Sources of the Greek Canon Law to the Quinisext Council (692):

Councils and Church Fathers

by

Heinz Ohme

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. It was first found in c. 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 pseudoepigraphic character of the Canons of the Apostles as 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

1 Thus in Joannou, Pedalion, and Rhalles-Potles. See below for the editions.
I have decided not to present the material in this essay in a strictly chronological order. 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)(692). Although it is known that this council did not bring the development of canon law in the Byzantine East to a close, this terminus is justified both historically and in terms of substance. C.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

3 This method is applied by Lauchert.
4 On its further development, see the chapters of Trojanos, below.
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 titulorum*, 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. 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.

\(^5\) Menevisoglou, ‘Ιστορική 73-83.

\(^6\) See Troianos below.

\(^7\) Cf. Rhalles-Potles 1.10, 115, 149, 185; Menevisoglou, ‘Ιστορική 55-73. The edition of the *Syntagma* in its Old Slavonic translation by Beneševič does not advance an investigation of the original 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 part 2.3 ‘Origin and Content of the Canons of the Fathers’ below.
b) 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 text\(^10\) is the V.N. Beneševič’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 Byzantine canon law. Volumes one to four consist of an edition of the

\(^9\) Joannou, CCO, CSP, and CPG.

\(^10\) On his procedure, see Joannou, CCO 1-11.

\(^11\) Beneševič, *Synagoga*.

\(^12\) Cf. his texts for Athanasius, Timothy, and Cyril.

\(^13\) Cf. Joannou, CCO 293-342.

\(^14\) Rhalles-Potles.
Syntagma XIV titulorum in the form ca. 883, 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. 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.

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. 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. 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

15 Cf. the introduction in Rhalles-Potles I α'-θ'.
16 Cf. Rhalles-Potles τ'-ε'.
17 On this work, see Troianos below. Both volumes are in a reprint of Leunclavius, JGR.
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. 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, 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.

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.


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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* are a collection of 85 canons. They are 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 have 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 only take place in the context of the Apostolic Constitutions. The work of F.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 1985-1987 and essentially confirmed the main controverted questions.

The results of this research has established that the Apostolic Constitutions are a pseudo-epigraphic 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

23 On the numbering, see below.

the Apostles, is no longer in doubt.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.

\textsuperscript{25} Metzger, Constitutions 1.31-2; Funk, Die apostolischen Konstitutionen; contra: Schwartz, Über die pseudoapostolischen 19.

\textsuperscript{26} Metzger, Constitutions 1.54-55ff.; Funk, Die apostolischen Konstitutionen 356-370.

\textsuperscript{27} Detailed narratives of derivations in von Drey, Neue Untersuchungen 403-14; Funk, Die apostolischen Konstitutionen 183-190.
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 ban by c. 45 of 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 neophites 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.\textsuperscript{28} Canons 42 and 43 treating the private property of bishops, clerical gambling and drinking are taken from the \textit{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

\textsuperscript{28} Cf. Funk, \textit{Die apostolischen Konstitutionen} 188ff.
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 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); apostacy 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.  

The content of the canons has little internal unity and barely any internal order. It is surprising, 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.

The numeration of the canons in the manuscripts is diverse. Since the oldest text, the Fragmentum Veronense, lacks all numeration, it is to be assumed this was also lacking in the Greek original. 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

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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.

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.\textsuperscript{33} 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.\textsuperscript{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.\textsuperscript{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

\textsuperscript{33} Cf. Bardy, ‘Canons apostoliques’ 1294.

\textsuperscript{34} On this, Metzger, Constitutions 1.48-51.

\textsuperscript{35} Joannou, CSP 443.19-20.
among the most-cited canons in the councils of the fifth century.\(^\text{36}\) However, as J.S. von Drey and J.W. Bickell have already shown, we cannot assume that when the phrases κανών ἀποστολικὸς or ἐκκλησιαστικὸς or ἀρχαὶ are used in the sources that they are references to these collections of canons.\(^\text{37}\) 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.\(^\text{38}\)

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.\(^\text{39}\) In his praefatio, he remarked that many have doubted the apostolic origin of the canons in his own time.

\begin{quote}
Incipiunt regule ecclesiastice sanctorum apostolorum, prolate per Clementem,

Ecclesie romane pontificem, quae ex graecis exemplaribus in ordine primo ponuntur,

quibus quampilurimi quidem consensum non prebuere facile et tamen postea quaedam

constituta pontificum ex ipsis canonibus adsumpta esse videntur.\(^\text{40}\)
\end{quote}

\(^\text{36}\) 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.

\(^\text{37}\) 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, Ἰστορική 109-114, 119-20.

\(^\text{38}\) Cf. Ohme, Kanon passim.

\(^\text{39}\) Cf. A. Strewe, Die Canonessammlung des Dionysius Exiguus in der ersten Redaktion (Arbeiten zur Kirchengeschichte 16; Berlin 1931).

\(^\text{40}\) EOMIA 1.8.
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’ translation. What cannot be answered to this day is why Dionysius only translated 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.

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’ 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. 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.

In the East the use of the Canons of the Apostles can be traced in the councils of the fifth

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42 Schwartz, *Über die pseudoapostolischen* 15.


44 Further testimony in Funk, *Didascalia* 2.40-50.
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 8520-7.

Translations: English: L'Huillier, Ancient Councils 31-100; Tanner 6-19; NPNF 14.1-58;

German: Wohlmutḥ 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, ‘Nicãa I’, TRE 24 (1994) 429-441 (literature);

Beck, Kirche 44 (literature); G. Cereti, ‘The reconciliation of remarried divorces

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

46 Cf. Benešević, Synagoga Tit. I.
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.\textsuperscript{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.

The question of whether minutes of the proceedings of Nicaea once existed and were lost at

\textsuperscript{47} Cf. ClavisG 8512-8516.
an early date cannot be definitively answered.\textsuperscript{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.\textsuperscript{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.\textsuperscript{50} The reported number of participating bishops varies from 250 to over 300.\textsuperscript{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.\textsuperscript{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.\textsuperscript{53} The council also wanted to regulate questions about the norms for the entire church and to establish a common date


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

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

\textsuperscript{51} See Brennecke, TRE 24, 431.

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

for Easter.\footnote{Cf. particularly, Huber, \textit{Passa und Ostern} 61-75; A. Strobel, \textit{Ursprung und Geschichte des frühchristlichen Osternkalenders} (Berlin 1977) 389-92; Ortiz de Urbina 106ff.}

The Synod of Arles had already called for a unified date for the Easter festival in its c. 1. The Nicaean 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’,\footnote{Eusebