madison 1972) 62; Sansterre, 'Le Pape Constantin I^{er}' 21 n. 87.

303. On the importance of the Quinisext for Rome in the struggle against iconoclasm, cf. Ohme, 'Das Quinisextum auf dem VII. Ökumenischen Konzil'.

304. Cf. on this, in detail, Ohme, *Concilium Quinisextum* 195–216, 345–88; H. Ohme, 'Zum Konzilbegriff des Concilium Quinisextum', *AHC* 20 (1992) 112–26; H. J. Sieben, *Die Konzilsidee in der Alten Kirche* (Paderborn 1979) 319ff., 357–79.

ics on both sides as a justification for schism. Niketas Stethatos attacked, using the Trullan canons against azyma, the Western practice of fasting, and celibacy, and demanded that they be observed.³⁰⁵ Cardinal Humbert rejected all of these canons on behalf of the Latin Church, since Rome had supposedly never accepted them and had never obeyed them, and because they were invalid and depraved.³⁰⁶

Theologians in the Byzantine Empire subsequently stressed the ecumenical status and the autonomy of this synod. As a result, the great canonists of the twelfth century, John Zonaras and Theodore Balsamon, stressed the ecumenical status of the Quinisext.³⁰⁷ It was, however, Matthew Blastares who drew the last consequence from its ecumenical status and gave it an extensive section in his *Syntagma* of 1335 with the title 'Holy and Ecumenical Council'.³⁰⁸ This has remained the usual evaluation of the Trullan Council in Orthodox theology to the present day.

The Canons of the Fathers

Origin and Content

Literature: G. Bardy, 'Épîtres canoniques des Pères', DDC 5.380–84; Joannou, CPG xiv–xxv (Introduction générale à l'édition t. II); C. Munier, *Les sources patristiques du droit du VIII^e–XIII^e siècle* (Mulhouse 1957); Schwartz, *Bußstufen* 274–362; Schwartz, 'Kanonensammlungen'.

Alongside the synodal canons, the canons of the fathers make up a significant portion of Greek canonical collections. C. 2 of the Quinisext Council (691/2) sealed (ἐπισφραγιζομεν) the 'canons established by our holy and blessed Fathers', and alongside the synodal canons gave the names of 13 Fathers with their episcopal titles.³⁰⁹ It is surprising that there is no additional information about which writings or canons of the various Fathers are referred to. From this, one might conclude that clarity about which fathers' writings were authoritative prevailed among the synodal participants in the Quinisext and in the Byzantine Church at the end of the seventh century.³¹⁰ However, a comparison of the list of Fathers

305. In his *Dialexis*. Cf. A. Michel, *Humbert und Kerullarios. Quellen und Studien zum Schisma des XI. Jahrhunderts* (Paderborn 1924, 1930) 2.333.15ff.; 335.14ff.; 337.1ff.; 339.20ff.

306. 'Capitula quae nobis sub ejus (scil. sextae synodis) auctoritate opponitis omnino refutamus, quia prima et apostolica sedes nec aliquando ea accepit nec observat hactenus; et quia aut sunt nulla, aut ut nobis libuit, depravata sunt' (PG 120.1030A). But cf. P. Landau, 'Überlieferung und Bedeutung der Kanones des Trullanischen Konzils im westlichen kanonischen Recht', *Trullo Revisited* 215–28; Brunet, 'Concilio Quinisesto'.

307. They deal with the theme, however, under the title, Περὶ τῆς λεγομένης ἕκτης συνόδου, cf. Rhalles-Potles 2.294, 300ff.

308. Περὶ τῆς ἁγίας καὶ οἰκουμένης πενθέκτης Συνόδου, Rhalles-Potles 6.23–24.

309. Joannou, CCO 123.7–124.16.

310. P. Menevisoglou (Οἱ πατερικοί κανόνες καὶ ἕτερα 'κανονικά κείμενα' ἐν ταῖς κανονικαῖς

cap. 2			
Quinisextum	Nomokanon	Pedalion	Rhalles-Potles
Dionysius of Alexandria	Dionysius of Alexandria	Dionysius of Alexandria	Dionysius of Alexandria
Peter of Alexandria	Peter of Alexandria	Gregory Thaumaturgus	Peter of Alexandria
Gregory Thaumaturgus	Gregory Thaumaturgus	Peter of Alexandria	Gregory Thaumaturgus
Athanasius		Athanasius	Athanasius
Basilus	Basilus	Basilus	Basilus
Gregory of Nyssa	Gregory of Nyssa	Gregory of Nyssa	Gregory of Nyssa
Gregory of Nazianzus		Gregory of Nazianzus	Gregory of Nazianzus
Amphilochius of Iconium		Amphilochius of Iconium	Theophilus of Alexandria
Timothy of Alexandria	Timothy of Alexandria	Timothy of Alexandria	Cyril of Alexandria
Theophilus of Alexandria	Theophilus of Alexandria	Theophilus of Alexandria	Gregory of Nazianzus
Cyril of Alexandria	Cyril of Alexandria	Cyril of Alexandria	Amphilochius of Iconium
Gennadius of Constantinople	Gennadius of Constantinople	Gennadius of Constantinople	Gennadius of Constantinople
Cyprian of Carthage		John the Faster and others	Tarasius of Constantinople

in c. 2 of the Quinisext with the Fathers listed in the so-called *Nomokanon* of Photius,³¹¹ in the *Pedalion*, and in *Rhalles-Potles* still makes it clear that the content and sequence of the canons of the Fathers, even after the Quinisext, had not yet been settled and finally clarified.³¹²

συλλογαῖς', *Kleronomia* 14 [1982] 125–61) has made the attempt, using the Patmos, Monastic Library (Codex Patmiacus) 172 (ninth century), which, according to Benešević (*Sbornik* 230–42), represents the *recensio trullana* of the *Syntagma XIV titulorum*, to define the concrete corpus of canons of the Fathers described in c.2 of the Quinisext. Whether this can be done with a manuscript of the ninth century, in which text the canons of the Quinisext are already contained, has to be questioned. One would hardly end up with a corpus of the canon of the Fathers identical to the first version of the *Syntagma*.

311. According to *Rhalles-Potles* 1.10–11, it is an early version of the *Syntagma XIV titulorum*.

312. A restriction of the 'canons of the Fathers' to the corpus of the Quinisextum and an essential distinction between these and other 'canonical texts' ('κανονικά κείμενα') for which

Later additions found in the Pedalion and in Rhalles-Potles will be dealt with later in another place.³¹³ So far as the ordering of the Fathers is concerned, the surprising part is that Peter of Alexandria and Gregory Thaumaturgus exchange places, and Timothy of Alexandria, Theophilus of Alexandria, and Cyril form a solid traditional block which is, however, variously sequenced. The so-called *Nomokanon* of Photius lacked Athanasius, Gregory of Nazianzus, and Amphilochius.

P.-P. Joannou referred to the fact that most manuscripts of canonical collections prior to the twelfth century fail to confirm the content and sequence of Quinisext c. 2. In some manuscripts Gregory of Nazianzus is missing, and/or Amphilochius; however, others are added. Other manuscripts do not contain Gennadius. Sometimes, the sequence in general is altered, or the Fathers are included only in part.³¹⁴ Even as late as the eleventh century, Michael Psellus (1018–78) (who was a close friend of the learned jurist and later Patriarch John VIII Xiphilinus) knew only Dionysius, Gregory the Thaumaturgus, Timothy of Alexandria, Cyril, and Gennadius, as well as the 68 (!) canons of Basil the Great.³¹⁵ To be sure, he also did not mention the Quinisext Council. One may only agree with Joannou's conclusion that c. 2 Quinisext was only generally accepted in the twelfth century, and only after then may one speak of a relatively stable corpus and sequence of the Canons of the Fathers in the Eastern Church. This conclusion corresponds with what is known of the acceptance of the Quinisext Council itself, which was only completely contained in the collections of the twelfth-century canonists.³¹⁶

Evaluating the opinions of significant theologians and Fathers of the Early Church as 'canons' and incorporating them into the collections of synodal canons must be understood as a long-developing process in which various local churches received this material differently, and their collections did not conform to a uniform pattern of acceptance. Hence the *Synagoga* of John Scholasticus (Patriarch of Constantinople, 565–77) contained, alongside the Canons of the Apostles and the synodal canons through c. 27 of Chalcedon, only material from the letters of Basil the Great.³¹⁷ What E. Schwartz

there is no synodal confirmation (such as in Menevisoglou, 'Οι πατερικοί κανόνες' 140–61) must be left to Orthodox dogmatics. This thesis cannot be supported by the corpus of Byzantine canonistic collection manuscripts (see below).

313. See below.

314. ClavisG, Introduction, xv–xvi; on the manuscripts individually, cf. ClavisG notes 16–20 and pages xix–xxi. In the incomplete manuscripts of his group 'C', Joannou sees represented the oldest canonistic corpus.

315. PG 122.921 BC (*Oblatio Nomocanonis ad Imp. Michaellem Ducam*).

316. Cf. Ohme, *Conclium Quinisextum* 332–44.

317. Benešević, *Synagoga* 219, 249. The *Synagoga* contains 68 canons of Basil.

has called the 'Collection of Theodosius Diaconus' in Verona, Biblioteca Capiolare (Codex Veronensis) LX (seventh century), probably compiled about 367–68 in Alexandria,³¹⁸ contained no canons of the fathers whatsoever. This, however, is to be understood from their character as a dossier of acts from the archives of the Alexandrian See concerning the story of Athanasius. The principle purpose of the collection was not canonical or historical, but a dossier for a concrete issue of ecclesiastical politics.

Yet, the pre-Chalcedonian *corpus canonum* of the Greek imperial church, which was translated into Syriac about 500 in Hierapolis-Mabbug and preserved only in this form, and incorporated into later sixth-century collections, also contained no canons of the fathers.³¹⁹ From this Syriac tradition, as well as from the corresponding Latin tradition in what is called the 'Freising-Würzburg Version',³²⁰ it has been concluded that it is 'a certainty that the oldest canonical collections contained no canons of the fathers, but only the canons of councils'.³²¹ It is only with the Paris, BNF syr. (Codex Parisinus syrus) 62 (ninth century) that we find a collection that adds the *Canons of the Fathers* to the canons of the councils. E. Schwartz thought that this collection is much older than the sixth century, and since Chalcedon follows the *Canons of the Fathers*, and he concluded that it predates Chalcedon.³²² The collection certainly provides the first evidence for a collection of the canons of the fathers. It consists of the following pieces:

1. Excerpts from the letters of Ignatius of Antioch.
2. Excerpts from the 'Logos' of Peter of Alexandria on *lapsi*, in a more complete version than what was received in Greek canonical collections.
3. The 15 'Erotapokriseis' of Timothy of Alexandria.
4. Letter of Athanasius to Ammun.
5. Basil: Letter 55 to Gregory the priest; Letter 53 to the bishops; Letter 160 to Diodorus; Letters 188, 199, 217 in this particular sequence.

On the one hand, this corpus can serve as evidence for how disparate such collections were at the beginning; Ignatius was not placed in the later collections. On the other hand, it is also an indication that the process of collecting and adding the canons of the fathers to synodal canons must have begun between 381 and 451.

Almost all the canons of the fathers consist of letters or occasional

318. Cf. Schwartz, 'Die Sammlung des Theodosius Diaconus (1904)', *Gesammelte Schriften* 3.30–72, 71 (= Cod. θ in EOMIA I.xii).

319. Cf. Schwartz, 'Kanonensammlungen' 159–76.

320. Schwartz, 'Kanonensammlungen' 169–75.

321. Schwartz, *Bußstufen* 322.

322. Schwartz, *Bußstufen* 322ff.

writings directed to specific persons; they contain addressees and senders and often include proems and epilogues. One exception is the letter of Peter of Alexandria, which is only excerpted. Other exceptions include the metric index of the scriptural canon of Gregory of Nazianzus and Amphilochius, the 'Erotapokriseis' of Timothy of Alexandria, and the excerpts from the *De Spiritu Sancto* in canons 91 and 92 of Basil.

The titles of the canons into which the letters were later distributed were originally summaries of the entire canon, descriptions of its circumstance, or even a record of the penance imposed. These resumés were at first written in the margin of the text, often introduced by *σημείωσον* or *τί φησί περὶ* or *τί τὸ*. It was only later that these glosses were incorporated into the text, thus dividing it into paragraphs or 'canons'. Finally, numeration was added. Since numeration is virtually uniform in the manuscripts, it may be assumed that it was old and that the texts were taken into the collections at a point when they were already divided and being used in that manner.³²³

The degree to which the canonical letters were originally legally binding depended on whether these rescripts were directed to subordinates or to bishops of the same rank. In the prior case they had the authoritative character of an order, as when the metropolitan wrote to his suffragans (for example, Basil, c. 90; Theophilus of Alexandria and Cyril, canons 4 and 5; also Peter of Alexandria; Gregory the Wonder-Worker; and Athanasius, c. 3). In the latter case, they had more of an advisory function (for example, Dionysius of Alexandria, canons 1 to 4; Basil, canons 1 to 87).

'In the evolving law of the church', bishops exercised 'the function of *iureconsulti*, or as one said in Constantinople, of *prudentes*; they interpreted the applicable law, explained difficulties, developed important principles, but always only as advisors. . . . Whether the episcopal recipient of the letter would follow the counsel or not was up to him; this [genre] of canonical letter has in its own right no legal force. It is something quite different when a metropolitan issued directions to bishops placed under him; there he spoke with the authority of a "teacher"'.³²⁴ [There are hence] 'essentially two forms in which bishops sought to create a unified disciplinary law, that of the rescript and that of the synodal decision'.³²⁵ In terms of their prestige in the Byzantine East, one may compare the *Canons of the Fathers* with papal decretals, whose binding authority, however, remained restricted to the West.

323. Joannou, CPG Introduction, xxiii–xxiv.

324. E. Schwartz, 'Die Quellen über den melitianischen Streit (1905)', *Gesammelte Schriften* 3.87–116, 94.

325. Schwartz, 'Kanonensammlungen' 178.

The Quinisext Council (see above) sought to bestow the character of canon law binding for the entire church on the selection of episcopal re-scripts gathered in its c. 2.³²⁶

Dionysius of Alexandria († 264–65)

Editions: C. L. Feltoe, *ΔΙΟΝΥΣΙΟΥ ΛΕΙΨΑΝΑ. The Letters and Other Remains of Dionysius of Alexandria* (Cambridge 1904) 94–105, 60–62; Joannou, CPG 1–16; Rhalles-Potles 4.1–13; Pedalion 544–51; PG 10.1272–90; Pitra, *Juris* 1.541–45.

Translations: English: C. L. Feltoe, *St. Dionysius of Alexandria: Letters and Treatises* (Translations of Christian Literature, series I; London 1908); Rudder 713–23; German: W. A. Bienert, *Dionysius von Alexandrien: Das erhaltene Werk* (Bibliothek der griechischen Literatur 2; Stuttgart 1972) 45–46, 54–58; French: Joannou, CPG 1–16.

Literature: W. A. Bienert, *Dionysius von Alexandrien: Zur Frage des Origenismus im dritten Jahrhundert* (PTS 21; Berlin 1978) 121–25, 180ff; W. A. Bienert, 'Dionysius von Alexandrien', TRE 8 (1981) 767–71; U. Hamm, 'Dionysius of Alexandria', DECL 177–78; P. Nautin, 'Dionysius of Alexandria', EEC 238; Ohme, *Kanon* 296–304.

Dionysius was the most significant bishop of the Alexandrian church in the third century and the first to whom Eusebius of Caesarea gave the sobriquet 'the Great'.³²⁷ Only fragments survive of his extensive writings.

The Letter to Basilides. Thanks to its solid anchoring in Greek canonical collections, this letter is one of the very few completely preserved letters of Dionysius. Eusebius reported that the addressee was 'bishop of the congregations in the Pentapolis', hence in the imperial province of Libya secunda which only became a province of the diocese of Oriens under Diocletian.³²⁸ The sovereignty of the Alexandrian see over the Pentapolis was already recognized as 'old customary law' by c. 6 of Nicaea, but it cannot be assumed for this period. Eusebius said in the same place that Dionysius left 'various letters' to Basilides, but they do not survive.

The letter was a response to a written request by Basilides on the correct time to end the pre-Easter fast as well as three further requests for counsel in questions of sexual ethics. Two-thirds of the response dealt with the first theme. In the Pentapolis, according to this letter, there had arisen differences of opinion whether the fast, with a citation to Roman practice, was to continue until the first cock's crow of Easter morning or

326. An entirely different evaluation of the original canonical dignity of 'canonical letters' is taken by K. Bonis, 'Αἱ τρεῖς κανονικαὶ Ἐπιστολαὶ τοῦ Μεγάλου Βασιλείου πρὸς τὸν ἀμφιλόχιον', BZ 44 (1951) 62–78 (reprint Βιβλιοθήκη Ἑλλήνων Πατέρων καὶ Ἐκκλησιαστικῶν Συγγραφέων 51 [Athens 1975] 121–44; reprint *Theologia* 60 [Athens 1989] 201–20).

327. Eusebius, *Historia ecclesiastica* 7, praefatio (ed. Schwartz, GCS 9.2, 636). On the *vita*, cf. Bienert, *Werk* 1–17; Bienert, *Frage* 71, 106, 131. On his writings, cf. Bienert, *Frage* 51–70.

328. Eusebius, *Historia ecclesiastica* 7.26.3 (ed. Schwartz, GCS E.2, 700.22–25). Cf. K. Lübeck, *Rechtseinteilung und kirchliche Hierarchie des Orients bis zum Ausgang des vierten Jahrhunderts* (Münster 1901) 121ff.

only until Good Saturday evening or during the night between the two days. Basilides asked Dionysius whether he could issue a 'horos' on this point.³²⁹ This, as well as the address to Basilides as 'συλλειτουργός', argues for the letter being not only a 'theological opinion on an ecclesiastical question in dispute' from Dionysius as leader of the catechetical school of Alexandria,³³⁰ but also a response as bishop of Alexandria to the request to establish within the region under his influence a norm for a fasting practice that previously had not been uniform.

Dionysius replied that ending the fast before midnight is blameworthy; whoever waited long is to be praised, but uniformity is not to be sought. The end of the fast could be individually regulated depending on how long the fast had lasted, since it could be 2, 3, or 4 days, but for many was only one day.

The general exposition of his opinion constituted what is called c. 1, and the three remaining divisions of the letter were canons 2 to 4. They dealt with the ceremonial cleanness of menstruating women (c. 2), the frequency of marital relations (c. 3), and the burden on the conscience created by nocturnal emissions (c. 4). Yet even here, save for c. 2, Dionysius avoided detailed prescriptions.³³¹

The Letter to Kolon. The Pedalion and Rhalles-Potles restrict themselves to these 4 canons. Pitra,³³² by contrast, has shown that some canonical collection manuscripts³³³ also preserve a fragment of the letter to Konon (or Kolon),³³⁴ which Joannou adds to his edition. Eusebius reported that Kolon was bishop of Hermopolis, hence under the bishop of Alexandria.³³⁵ The fragment dealt with the question of how one was to deal with excommunicates who have been reconciled *in articulo mortis* and then recover. Dionysius expressly opposed banning them again and burdening them with their earlier sins.

Peter of Alexandria († 311)

Editions: Joannou, CPG 33–57 (reprint Benešević, *Syntagma* 578–96); PG 18.468–508; Pitra, *Juris* 1.551–61; M. Routh, *Reliquiae sacrae* (Oxford 1846) 4.23–45; P. de Lagarde,

329. Joannou, CPG 5, 8.

330. Thus Bienert, *Frage* 121.

331. Cf. on this, Eva Maria Synek, 'Wer aber nicht völlig rein ist an Seele und Leib . . .': *Reinheitstabus im Orthodoxen Kirchenrecht* (Kanon Sonderheft 1; Egling an der Paar 2006).

332. Pitra, *Juris* 1.545–46.

333. Paris, BNF gr. (Codex Parisinus) 1324 and 1334; Oxford, Bodleian Library Bar. (Codex Bodleianus Bararoccus) 196.

334. Eusebius, *Historia ecclesiastica* 6.46.1–2 (ed. Schwartz, GCS E.2, 626.24–628.8); Feltoe, *Letters and Treatises* 60–62.

335. Eusebius, *Historia ecclesiastica* 6.46.1–2 (ed. Schwartz, GCS E.2, 626.24–628.8).

Reliquiae iuris ecclesiastici antiquissimae (Leipzig 1856) 63–73, 99–117; Pedalion 562–575; Rhalles-Potles 4.14–44; *Versiones*: ClavisG 1639.

Translations: English: *Rudder* 740–55; NPNF 14.601–2; French: Joannou, CPG 33–57.

Literature: Thomas Böhm, 'Peter I of Alexandria', DECL 479–80; *La concezione teologica della penitenza in Gregorio il Taumaturgo e in Pietro di Alessandria: Due epistole a confronto*, ed. Giovanni Ferrari (Pontificia Facoltà Teologica dell'Italia Meridionale, Sezione San Tommaso d'Aquino; Tesi di dottorato in Teologia, estratti, 25; Naples 2006); G. Fritz, 'Pierre d'Alexandrie', DThC 12 (1935) 1802ff.; C. W. Griggs, *Early Egyptian Christianity* (Leiden 1990) 117–20; Grotz, *Die Entwicklung* 409–13; F. H. Kettler, 'Der melitianische Streit in Ägypten', ZNW 35 (1936) 155–93; F. H. Kettler, 'Petros von Alexandrien', RE 19.2 (1938) 1281–88; Ohme, *Kanon* 307–11; Schwartz, 'Die Quellen' 87–116; M. Simonetti, 'Peter I of Alexandria', EEC 677–98; T. Vivian, *St. Peter of Alexandria. Bishop and Martyr* (Philadelphia 1988).

The so-called *Epistula canonica* of Peter of Alexandria, bishop from 300, belongs to the basic documents that recorded the outbreak of the 'Melitian Schism' at the start of the fourth century in the Egyptian Church.³³⁶ Soon after the beginning of the Diocletian persecutions in Egypt, in 303, Peter had taken flight and was leading the church from exile. Bishop Melitius of Lykopolis in Upper Egypt, who believed that Peter had forfeited his office, now saw himself as the leader of the church, setting up clerics in foreign dioceses, even in Alexandria itself. On his return, when Peter ordered a mild treatment of *lapsi*, the conflict led to a schism in 306.

His directions for the norms of reconciliation of *lapsi* passed into Greek canonical collections, divided into 14 parts, constituting what is called the 'canons' of Peter. Although the Greek manuscripts speak in their *lemmata* of a *logos*,³³⁷ it really is a letter, as demonstrated by the Syriac tradition, preserved in Paris, BNF syr. (Codex Parisinus syrus) 62, in the title placed at the end of the letter.³³⁸ It is only in the Syriac tradition that the proemium as well as an extended concluding passage are preserved.³³⁹ The address is missing, to be sure, but the proemium shows that the letter was 'not directed to an individual, but that it was a decree to all or a great number of Egyptian bishops. The language is one of authority'.³⁴⁰ Since the *lapsi* themselves are addressed, however, it is certainly an encyclical 'to be read out in all Egyptian churches'.³⁴¹

From the very first sentence of c. 1 it can be seen that the encyclical was written soon after the fourth Easter after the start of the persecutions, hence around Easter 306. The letter mentioned that the persecutions have

336. Central for their edition and the historical interpretation of the conflict are Kettler, 'Der melitianische Streit', and Schwartz, 'Die Quellen'.

337. Cf. Joannou, CPG 33.

338. Cf. Schwartz, 'Die Quellen' 93–94.

339. Schwartz, 'Die Quellen' 90–93, retranslated into Greek.

340. Schwartz, 'Die Quellen' 95.

341. Kettler, 'Der melitianische Streit' 35, 179.

abated in the meantime and that many *lapsi* have demanded reception back into the church, including particularly great masses of those who had sacrificed without compulsion and who had given no special sign of repentance (c. 3).³⁴² Others, on the other hand, who suffered torture at the very outset of the persecution, had been standing as 'weepers' before the church doors for three years (c. 1).³⁴³ This made it mandatory to take a principled stance on the question of penance, as well as on other questions that Peter had received from the whole of Egypt.³⁴⁴ Since Melitius is not mentioned in the encyclical, it can be assumed that this letter instigated the conflict over the treatment of the *lapsi*.

The decisions of Peter may be called a 'decree of pardon',³⁴⁵ since the detailed resolutions, with their brief periods of penance, weighted according to the severity of the cases, assume in principle the admission of all *lapsi* to penance. Even those who simply performed sacrifices in keeping with the edict without scruple or risk were to receive penance after one year of probation (c. 3). In this way, those who had been entirely unready to do penance were kept under watch and thus were motivated to do penance (c. 4). The actual periods of penance are set for the following cases: 40 days for those who denied the faith only under torture, since they bore the wounds of Christ on their bodies (c. 1); 1 year for those who weakened immediately in prison (c. 2); only 6 months for those who officially participated in sacrifice but avoided performing sacrifice through tricks (c. 5); 3 years for masters who sent their Christian slaves (who received 1 year of penance) to sacrifice in their place (canons 6 and 7). Whoever fell away at the beginning but then recanted and even professed their faith under torture were received back without penance (c. 8). These norms were followed by a thorough treatment of those who had pressed for martyrdom and had reported themselves. Even if they professed their faith, they were to do penance (canons 9 and 11). Clergy from this group were to be deposed (c. 10). Avoidance of sacrifice through bribery was seen as model conduct (c. 12), flight was expressly approved (c. 13). Whoever was brought into contact with a sacrifice through force and with torture was to be numbered among the confessors (c. 14).

Thus generally binding norms were placed in opposition to the charismatic penitential power practiced by the confessors.³⁴⁶ Epiphanius of Salamis reported that most confessors stood on the side of Melitius.³⁴⁷

342. Joannou, CPG 36.6–14.

343. Joannou, CPG 34.9–10.

344. Cf. Joannou, CPG 56.9ff. (c.14); 49.27–50.9 (c.11).

345. Thus Kettler, 'Der melitanische Streit'.

346. Cf. in c.5 [Joannou, CPG 38.23ff.].

347. Epiphanius of Salamis, *Panarion omnium haeresium*, ed. Karl Holl (3 vols. GCS 25, 31, 37 Berlin 1915–1933 [2nd ed. revised by Jürgen Dummer, 2 vols. Berlin 1980–85, 143, 6–9] 3.68.3–4.

The c. 15 on fasting on Wednesday and Friday, contained in most Greek canonical collections, was probably a passage from the work on Easter written to one Bishop Tricentius, which survives only in fragmentary form.³⁴⁸

Gregory Thaumaturgus (Wonderworker) ([210]–[270])

Editions: Joannou, CPG 19–30; PG 10.1019–48; Routh, *Reliquiae* 3.251–83; Pitra, *Juris* 1.562–66; Rhalles-Potles 4.44–66; Pedalion 553–61.

Translations: English: *St. Gregory Thaumaturgus: Life and Works*, trans. Michael Slusser (The Fathers of the Church 98; Washington, DC 1998); P. Heather and J. Matthews, *The Goths in the Fourth Century* (Translated Texts for Historians 11; Liverpool 1991) 5–11; Rudder 727–37; NPNF 14.602; German: P. H. Bourier, *Des heiligen Gregorius Thaumaturgus Ausgewählte Schriften* (2d ed. BKV; Kempten 1911); French: Joannou, CPG 19–30.

Literature: H. Crouzel, 'Grégoire le Thaumaturge', *DSDH* 6 (1967) 1014–20; H. Crouzel, 'Gregor der Wundertäter', *RAC* 12 (1983) 779–93; *Grégoire le Thaumaturge: Remerciement à Origène*, ed. H. Crouzel (SC 148; Paris 1969) 14–34; H. Crouzel, 'Gregory the Thaumaturge', *EEC* 368; P. Godet, 'Grégoire de Néocésarée', *DThC* 6 (1920) 1844–74; H. Grotz, *Die Entwicklung des Bußstufenwesens in der vornicänischen Kirche* (Freiburg 1955) 400–408; P. Heather and J. Matthews, *The Goths in the Fourth Century* (Liverpool 1991) 1–11; J. Modrzejewski, 'Grégoire le Thaumaturge et le droit romain', *RHD* 49 (1971) 313–24; K. Phouskas, *Γρηγορίου Θαυματουργού ή κανονική επιστολή. Εισαγωγή-κριτική έκδοσις κειμένου-μετάφρασις-σχόλια* (Athens 1978) (reprint 'Εκκλησιαστικός φάρος 60 [1978] 736–809); H. Schneider, 'Gregory the Wonderworker', *DECL* 269–70; Schwartz, *Bußstufen* 310ff.; M. Slusser, 'Gregor der Wundertäter', *TRE* 14 (1985) 188–91.

The so-called *Epistula canonica* of Gregory the Wonder-Worker belongs to the undisputed genuine works among the few surviving writings of the bishop of Neocaesarea in Pontus. The man venerated by posterity as the apostle of Cappadocia and Pontus had been the missionary of his homeland.³⁴⁹

About 254, 'Goths and Borads' had appeared, and they wasted and plundered Pontus.³⁵⁰ In the course of this invasion, many Christians apparently experienced hardships and were found guilty of crimes. The letter dealt with them. A bishop of Pontus, who remains nameless,³⁵¹ had possibly turned to Gregory for assistance in deciding how these sinners could be kept in the church. The 'canonical letter', probably written during 254, would have been a rescript in response to a question. However, it is more likely that the letter was an encyclical by Gregory to the bishops of his eparchy.³⁵² Since the letter survives without an address or a formal beginning or conclusion, its form is closer to an encyclical. Later, it was mostly di-

348. Cf. ClavisG 1640, *Sermo de Paschate ad Tricentium*.

349. Cf. Basil, *De spiritu sancto* 29; Gregory of Nyssa, *De vita Gregorii Thaumaturgi*, PG 46.893–958. On the *vita*, cf. Crouzel, *Grégoire: Remerciement* Introduction; Crouzel, 'Gregor der Wundertäter' 780ff.

350. On the historical background of the Gothic raids, cf. Heather-Matthews, *Goths*.

351. If the address, 'ἱερε πάπα' is to be understood in that way (Joannou, CPG 19.19).

352. Thus already in Routh, 2.447.

vided into 11 sections,³⁵³ which became the 'canons'. They were provided with a summary description of their contents.

Gregory declared that if Christians in captivity had been forced to eat sacrificial meat, this was ethically insignificant, and he referred to 1 Corinthians 6:13 and Matthew 15:11. In the same way, an innocent woman who had been raped was to have an unaltered status in the congregation, with reference to Deuteronomy 22:26. If such a woman were known as indecent before, however, they were not to hold common prayers with her (c. 1). Whoever became a robber during the invasion out of greed for possessions should be openly expelled from the church (canons 2 and 3). Whoever found the goods of another should not make any profit on them (c. 4), even to replace his own losses (c. 5). Collaborators were to be excluded from the 'hearers' (c. 7), as were accused robbers. If they confessed, however, and were willing to compensate, they should 'kneel' (c. 8). In the same way those who found the goods of others and did not return them: if they report themselves, they should participate in the prayers (c. 9). The commandment should be fulfilled without any thought of the desire for profit (c. 10).

This letter is a significant witness for the development of penance in the Early Church. It is in dispute whether there are more levels of penance behind the decisions of canons 7 to 9 than the levels of those excluded, those beseeching readmittance, and the penitent themselves.³⁵⁴ The so-called c. 11 describes a penitential system in four stages. It is not included in many manuscripts,³⁵⁵ and it is generally seen as a later addition.

Athanasius of Alexandria ([295]–373)

Editions: Joannou, CPG 63–84; Rhalles-Potles 4.67–81; Pedalion 576–85; Pitra, *Juris* 1.567–74; *Epistula ad Amunem*: ClavisG 2106, PG 26.1169–76; *Epistula festivalis* 39: ClavisG 2102 (2), PG 26.1436–40, 1176–80; *Epistula ad Rufinianum*: ClavisG 2107, PG 26.1180–81.

Translations: English: NPNF 14.602–3; *Rudder* 758–70; German: P. Merendino, *Osterfestbriefe des Apa Athanasios* (Düsseldorf 1965) 94–107; French: Joannou, CPG 63–84.

Literature: K. Metzler, 'Athanasius of Alexandria', *DECL* 54–59; S. Sakkos, 'Ἡ λθ' ἑορταστικὴ ἐπιστολὴ τοῦ Μ. Ἀθανασίου', in *Τόμος ἑόρτιος χιλιοστῆς ἑξακοσιοστῆς ἐπετίου Μ. Ἀθανασίου 373–1973*, ed. Geōrgios I. Mantzarides (Thessalonike 1974) 129–96; Schneemelcher, 'Bibel III.' 22–48; G. C. Stead, 'Athanasius', *EEC* 93–95; M. Tetz, 'Athanasius und die Einheit der Kirche', *ZThK* 81 (1984) 196–219; M. Tetz, 'Athanasius von Alexandrien', *TRE* 4 (1979) 333–49; M. Tetz, 'Zur Biographie von Athanasius von Alexandrien', *ZKG* 90 (1979) 304–38; M. Tetz, 'Über nikäische Orthodoxie: Der sog. Tomus ad Antiochenos des Athanasios von Alexandrien', *ZNW* 66 (1975) 194–222.

353. The codex of Trebizond used by Rhalles-Potles has achieved 13 canons by dividing c. 1 into 3 parts (cf. Rhalles-Potles 4.43, n.); the Pedalion divides the same canon into 2 parts and thus comes to 12 canons.

354. Schwartz (*Bußstufen* 310ff.) doubts this; Grotz (*Die Entwicklung* 400–408) assumes a 4-step system of penance and holds c. 11 to be authentic.

355. Cf. Joannou, CPG 18.

From the plethora of writings by the outstanding theologian and ecclesiastical politician of Nicene orthodoxy and bishop of Alexandria, three letters of different form and style entered Greek canonical collections.³⁵⁶

The *Epistula ad Amunem*, designated c. 1, answered a request from the monk Amun for an ethical evaluation of involuntary nightly pollutions.³⁵⁷ Athanasius declared every natural emission to be sinless, and only what comes from a bad heart could be sinful. It is remarkable that the 'dual ways' of marriage and virginity are understood as being among the callings, although the higher nature of virginity is certainly clear, since it is promised a hundred-fold reward in a commentary on Matthew 13:8, while marriage only should receive a thirty-fold reward.³⁵⁸ In an earlier interpretation, the hundred-fold reward was promised to martyrs.

The so-called 'c. 2' is an excerpt significant for the history of the canon of the Holy Scripture from the 39th Festival Letter of Athanasius from 367.³⁵⁹ Due to its reception into canonical collections, this part of the letter has been well preserved in Greek, and other parts are preserved in Coptic.³⁶⁰ In a polemical text directed against the use of 'apocryphal' scriptures by the Melitians,³⁶¹ Athanasius named the canonical books of the Old and New Testaments (τὰ κανονιζόμενα . . . βιβλία) which were for him complete, untouchable, and unexceedable 'sources of salvation'. The Old Testament canon corresponded to the Hebrew canon with 22 books. For the New Testament, all 27 books including *Revelation* were enumerated. Further, Athanasius listed books which are certainly not canonical (οὐ κανονιζόμενα), but which can be read aloud for catechetical purposes: *Wisdom of Solomon*, *Wisdom of Jesus of Sirach*, *Esther*, *Judith*, *Tobit*, the 'so-called *Didache*', and *The Shepherd of Hermas*.

The *Epistula ad Rufinianum* appears to have been received into the Greek canonical collections as c. 3 only quite late; a large number of manuscripts preserve it only at the end of the canons of the fathers or not at all.³⁶² The letter was a response to the request to Athanasius of Bishop Rufinianus on the conditions 'decreed by the synods and elsewhere' for the return of someone who had fallen into error.³⁶³ Athanasius responded by mentioning

356. On the *vita*, cf. Tetz, 'Athanasius von Alexandrien' 333–43; Tetz, 'Zur Biographie' 90.

357. Cf. on the same theme, c.4 of Dionysius of Alexandria and c.12 Timothy of Alexandria.

358. Joannou, CPG 69.7–8, 13.

359. On the complicated question of the preservation of the festival letters, cf. V. Peri, 'La cronologia delle lettere festivali di Sant'Atanasio e la quaresima', *Aevum* 35 (1961) 28–86; Tetz, 'Athanasius von Alexandrien' 344. On the *epistula festivalis* 39, cf. Zahn, *Geschichte* 2.203–12; Sakkos, 'Η λθ' ἑορταστική ἐπιστολή'; Schneemelcher, 'Bibel III'.

360. Cf. L. T. Lefort, ed., CSCO 150 (1955) 1–72; CSCO 151 (1955) 1–54.

361. See above, 'Peter of Alexandria'.

362. Cf. Joannou, CPG Introduction générale pp. xx. Nikodemos Hagiorites uncovered this situation by going against tradition and ordering the *epistula ad Rufinianum* in the Pedalion as 'c.2'.

363. Joannou, CPG 77.19, 22ff.

that, immediately after the end of the persecutions, a synod including outside bishops had gathered in Alexandria; other synods took place in Hellas, Spain, and Gaul. All of them had made the same decision.³⁶⁴ The request shows that due to the changes after the death of Constantius II on 3 November 361 and the coming to power of Julian the Apostate, norms were needed for the question of how to deal with clerics who had been hostile to the Nicenes and who now had come into the Nicene fold. Athanasius had returned to Alexandria on 21 February 362, and the Alexandrine synod mentioned probably took place as early as April 362.³⁶⁵ Rufinus of Aquileia described this synod as 'the council of the confessors',³⁶⁶ and it was motivated by the consolidation and unification of Nicene orthodoxy. The sole surviving written document is the so-called *Tomus ad Antiochenos*.³⁶⁷ From this *Epistula synodalis* it can be learned that the question mentioned above was handled as the first item of business, while after the departure of most of the bishops a 'narrower synod' dealt specifically with the 'Antioch question'; the results were written down in the *Tomus* in order to send them to Antioch.³⁶⁸ While the *Tomus* formulated the conditions of peace for reconciliation with old-Nicenes and Melitians in Antioch, the response to Rufinianus gave the principle decision of the synod of 362. According to this, even the leaders of the opponents should be offered forgiveness, insofar as they are penitent, though they are to be deposed from their offices. Whoever fell from the faith through force or compulsion would be forgiven and would remain a cleric, and whoever was deceived and suffered violence would also be forgiven.³⁶⁹ The *Tomus ad Antiochenos* 3.1 preserves the general conditions: (1) the anathematization of the Arians, (2) the Nicene confession, and (3) the confession of the divinity of the Holy Spirit.³⁷⁰

The letter achieved special prominence in connection with the question of the return of iconoclastic clergy at the first session of Nicaea II (787), where it was read out.³⁷¹

In his edition, P.-P. Joannou arbitrarily added *quaestio* 112 on communion with heretics from the *Quaestiones ad Antiochum ducem* here, although it is spurious and does not appear in the canonical collections.³⁷² Also found in

364. Joannou, CPG 78.6–7.

365. ClavisG 8593; C. B. Armstrong, 'The Synod of Alexandria and the Schism of Antioch in A.D. 362', JTS 22 (1921) 206–22, 347–55.

366. Rufinus of Aquileia, *Historia ecclesiastica* 10.29 (ed. Mommsen, GCS 9,2, 991.14).

367. ClavisG 2134; Tetz, 'Orthodoxie' 66. 368. Tetz, 'Orthodoxie' 196, 202.

369. Joannou, CPG 78.7–14; 79.14ff. Rufinus (*Historia ecclesiastica* 10.29, ed. Mommsen, GCS 9,2, 991) reports conflicts at the synod over this rule. The rigorists desired the treatment of the leaders to be applied to all.

370. Cf. Tetz, 'Orthodoxie' 200.

371. Cf. Mansi 12.1023E, 1027E–1030D, 1030E–1031D.

372. ClavisG 2257; PG 28.597–700; cf. Joannou, CPG 80–82.61.

some manuscripts and hence also accepted by Joannou is the fragment, *De non participando diuinis mysteriis sine discrimine*, on marital continence before receiving communion.³⁷³

The so-called *Canones Athanasii* were not received in the canonical collections. This is an 'ecclesiastical church order for the higher and lower clergy' from Egyptian sources from the second half of the fourth century, attributed to Athanasius and divided into 107 canons in the eleventh century.³⁷⁴

Basil the Great (330–79)

Editions: Joannou, CPG 85–199; Y. Courtonne, *Saint Basile, Lettres I–III* (Les belles lettres; Paris 1957–66); PG 32.219–1110; R. J. Deferrari, *St. Basil: The Letters, with an English Translation I–IV* (London 1926–34) (Greek text = PG 32.219–1110); Rhalles-Potles 4; Pedalion 586–651; Pitra, *Juris* 1.576–618; B. Pruche, *Basile de Césarée, Traité du S. Esprit* (2nd ed., SC 17; Paris 1968).

Translations: English: Deferrari, *St. Basil; Rudder* 771–864; NPNF 14.604–11; German: W.-D. Hauschild, *Basilius von Caesarea, Briefe*, 1–3 (Bibliothek der Griechischen Literatur 32 [Stuttgart 1990], 3 [1973], 37 [1993]).

Literature: K. Bonis, 'Αἱ τρεῖς κανονικαὶ Ἐπιστολαὶ' (reprint *Theologia* 201–20); P. J. Fedwick, ed., *Basil of Caesarea: Christian, Humanist, Ascetic: A Sixteenthundredth Anniversary Symposium* (Toronto 1981) 1–2; Paul J. Fedwick, *Bibliotheca Basiliiana universalis*, 5: *Studies of Basil of Caesarea and his world: An Annotated Bio-Bibliography* (Corpus Christianorum; Turnhout 2004); P. J. Fedwick, *The Church and the Charisma of Leadership of Basil of Caesarea* (Toronto 1979); J. Gribomont, 'Basil of Caesarea in Cappadocia', EEC 114–15; W.-D. Hauschild, 'Basilius von Caesarea', TRE 5 (1979) 301–13; P. L'Huillier, 'Les sources canoniques de Saint Basile', *Messenger de l'Exarchat du Patriarchat russe en Europe Occidentale* 44 (1963) 210–17; Ohme, *Kanon* 543–69; J. Pauli, 'Basil of Caesarea', DECL 94–100; F. van de Paverd, 'Die Quellen der kanonischen Briefe Basileios des Grossen', OCP 38 (1972) 5–63; R. E. Reynolds, 'Basil and the Early Medieval Latin Canonical Collections', in Fedwick, *Symposium* 513–32; Schwartz, *Bußstufen*; Schwartz, 'Kanonensammlungen'; Anna M. Silvas, *The Asketikon of St Basil the Great* (Oxford Early Christian Studies; Oxford 2005).

Basil the Great, the metropolitan of Caesarea in Cappadocia, was accorded a preeminent position in Eastern Christianity as a father of the church and a teacher in questions of dogma. He also gave instruction on the spiritual life and its organization. No other Greek father of the church has had so many of his letters included in Eastern canonical collections. For that reason, from fifth century the 'canons of Basil' occupy the most prominent place among the Canons of the Fathers in Greek canonical collections.³⁷⁵ In most cases his letters, or excerpts from them, to various people were placed in the collections, but there are also two excerpts from his

373. ClavisG 2303 (*spuria*); Joannou, CPG 82–84.

374. G. Graf, *Geschichte der christlichen arabischen Literatur* I (Studi e Testi 118; Vatican 1944) 605ff.; ClavisG 2302.

375. Cf. above, Introduction section, 86.

De Spiritu Sancto. Portions of his ascetical writings or homilies, in contrast, were not received into the canonical literature.

The Maurists published 365 of Basil's letters.³⁷⁶ All of his canonical letters were composed during his episcopacy (370–79). With one exception, they may all be viewed as authentic, and most of them can be fitted into the chronology of the life and works of Basil, which is relatively certain if not finally settled.³⁷⁷ Eight letters as well as the excerpts from *De Spiritu Sancto*, divided into 92 canons, belong to the later 'normal corpus' of the Greek canonical collections. In addition there are three further letters or extracts there (canons 93 to 95) that are not found in all collections. These include c. 93, which is not authentic.

Before we examine the canons individually, the corpus should be explained schematically.

Canons 1 to 16 = Letter 188, *Amphilochio de canonibus* I a.374–75 (Joannou, CPG 92–116; Rhalles-Potles 4.88–137; PG 32.663–83; Courtonne 2.120–31).

Canons 17 to 50 = Letter 199, *Amphilochio de canonibus* II a.375/6 (Joannou, CPG 116–39; Rhalles-Potles 4.138–205; PG 32.715–32; Courtonne 2.154–64).

Canons 51 to 85 = Letter 217, *Amphilochio de canonibus* III a.376–77 (Joannou, CPG 140–519; Rhalles-Potles 4.206–56; PG 32.793–809; Courtonne 2.208–17).

Canon 86 = Letter 236, *Amphilochio Iconii episcopo* a.376 (Joannou, CPG 159–60; Rhalles-Potles 4.257–58; PG 32.875–85; Courtonne 3.47–55).

Canon 87 = Letter 160, *Diodoro* a.375–76 (Joannou, CPG 160–69; Rhalles-Potles 4.259–68; PG 32.621–28; Courtonne 2.88–92).

Canon 88 = Letter 55, *Gregorio presbytero* a.370–78 (Joannou, CPG 169–72; Rhalles-Potles 4.269–74; PG 32.401–4; Courtonne 1.141–42).

Canon 89 = Letter 54, *Chorepiscopis* a.370–78 (Joannou, CPG 172–75; Rhalles-Potles 4.275–57; PG 32.401–4; Courtonne 1.139–40).

Canon 90 = Letter 53, *Chorepiscopis* a.370–78 (Joannou, CPG 175–76; Rhalles-Potles 4.278–82; PG 32.396–99; Courtonne 1.137–39).

Canons 91–92 = *De Spiritu Sancto* 27.66–67; 29.71, a.375 (Joannou, CPG 179–87; Rhalles-Potles 4.283–91; PG 32.188–92, 200–201; Pruche, 478.15–482.34, 484.53–488.19, 500.1–502.23).

Canon 93 = *Sermo ob sacerdotum instructionem* (ClavisG 2933.1–2; Joannou, CPG 187–90; Rhalles-Potles 4.391–92; PG 31.1685–88).

³⁷⁶ PG 32.219–1110.

³⁷⁷ Cf. P.J. Fedwick, 'A Chronology of the Life and Works of Basil of Caesarea', Fedwick, *Symposion* 3–19. This chronology is the basis of the following temporal ordering of the canonical letters. On the life, J. Gribomont, 'Notes biographiques sur S. Basile le Grand', Fedwick, *Symposion* 21–48; Hauschild, *Briefe* 1. Introduction.

Canon 94 = Letter 93, *Ad Caesariam patriciam, de communione* a.372 (Joannou, CPG 191–93; Rhalles-Potles 4.389; PG 32.483–85; Courtonne 1.203–4).

Canon 95 = Letter 240, *Nicopolitanis presbyteris* a.376 (Joannou, CPG 193–98; Rhalles-Potles 4.386; PG 32.893–97; Courtonne 3.61–64).

Canons 1 to 85. The three extensive letters, called canonical letters (Letters 188, 199, 217), which were placed at the beginning of the collections, were directed to Amphilochius. He had sent a concrete and precise catalogue of questions to Basil at the outset of his episcopacy as metropolitan of the province of Lycaonia. In the proemium of Letter 188, Basil said that he was forced by this request to deal with problems he had never specifically considered. In response he wished to recall what he had 'heard' from earlier generations and draw the corresponding conclusions. The fact that this is not simply a conceit by a rhetorically trained letter writer is made clear by the fact that the letters are a collection of earlier church norms, to which were added his personal comments and solutions to questions.

From the proemium of Letter 199 we learn that Amphilochius had added a second letter to his first without having received an answer from Basil. The completed first reply had been lying for some time in Caesarea before Basil sent Letter 188 together with Letter 199 by the same courier. Hence it comes about that many of Basil's answers involve revisiting a question which had been raised again. There is no internal order to the material in the two letters whatsoever. Basil deals with complicated and difficult ethical questions, simply dealing with one question after another. Often it is clear that concrete individual cases lie behind the questions (for example, canons 2, 3, 8, 10). The fact that these were actual letters is well evidenced by the conclusion of Letter 188, in which two exegetical statements are given which, oddly enough, were later divided up as 'canons' (canons 15 and 16).

The following themes are dealt with (canons 1 to 16): norms for the return of Novatians (Cathars), Montanists (Pepuzenes), and Enkratites (c. 1); abortion was to be treated as murder (c. 2); deposition of a deacon due to indecency (c. 3); the duration of penance for polygamy (c. 4); reception of remorseful heretics *in articulo mortis* (c. 5); sexual intercourse between monks and nuns was not marriage (c. 6); homosexuality, sodomy, murder, poison, adultery, and apostasy deserved the same penalty (c. 7); considerations concerning premeditated and unpremeditated homicide (canons 8 and 11); unequal treatment of women and men in the practice of divorce according to customary law (c. 9); to what degree the oath of a cleric to remain in one place prevented his transfer (c. 10); no second marriage for clerics (c. 12); homicide in war (c. 13); the office of priest and the taking of usury are mutually exclusive (c. 14).

In the second letter as well (canons 17 to 50), Basil handled a great variety of themes. He began with his reply to the special inquiry of the priest Bianor as to whether he was hindered in carrying out his office because of an oath he had given in Antioch (c. 17). In the remaining material there are canons on permitted and forbidden marriage with questions of sexual misconduct predominating. Hence, there is a question on the breaking of an oath of chastity by virgins, widows, and men (canons 18 and 19); the immunity from the penalty for breaking an oath once given in heretical congregations (c. 20); sexually indecent husbands who cannot be punished for adultery according to customary law (c. 21); marriages compelled by abduction and rape (canons 22, 25, 30); marriages between two brothers and two sisters (c. 23); and the remarriage of widows and widowers (c. 24). Questions of marriage and sexual misconduct are also dealt with in canons 26, 31, 34–42, 46, and 48–50; sexual crimes of priests and deacons in canons 27, 32, 44. On other themes, he opposed an oath not to eat pork (c. 28), and said that an oath to do evil cannot be binding (c. 29); he regarded the exposure of an infant as the same as murder (c. 33) and determined that the reception of rigorous Enkratites (Saccophores and Apotactites) should be accomplished through rebaptism (c. 47).

The third letter (canons 51–85) began in much the same style. C. 51 once more dealt with the procedure for punishing clerics (cf. canons 3, 32); c. 52 once again dealt with the exposure of infants (cf. c. 33)—Amphilochius had certainly asked about this problem once more. The same appears to have been the case with c. 53 (cf. c. 30), and c. 54 (cf. c. 8). C. 55 dealt the special case of taking justice into one's own hands against robbers.

With c. 56 a clear change in the style of writing takes place. No more special questions of cases are discussed, but rather the capital sins are listed that required public penance. While Basil rarely spoke of different stages of penance in the earlier canons (only canons 4 and 22) and never explained the penalties because he assumed them to be well known, the penalties are now listed in detail and thoroughly discussed. There are four levels of penance, the (1) *προσκλαίοντες* = weepers, (2) *ἀκρόωμενοι* = hearers, (3) *ὑποπίπτοντες* = kneelers, and (4) *συνεστῶτες* = standers. Due to this detailed description, these three letters of Basil form one of the most important sources for the stages of penance and for catechumen groups in the history of public confession.³⁷⁸ To clarify Basil's thought, c. 56 is given here verbatim:

³⁷⁸. Cf. Schwartz, *Bußstufen*; E. Seeberg, *Die Synode von Antiochien im Jahre 324–325* (Berlin 1913) 32–56.

A man who has voluntarily slain anyone and has thereafter regretted the deed and has repented of it, shall be excluded from communion with the Holy for twenty years. The twenty years shall be allotted to him in the following manner, to wit: For four years he must weep outside of the portal, standing upright beside the oratory, and begging the faithful who enter to make a special prayer for him, while he confesses over and over again the same transgression. After four years he is to be stationed among the audients (or listeners), and for five years he shall be permitted to go out together with them. For seven years he shall be permitted to go out together with the kneelers, praying with them. Four years more shall he spend together with the faithful but shall not be permitted to participate in the offering. When these years have been duly fulfilled, he shall partake of the Holy Elements.

Unpremeditated murder (c. 57); adultery (c. 58); whoring (c. 59); breaking an oath of celibacy (c. 60); theft (c. 61); homosexuality (c. 62); sodomy (c. 63); perjury (c. 64); magic (c. 65); violating a corpse (c. 66); incest (c. 67); marriage within the forbidden degrees (c. 68); indecency by readers, deacons, and priests (canons 69 and 70); hiding debilities and their conviction (c. 71); soothsaying (c. 71); and denial of Christ (c. 73) are treated in a similar manner. An excursus on the possibility of shortening the periods of penance in cases of genuine repentance (c. 74) gives an impression of a break in the discussion.

In the remaining canons, the following sins are regulated once more with detailed presentations of the various levels of penance: incest with a sister or sister-in-law (canons 75 and 76); remarriage of a divorced man (c. 77); marriage with a sister-in-law (c. 78); incest with a stepmother (c. 79); polygamy (c. 80); apostasy during a barbarian raid (c. 81); perjury (c. 82); and soothsaying and heathen practices (c. 83). The conclusion constituted another long disquisition on the greater significance of the intensity and genuineness of penance over any mandatory length of penance (canons 84 and 85).

The stylistic oddity of canons 56 to 85 has led E. Schwartz in various studies on different topics to come to dramatic conclusions about the sources used by Basil in these letters.³⁷⁹ He concluded that 'in the third letter from the 56th canon on, Basil copied earlier canons with small modifications, usually only stylistic'.³⁸⁰ He wished to prove that the *corpora* of canons 56 to 74 and 75 to 85 are independent collections of older canons that Basil incorporated into his work.³⁸¹ Schwartz's evidence for his conjecture was his analysis of the Patmos, Monastic Library (Codex Patmia-

379. 'Zur Geschichte des Athanasius VI (1905)', *Gesammelte Schriften* 3.134–55; 'Zur Geschichte des Athanasius VII (1908)' *Gesammelte Schriften* 3.170–87; Schwartz, *Bußstufen*; Schwartz, 'Kanonensammlungen'.

380. Schwartz, *Bußstufen* 329.

381. Schwartz, *Bußstufen* 316–34.

cus) 172 and 173 (eighth to ninth centuries) and of the Paris, Bibliothèque nationale de France (Syriac Codex Parisinus) 62 (ninth century). F. van de Paverd has rejected Schwartz's conclusions.³⁸²

Canons 86 to 90. Letter 236 to Amphilochius dealt with different themes and topics in seven parts. The fourth part of the letter takes a position on the question of the Enkratites, forming the text for c. 86. The occasion for the inquiry by Amphilochius was certainly the argument raised by the Enkratites that even Catholics would not eat all foods, but that they drew the distinction between permitted and impermissible food. Basil answered that a distinction was to be made only between usefulness and injury, not sinfulness.

C. 87 contains parts 2 to 5 of Letter 160 to Diodorus of Tarsus, leaving out the proemium. There Basil expressly rejected the possibility of the marriage of a widower with a sister-in-law. A letter permitting this practice circulated under the name of Diodorus. This letter was used as a counter-argument, as was explained in the proemium. In c. 23 Basil had already mentioned his letter to Diodorus and also referred to a transcription that he had sent to Amphilochius.

Letter 55 to the seventy-year-old priest Gregorius or Paregorius³⁸³ (c. 88) forbade him from continuing to live with his housekeeper, to whom he was not related. He cited c. 3 of Nicaea and added the threat of anathema for non-observance. In Letter 54 (c. 89), Basil turned to the *chorepiscopi* of his metropolitan district and complained about the undignified circumstances surrounding the appointment of lower clergy. Basil also asserted his own right to participate in their duties. The addressees of Letter 53 (c. 90) are also *chorepiscopi*.³⁸⁴ He threatened deposition for every simoniac practice connected with ordination.

Further canons: Canons 91 to 92 are three excerpts from *De Spiritu Sancto*. In them he dealt with the significance of the *dogma* and *kerygma* of the church,³⁸⁵ as well as the unwritten traditions of the church, which were just as binding as written doctrine. Basil described them concretely: crossing; praying facing east; the wording of the *epiklesis* (ἐπίκλησις); the bless-

382. van de Paverd, 'Die Quellen' 5–63. For the literature to the discussion encompassing the question at issue here of the authenticity of the synod of Antioch of 324, cf. van de Paverd, 'Die Quellen' 8ff.

383. Schwartz argued for this form of the name; cf. *Bußstufen* 323.

384. According to the *lemmata* of the canonical manuscripts, the letter was addressed to suffragans; cf. Joannou, CPG 175.

385. Cf. H. Dörries, 'De Spiritu Sancto', *Der Beitrag des Basilius zum Abschluß des trinitarischen Dogmas (Abhandlungen der Akademie der Wissenschaften in Göttingen, Phil.-Hist. Klasse 39; Göttingen 1956)* 73–75, 121–28.

ing of baptismal water and chrism; the chrism itself; the threefold immersion of the one being baptised; abrenunciation; praying while standing; the inclusion of the Holy Spirit in the doxology with the formulation $\sigma\upsilon\tilde{\nu}$ $\tau\acute{\omega}$ $\Pi\tilde{\nu}\epsilon\acute{\upsilon}\mu\alpha\tau\iota$; as well as 'most' sacraments.

The Pedalion closed the canons of Basil with the three excerpts from *De Spiritu Sancto*. Theodore Balsamon and Matthew Blastares considered Basil's 85 canons to be only those from the first three letters to Amphilochius, while they would not designate the remaining canonical decisions to be 'canons'. The Codex of Trebezond, the basis of Rhalles-Potles, also numbers only these 85 canons.³⁸⁶ John Zonaras in his exposition of c. 54 Quinisext calls Letter 160 to Diodorus c. 86, which is today usually designated c. 87.

Some manuscripts add from one to three further decisions to those collections that contained 92 canons. In the Codex of Trebezond, for example, these canons are gathered together with other additions with the title ' $\Delta\acute{\iota}\alpha\phi\omicron\rho\alpha$ '.³⁸⁷ C. 93 bore the title ' $\text{Παράγγελμα πρὸς τὸν ἱερέα περὶ τῆς θείας χάριτος}$ '. This is the pseudepigraphic *Sermo ob sacerdotum instructionem*,³⁸⁸ certainly of Alexandrian provenance, which Joannou took into his collection in the longer variant reading.³⁸⁹ C. 94 is an excerpt from Letter 93 to the Patrician Lady Kaisaria on the frequency of communion.³⁹⁰ Basil approved of daily communion, but he also mentioned for Caesarea the practice of receiving communion on Sunday, Wednesday, Friday, and Saturday, besides holy days of the saints.

An excerpt from Letter 240 to the residents of Nikopolis is contained in c. 95.³⁹¹ Basil called upon the Nicene congregation there to continue to endure the discrimination of the party of 'homoiousians' since the state protected their errors. They should not, however, obey the bishops of the 'homoians'.

Gregory of Nyssa (331/340–[395])

Editions: Gregory of Nyssa, *Epistula canonica*, ed. Ekkehard Mühlenberg (*Gregorii Nysseni Opera*, vol. 3: *Opera Dogmatica Minora*, part 5; Leiden-Boston 2008) 1–14; Joannou, CPG 203–26; PG 45.221–326; Rhalles-Potles 4.295–330; Pedalion 651–62; Pitra, *Juris* 1.619–29; (ClavisG 3148).

Translations: English: Rudder 866–82; NPNF 14.611–12; *Gregory of Nyssa: The letters*, Introduction, translation and commentary by Anna M. Silvas (*Supplements to Vigiliae Christianae*, 83; Leiden 2007); French: Joannou, CPG 203–26.

386. Cf. Rhalles-Potles 4.255 n. 1.

387. Rhalles-Potles 4.386–92.

388. ClavisG 2933.1–2.

389. The shorter = PG 31.1685–88.

390. On Letter 93, cf. B. Gain, *L'église de Cappadoce au IV^e siècle d'après la correspondance de Basile de Césarée* (OCA 225; Rome 1985) 207–13.

391. Not 'To the priests' as the Maurists' edition formulates.

Literature: M. Altenburger and F. Mann, *Bibliographie zu Gregor von Nyssa* (Leiden 1988); D. L. Balás, 'Gregor von Nyssa', TRE 14 (1985) 173–81; M. Canévet, 'Grégoire de Nyssa', DSDH 6 (1967) 971–1011; H. Dörrie, 'Gregor III (Gregor von Nyssa)', RAC 12 (1983) 863–95; F. Dünzl, 'Gregory of Nyssa', DECL 263–68; J. Gribomont, 'Gregory of Nyssa', EEC 363–65; I. Kornarakes, 'Ἡ πρὸς Αἰητίου κανονικὴ ἐπιστολὴ Ἰρηγορίου τοῦ Νύσσης ἐξ ἐπόψεως ποιμαντικῆς ψυχολογίας', *Gregorios o Palamas* 42 (Thessalonike 1959) 147–52, 219–31; *Lexicon Gregorianum: Wörterbuch zu den Schriften Gregors von Nyssa*, ed. Friedhelm Mann (7 vols. Leiden-Boston 1998–2008); F. van de Paverd, 'Disciplinary Procedures in the Early Church', *Augustinianum* 21 (1981) 291–316; Schwartz, *Bußstufen* 314ff.

Only scanty information is available for a biography of the younger brother and pupil of Basil the Great.³⁹² His election in 372 as bishop of the small town of Nyssa,³⁹³ lying between Caesarea and Ancyra, constituted a turning point; despite his own reluctance, he allowed himself to be persuaded by Basil to accept the position.

Among the 'three Cappadocians', Gregory is regarded as the 'philosophical head' and the systematic theological thinker. The fact that his gifts did not lie in the practical requirements of the episcopal office,³⁹⁴ but rather in the systematic working out of theological questions, is shown by his letter to Bishop Letoios of Melitene, the metropolis of Armenia II, certainly written about 383. It is one of the few surviving letters of Gregory.

This letter, which was taken into the Greek canonical collections after being divided into 8 parts ('canons'), dealt with questions of public confession. In contrast to the so-called canonical letters of Basil, however, it dealt primarily with the systematic theological basis of the necessity for penance as well as its duration, so that his practical examples have an explanatory character.

The proemium (c. 1) offered a psychological foundation for therapeutic penance. The precondition for a healing is described as a correct recalling of the cause of an illness in one of the three parts of the soul, which is understood as threefold in keeping with the Platonic model. The capital sins are distributed in keeping with this division of the soul. C. 2 dealt with the sin attributed to the λογικόν part of the soul, apostasy; c. 3 dealt with soothsaying and conjuring. C. 4 analyzed the sins of adultery, indecency, and whoring, that pertained to the ἐπιθυμητικόν part of the soul. C. 5 treated sins of the third, θυμοειδές, part of the soul: homicide and murder; further, he described the penances that should be given to those 'in articulo mortis' and noted that if the person recovered, the penance had to be performed. In the same way he analyzed the greed for possessions

392. Cf. in particular Dörrie, 'Gregor III' 864–70 and Balás, 'Gregor von Nyssa' 173–75.

393. Cf. F. Hild and M. Restle, *Kappadokien* (Tabula Imperii Byzantini 2; Vienna 1981) 246ff.

394. This was notorious; cf. Basil Letter 58, 60, 100.

and their concrete manifestations, theft and robbery (c. 6), grave robbery (c. 7), and sacrilege (c. 8).

The periods of penance mentioned by Gregory³⁹⁵ are different from those prescribed by Basil for the same case, so the question might be asked, whence came the tradition represented by Gregory?³⁹⁶ What is surprising is a singular schematization of the periods of penance into three steps of equal length: murder (3 x 9 years); adultery, sodomy, pederasty (3 x 6 years); whoring (3 x 3 years).

Gregory of Nazianzus († 390)

Editions: Joannou, CPG 229–31; PG 37.472–74 (ClavisG 3034); Rhalles-Potles 4.363–64; Pedalion 662ff.; Pitra, *Juris* 1.654–55.

Translations: English: Rudder 883–84; NPNF 14.612; French: Joannou, CPG 229–31.

Literature: J. Gribomont, 'Gregory Nazianzen', EEC 361–62; C. Hartmann, 'Gregory of Nazianzus', DECL 259–63; John A. McGuckin, *St. Gregory of Nazianzus: An Intellectual Biography* (Crestwood, NY 2001); J. Mossay, 'Gregor von Nazianz', TRE 14 (1985) 164–73; Schneemelcher, 'Bibel III.', TRE 6 (1980) 22–48; B. Wyß, 'Gregor II (Gregor von Nazianz)', RAC 12 (1983) 793–863; Zahn, 2.212–19.

Gregory's year of birth in the Cappadocian town of Nazianzus cannot be established with certainty.³⁹⁷ His father, Gregory the Elder, was bishop there from 329 to 374. About 372 Basil the Great consecrated him as bishop of the market town of Sasima, which belonged to Cappadocia II after the partition of Cappadocia. His consecration established the claim of Cappadocian Caesarea against the new (second) metropolis of Tyana and its metropolitan Anthimus. Anthimus, however, denied Gregory entry, so that he never entered his office.

From 379 onward, Gregory resided in Constantinople in order to care for the Nicene minority in the capital. Supported by the change in ecclesiastical politics under Theodosius I, he became bishop of Constantinople on 24 November 380, and after the death of Meletios of Antioch he also became president of the general council of the Eastern Empire, which had been meeting in the capital since May 381.³⁹⁸

Gregory must be seen as the most important Greek Christian poet. Through the roughly 17,000 verses composed by him, he sought to write Christian verses that would equal Hellenistic poetry, while observing all

395. Cf. Joannou, CPG 210.1ff., 23ff.; 211.20; 214.10ff.; 215.9ff.; 216.12–13; 218.13ff.; 219.5ff., 23ff.; etc.

396. Cf. F. van de Paverd, 'Die Quellen', 5–63, 41 n. 5.

397. On the place, cf. Hild and Restle, *Kappadokien* 244f. On the date, in discussion are 326 or 300; on this, and on the *vita* in general, cf. Mossey, 'Gregor von Nazianz' 164–67; Wyß, 'Gregor II' 794–98; and P. Gallay, *La vie de S. Grégoire de Nazianze* (Lyon-Paris 1943).

398. On Constantinople I, see above 49–53.

the formal rules.³⁹⁹ From the first part of the corpus of his poems, the so-called *Carmina dogmatica*, Carmen 1.1.12 entered the Greek canonical collections. There it was placed together with the iambs of Amphilo-chius (see below) on the same theme; yet both are missing in the *Synagoge* of John Scholasticus. These can be typified as mnemonic verses in which Gregory listed the books of the Old Testament and 26 books of the New Testament, omitting *Revelation*. Consequently, this listing proves that the canon of the 26 books had gained general acceptance by the end of the fourth century.⁴⁰⁰

Amphilo-chius of Iconium (340–45; 394–403)

Editions: Joannou, CPG 232–35; E. Oberg, *Amphilochii Iconiensis: Iambi ad Seleucum* (PTS 9; Berlin 1969) 36–39; PG 37.1593–98 (ClavisG 3230); Rhalles-Potles 4.365–67; Pedalion 664–65; Pitra, *Juris* 1.655ff.

Translations: English: Rudder 585–86; NPNF 14.612; German: E. Oberg, 'Das Lehrgedicht des Amphilo-chius', JAC 16 (1973) 67–97; French: Joannou, CPG 232–35.

Literature: K. Holl, *Amphilochius von Ikonium in seinem Verhältnis zu den großen Kap-padokiern* (Tübingen 1904); G. Röwekamp, 'Amphilochius of Iconium', DECL 22–23; Schneemelcher, 'Bibel III', TRE 6 (1980) 22–48; S. J. Voicu, 'Amphilochius of Iconium', EEC 32; Zahn, 2.212–19.

After his education as a rhetor under Libanius in Antioch, Amphilo-chius practiced this profession in Constantinople from 363 to 370–71. He ended his practice in order to dedicate himself to the eremitic life.⁴⁰¹ Between 370 and 372, under Emperor Valens the province of Lykaonia was newly formed out of portions of the provinces of Galatia and Pisidia as well as from Isaurian lands.⁴⁰² The episcopal see of Iconium hence became both the civil and ecclesiastical metropolis. On the recommendation of Basil the Great, Amphilo-chius was elected metropolitan. Both of them were bound in close friendship. Amphilo-chius participated as executor of the heritage of Basil at the Council of Constantinople in 381, and along with Optimus of Antioch in Pisidia he was made a guarantor of orthodoxy in the imperial diocese of Asia.⁴⁰³ He died after the synod of Constantinople in 394 (see above), in which he participated, but before 403.⁴⁰⁴

The 333 iambic verses to Seleucus, placed among the works of Gregory of Nazianzus by the first editors as well as by Migne, are a guide to the pious life and for successful studies. He composed it for his ten-year-old

399. Cf. Wyß, 'Gregor II' 308–14.

400. W. Schneemelcher, *Neutestamentliche Apokryphen* 1 (5th ed. Tübingen 1987) 25.

401. On the biography, cf. Holl, *Amphilochius von Ikonium* 5–42.

402. Cf. K. Belke, *Galatien und Lykaonien* (Tabula Imperii Byzantini 4; Vienna 1984) 54–55.

403. *Codex Theodosianus* 16.1.3.

404. On his writings and theology, cf. Holl, *Amphilochius von Ikonium* 42–115, 235–63.

nephew about 396.⁴⁰⁵ Verses 251 to 319 contain an index of biblical books of the Old and New Testament, which is of significance for the history of the canon and is always combined with that of Gregory of Nazianzus (see above) in Greek canonical collections. Even at the end of the fourth century, Amphilochius documented the old doubts about the Epistle to the Hebrews, the four small 'Catholic Epistles', and Revelation.

Timothy of Alexandria († 385)

Editions: Joannou, CPG 240–58; PG 33.1296–1308; Pitra, *Juris* 1.630–45; Pedalion 666–76; Rhalles-Potles 4.331–41 (ClavisG 2520).

Translations: English: *Rudder* 889–901; NPNF 14.612; French: Joannou, CPG 240–58.

Literature: J. Faivre, 'Alexandrie', DHGE 2 (1914) 289–369, 317–19; A. V. Psarev, 'The 19th Canonical Answer of Timothy of Alexandria: On the History of Sacramental Oikonomia', *St. Vladimir's Theological Quarterly* 51 (2007) 297–320; B. Windau, 'Timothy of Alexandria', DECL 577.

Only a little is known of the biography of Timothy of Alexandria. Socrates reported that he succeeded his own brother,⁴⁰⁶ whom the Emperor Valens had exiled, to the see of Alexandria. At the Council of Constantinople of 381 he is found among those who sought the resignation of Gregory of Nazianzus after the deposition of the Alexandrian candidate, Maximus.⁴⁰⁷ Afterward the Emperor Theodosius named him one of the 'normal bishops' in the empire.⁴⁰⁸

Among the few surviving works of Timothy⁴⁰⁹ are those *responsa canonica* that are included in all Greek canonical collection manuscripts and are historically anchored in the *lemmata* there to an inquiry from the Fathers of the Council of 381.⁴¹⁰ It consists of brief 'questions and answers' (Ἐρωταποκρίσεις) of diverse content which are numbered as the 'canons' of Timothy.⁴¹¹ The number of responses varies in the tradition. The first 15 are found in all the canonical collection manuscripts and may be held as authentic;⁴¹² the rest are of dubious origin. The Pedalion and Rhalles-Potles offer 18 excerpts, and in Pitra there are further elements added in the

405. PG 37.1577–1600. Seleucus was the son of Olympias, who was the daughter of Amphilochius's sister Theodosia; cf. K. G. Bonis, Περὶ τῆς μητρὸς τῆς ἁγίας Ὀλυμπιάδος, *Studi bizantini e neoellenici* 8 (1953) 3–10.

406. Socrates, *Historia ecclesiastica* 4. 37 (ed. Hansen, GCS NF 1, 71–72). Cf. Faivre, 'Alexandrie' 317–19.

407. Cf. Ritter, *Konzil* 95ff., 115–16, etc.

408. *Codex Theodosianus* 16.1.3.

409. ClavisG 2520–30.

410. *Lemma*: Ἀποκρίσεις κανονικαὶ Τιμοθέου τοῦ ἀγιωτάτου ἀρχιεπισκόπου Ἀλεξανδρείας, ἐνὸς τῶν ἑνὶ Πατέρων τῶν ἐν Κωνσταντινουπόλει συναθροισθέντων, πρὸς τὰς προσενηχθείσας αὐτῷ ἐπερωτήσεις παρὰ τινῶν ἐπισκόπων καὶ κληρικῶν (Joannou, CPG 240).

411. Thus the *lemma* in the Pedalion (666): Αἱ Ἐρωταποκρίσεις, ἧτοι οἱ ἱη' Κανόνες Τιμοθέου . . .

412. Cf. Joannou, CPG 238.

tradition. Out of documentary interest, Joannou accepted 29 questions and answers in his own edition.

The following themes are dealt with: the *communion* of catechumens (c. 1), of the possessed (c. 2), of menstruating women (c. 7), after marital relations (c. 5), and after nocturnal emission (c. 12); the *baptism* of the possessed (c. 2), of catechumens in a coma (c. 4), and of menstruating women (c. 6); the *fasting practices* at Lent for childbearing women (c. 8) and the ill (c. 10); divine service in the presence of heretics (c. 9); conduct of clerics in cases of illicit marriage (c. 11); the days of the week on which married persons are to abstain from intercourse (c. 13); ecclesiastical prayer for suicides (c. 14); adultery on the grounds of illness of the wife (c. 15).

Theophilus of Alexandria ([345]–412)

Editions: Joannou, CPG 262–73; PG 65.33–45; Pitra, *Juris* 1.646–49; Rhalles-Potles 4.342–54; Pedalion 676–86 (ClavisG 2678).

Translations: English: *Rudder* 904–14; NPNF 14.613ff.; French: Joannou, CPG 262–73.

Literature: H. Crouzel, 'Théophile d'Alexandrie', *DSDH* 15 (1991) 524–30; R. Delobel and M. Richard, 'Théophile d'Alexandrie', *DThC* 15 (1946) 523–30; A. de Nicola, 'Theophilus', *EEC* 831; A. Favale, *Teofilo d'Alessandria* (345–412) (Turin 1958); G. Münch-Labacher, 'Theophilus of Alexandria', *DECL* 572–73; H. G. Opitz, 'Theophilus von Alexandrien', *RECA* 5A (1934) 2149–65. Norman Russell, *Theophilus of Alexandria* (Early Church Fathers; London 2007).

Information on the life of Theophilus before his elevation to the office of bishop of Alexandria in 385 rests only on the chronicle of John of Nikiu (about 700) and on the Alexandrian *Synaxarion* (fifteenth century), which have legendary elements.⁴¹³ He was already active as a cleric and deacon under his three predecessors, Athanasius, Peter, and Timothy. In the three decades of his office, he continued the struggle of the Alexandrine patriarchs against the capital see and its bishops for ecclesiastical precedence, which had been established by c. 3 of Constantinople I of 381 (see above). Under the leadership of Theophilus, the Alexandrian see achieved the leading position of ecclesiastical power in the Christian East. Theophilus played a decisive role in settling the schism in the ecclesiastical province of Arabia, as well as in the debates on this problem at the Constantinople synod of 394.⁴¹⁴ His reputation was tarnished after the fact by his ruthless struggle against Origen and his defenders among Egyptian monks in what is called 'the first Origenist controversy',⁴¹⁵ as well as by his intrigues

413. Cf. on this and on the biography, Crouzel, 'Théophile d' Alexandrie' 524–27; Favale, *Teofilo d'Alessandria*.

414. See above, 75–77.

415. K. Holl, 'Die Zeitfolge des ersten origenistischen Streits', *Gesammelte Aufsätze* 2 (Tübingen 1928) 310–50; Opitz, 'Theophilus von Alexandrien' 2152ff.

against Bishop John Chrysostom of Constantinople. Theophilus deposed him at the 'Synod of the Oak' (403).⁴¹⁶

Among the extensive literary works of Theophilus, which have been preserved in fragments,⁴¹⁷ there are five letters which were divided into 14 canons and included in the Greek canonical collections. They are:

1. An excerpt entitled 'Προσφώνησις' in the manuscripts, dealing with the rules of fasting for the occasion when the vigil fast of the *Theophaneia* falls on a Sunday (c. 1). Joannou attributes this 'edict' to the fragment of the sixth Easter letter of Theophilus in 391.⁴¹⁸

2. A 'memorandum' for (Bishop?) Ammon, sent by Theophilus to Lycopolis,⁴¹⁹ with detailed directions for the problems which had emerged there, whose resolution had been requested by the local bishop, Apollon. The question of how to deal with clerics who had been in communion with 'Arians' (c. 2) dates the letter to the beginning of Theophilus's episcopate. Canons 3 to 6 and c. 9 decided specific cases of priests who are identified. C. 7 regulated ordination practice. C. 8 gave orders on what is to be done with the remnants of the eucharistic bread. Canons 10 to 11 established an *oikonomos* for the incomes of the church there, and the care prescribed for widows, the poor, and travelers.

3. A brief passage from a letter to a (Bishop?) Aphyngius on the process of receiving Cathars back into the church (c. 12). Here Theophilus regulated ordination by citing the synod of Nicaea (c. 8).

4. An excerpt from a letter to a Bishop Agathon on the concrete case of an illicitly contracted marriage (c. 13).

5. A letter to a Bishop Menas on the case of a woman excommunicated by priests, whose resolution was obviously disputed by Menas. Theophilus confirmed the decision as legal (c. 14).

Cyril of Alexandria ([380]–444)

Editions: Joannou, CPG 276–84; PG 77.361–65; Rhalles-Potles 4.916–22; Pedalion 687–92; Pitra, *Juris* 1.650–53 (ClavisG 5378–79).

Translations: English: *Rudder* 916–22; NPNF 14.615; Norman Russell, *Cyril of Alexandria* (Early Church Fathers; London–New York 2000) but not the canonical letters of Cyril; French: Joannou, CPG 276–84.

Literature: G. Bardy, 'Cyrille d'Alexandrie', DHGE 13 (1956) 1169–77; E. R. Hardy, 'Cyrillus von Alexandrien', TRE 8 (1981) 254–60; G. Jouassard, 'Cyrillus von Alexandrien', RAC 3 (1957) 499–515; H. du Manoir, 'Cyrille d'Alexandrie', DSDH 2 (1953) 2672–83;

416. ClavisG 8610; A. Wenger, 'Jean Chrysostome', DSDH 8 (1974) 331–55; J.-M. Leroux, 'Johannes Chrysostomus', TRE 17 (1988) 118–27.

417. ClavisG 2580–2684.

418. Cf. Joannou, CPG 260; ClavisG 2583.

419. *Lemma*: Ἱπομνηστικὸν ὅπερ ἔλαβεν Ἄμμων διὰ τὴν Λυκῶ (Joannou, CPG 264).

G. Münch-Labacher, 'Cyril of Alexandria', DECL 153–57; M. Simonetti, 'Cyril of Alexandria', EEC 214–15.

As successor to his uncle Theophilus, Cyril mounted the episcopal throne of Alexandria on 17 October 412.⁴²⁰ After the elevation of Nestorius to the see of Constantinople in 428, two problems occupied his duties as an ecclesiastical political leader: first, the struggle against Nestorius's questioning of title *Theotokos* for Mary in connection with the 'Antioch Theology', and second, the status and preeminence of the episcopal see of the imperial residence.⁴²¹ In April 433, Cyril agreed with the compromise formula of John of Antioch, so that ecclesiastical unity was restored in the East. In his later years, Cyril was particularly concerned with opposing extremists among his own adherents as well as among those of the Antiochene school.

Of the more than 100 surviving letters of Cyril,⁴²² two have entered the Greek canonical collections. They were divided into 5 'canons'.

1. The letter to Domnus II (441–49),⁴²³ successor to John on the throne of Antioch, must have been written at the beginning of Domnus's tenure, about 442. Domnus had written to Cyril and Proclus of Constantinople in the matter of Bishop Peter, who was subject to him, and who had been forced to resign because of an accusation of mishandling church property. Peter continued to bear the title of bishop. Peter had sought the aid of Cyril, insisting on his innocence and complaining of the uncanonical procedure of his deposition. On the basis of his thirty years of experience Cyril responded and demanded that the novice (Domnus) carry out a just and proper trial. If Peter were guilty, then he would also have to lose his title (c. 1). Money taken improperly from Peter had to be given back so long as his guilt was not proved. Bishops must, under the judgment of God, be able to dispose of the property of their churches themselves (c. 2). Deposing a bishop could not proceed by means of a(n involuntary) resignation, but rather only through a demonstration of guilt based on the procedure of an ecclesiastical court (c. 3).

2. A letter to the bishops of Libya and the Pentapolis, which had been occasioned by complaints of monks from the Thebais over the ordination of unworthy persons by these bishops. Cyril admonished them once more to examine the way of life before every ordination (c. 4). Catechumens

420. On the biography, cf. Hardy, 'Cyrillus von Alexandrien' 254ff.; Jouassard, 'Cyrillus von Alexandrien' 499–509.

421. See above, Synod of Ephesus (431), 53–57.

422. ClavisG 5301–5411.

423. Cf. 'Domnus II', DHGE 14 (1960) 645; C. Karalevskij, 'Antioche', DHGE 3 (1913) 563–703, 575.

who were guilty of sins were capable of being baptized *in articulo mortis* (c. 5).

Joannou in his edition adds three additional pieces that are not contained in most canonical collections. In the *Syntagma XIV titulorum*, the excerpts from Theophilus and Cyril were entered from the beginning. The Syriac collection of Paris, BNF (Codex parisinus) syr. 62 (ninth century), which goes back to before the sixth century, still omits the two Alexandrian bishops, but this could have been in reaction to the Nestorian conflict.⁴²⁴

Gennadius of Constantinople ([400]–471)

Editions: Joannou, CPG 292–99; F. Diekamp, *Analecta Patristica* (OCA 117; Rome 1938) 79–82 (reprint Pitra, *Juris* 2.183–87); Mansi 7.912–16; PG 85.1613–21; Pedalion 692–97; Rhalles-Potles 4.368–74 (ClavisG 5977).

Translations: English: *Rudder* 923–28; NPNF 14.615; French: Joannou, CPG 292–99.

Literature: Diekamp, *Analecta Patristica* 54–108, 79–82, 96–98; Grumel, *Regestes* II N°. 143; J. Kirchmeyer, 'Gennade de Constantinople', *DSDH* 6 (1967) 204–5; DHGE 20 (1984) 497; C. Schmidt, 'Gennadius I of Constantinople', *DECL* 248; S. J. Voicu, 'Gennadius of Constantinople', *EEC* 342.

In 458 Gennadius was consecrated the successor to Anatolius as bishop of Constantinople.⁴²⁵ He had been a priest in the imperial capital and had already participated in the conflict over Nestorius in 431–32 with a public and virulent rejection of the 12 anathemas of Cyril.⁴²⁶ During his episcopate he expressly defended the christological definition of Chalcedon and was influentially involved in the deposition and exile of Timothy Ailurus from Alexandria in 460 and later of Peter the Fuller of Antioch.

Part of the literary work of Gennadius, which has survived in fragmentary form,⁴²⁷ is an '*Epistula encyclica* of Patriarch Gennadius and the Holy Synod assembled by him, to all Metropolitans'.⁴²⁸ Together with a subscription list of 81 bishops, including 20 metropolitans, it was included in Greek canonical collections.⁴²⁹ From the preface it can be determined that the synod in question is the so-called Endemusa.

424. Cf. Schwartz, *Bußstufen* 324.

425. On his *vita*, Diekamp, *Analecta Patristica* 54–72.

426. ClavisG 5974.

427. ClavisG 5970–86.

428. Hence the *lemma*, Γενναδίου . . . καὶ τῆς σὺν αὐτῷ ἁγίας συνόδου . . . (cf. Joannou, CPG 292). The addition 'and to the Pope in Rome', preserved in some manuscripts and editions (cf. Joannou, CPG 292), is a later accretion lacking in the earliest manuscripts. Cf. also Grumel, *Les Regestes* 105; Diekamp, *Analecta Patristica* 98.

429. The subscriptions are preserved in most of the manuscripts (cf. Joannou, CPG 299); some transmit only the first subscription of Gennadius. Older editions are Mansi 7.916–20; Rhalles-Potles 4.371–74; critical edition, E. Schwartz, *Publizistische Sammlungen zum Acacianischen Schisma* (Abhandlung der Bayerischen Akademie der Wissenschaften, Phil.-Hist. Abteilung 10; Munich 1934) 176.

The synodal decision sharply opposed the simoniacal ordination practices which had developed in Galatia and spread widely as a 'custom'. The sinfulness of simony was established with references to Matthew 10:9 and Acts 8:23 and was sharpened even more by recalling c. 2 of Chalcedon, which was cited verbatim. The threat of punishment was intensified by the threat of anathema.

A dating of the synod around 458–59 is probable, since several Egyptian bishops are included among the subscribers. They were driven from their sees in 457 by Timothy Ailurus and were residing in Constantinople. The inauguration and ordination of Gennadius would have been the primary purpose of this synod.

In his *Enkomion* to St. Gennadius,⁴³⁰ which Neophytos Enkleistos wrote in Cyprus in the twelfth century, he included a shortened form of the encyclical letter.⁴³¹ In view of the uncomplicated tradition of the manuscripts before the thirteenth century,⁴³² this must have been a later epitome.

Among the *spuria* of Gennadius was a letter, addressed to Martyrius of Antioch according to the *lemma*, on the reception of heretics into the church.⁴³³ A short version of this letter has been added to the later manuscripts of the canons of Constantinople I of 381 as 'c. 7' (see above).

Cyprian of Carthage († 258)

Sources: Caecilius Cyprianus. . . , *Opera omnia*, ed. G. Hartel (Vienna 1871; New York 1965) 2.766–70; Louis Bayard, *St. Cyprien: Correspondence* (2 vols. Collection des universités de France; 2 vols. Paris 1925; 2nd ed. 2 vols. Paris 1961–62; *Saint Cyprien: Lettres*, Selected by Denys Gorce [Namur 1961]) 2.252–56; Joannou, CPG 303–13; Rhalles-Potles 3.2–6; Pedalion 368–69.

Translations: English: R. B. Donna, *Saint Cyprian* (Letters 1–81, The Fathers of the Church 51; Washington 1964); NPNF 14.518–521; *Rudder* 483–88; German: BKV 2nd ed. 60.323–27 (J. Baer); French: Bayard, *St. Cyprien II*; Joannou, CPG 303–13.

Literature: G. Bardy, 'Cyprien', DSDH 2 (1953) 2661–96; G. Bardy, 'Cyprien de Carthage', DHGE 13 (1956) 1149–60; M. Bénévot, 'Cyprien von Karthago', TRE 8 (1981) 246–54; J. Patout Burns, *Cyprian the Bishop* (Routledge Early Church Monographs; London 2002); G. D. Dunn, 'Cyprian and Women in a Time of Persecution', JEH 57 (2006) 205–25; G. D. Dunn, 'Heresy and Schism according to Cyprian of Carthage', JTS 55 (2004) 551–74; G. D. Dunn, "'Sententiam nostram non novam promimus': Cyprian and the Episcopal Synod of 255", AHC 35 (2003) 211–21; J. A. Fischer, 'Das Konzil zu Karthago im Jahre 255', AHC 14 (1982) 227–40; J. A. Fischer, 'Das Konzil zu Karthago im Frühjahr 256', AHC 15 (1983) 1–14; J. A. Fischer, 'Das Konzil zu Karthago im Spätsommer 256', AHC 16 (1984) 1–39; Paolo Bernadini, *Un solo battesimo una sola chiesa: Il concilio di Cartagine del settembre 256* (Testi e ricerche di scienze religiose n.s. 43; Bologna

430. Cf. Beck, *Kirche* 633.

431. Diekamp, *Analecta Patristica* 81–82 = H. Delehaye, *Analecta Bollandiana* 26 (1907) 222–23.

432. Cf. Joannou, CPG 290.

433. ClavisG 5983; Grumel, *Les Regestes*; Diekamp, *Analecta Patristica* 83 = Pitra, *Juris* 2.187–88.

2009). A. Hoffmann, 'Cyprian of Carthage', DECL 148–53; Andreas Hoffmann, *Kirchliche Strukturen und römisches Recht bei Cyprian von Karthago* (Rechts- und staatswissenschaftliche Veröffentlichungen der Görres-Gesellschaft 92; Paderborn 2000); V. Saxer, 'Cyprian of Carthage', EEC 211–12; A. Stuiber, 'Cyprianus I', RAC 3 (1957) 463–66.

A Greek translation of the synodal letter of the Carthaginian synod of 255 on the validity of heretical baptisms found its way into the Greek canonical collections as a 'canon of Cyprian of Carthage.'⁴³⁴ This synodal canon promulgated by 32 African bishops, preserved as number 70 among the letters of Cyprian, belongs (together with its confirmation by the Carthaginian synod of early 256 and the African general council attended by 87 bishops of 1 September 256) to the most important documents of the baptismal controversy between Cyprian and Bishop Stephan of Rome (254–56).⁴³⁵ The decision of 255 opposed without distinction the validity of any baptism made by heretics and schismatics, since the Church was not there and since outside the Catholic Church no one may be baptized. A re-baptism was mandatory if they were seeking entry into the Catholic Church. The synodal proceedings of 1 September 256⁴³⁶ were also occasionally received into the Greek canonical literature.⁴³⁷

The Greek translations were probably all written by the same person, whose translation was not precise. The author and time are unknown.⁴³⁸ In the Greek collections, the 'canon of Cyprian' first appears in the *Synagma XIV titularum*,⁴³⁹ even before the Quinisext Council. This already confirms its being a part of the canonical material of the Eastern Church. In any case, the statement in c. 2 of the Quinisext makes it clear that the decision represented only the African local tradition and had validity only there.⁴⁴⁰ The Quinisext documented the regulation of the problem in question, which had been altered by c. 8 of Nicaea, c. 7 of Constantinople (381), canons 1 and 47 of Basil, and the Quinisext's own c. 95. In connection with this, we note that only a small number of Greek canonical *compendia* preserve the 'canon of Cyprian' at all.⁴⁴¹ At the same time, c. 2 of the Quinisext carried the canon as the last in a series of Canons of the

434. Cf. Fischer, 'Jahre 255'.

435. Cf. Fischer, 'Frühjahr 256' and 'Spätsommer 256'.

436. *Sententiae episcoporum numero LXXXVII de haereticis baptizandis*, Soden, ed. (NGWG; Berlin 1909) 247–307; CSEL 3.1.433–61.

437. Cf. Rhalles-Potles 3.7–9 (commentary of Zonoras); Paris, BNF (Codex Patmiacus) 172, fol. 38–49.

438. Cf. Bayard, *St. Cyprien* 2.252. In his edition, the translator's proemium to the synodal proceedings of 1 September 256 was placed by Joannou (CPG 303–4) before the decision of 255 without explanation.

439. Cf. below, Troianos.

440. Cf. Joannou, CCO 124.9–16.

441. Cf. Joannou, CCO 2 ('Introduction générale à l'édition'), CPG 303.

Fathers, thus documenting with historical correctness the late date of its addition to the Greek corpus.

When, in newer collections and editions, the concept of historicized organization and dogmatic weighting of canons grew dominant, 'The Synod of Carthage' (thus in the title) was placed among the local synods, even before the synod of Ancyra.⁴⁴²

442. Cf., for example, Pedalion 366–71; Rhalles-Potles 3.1–9.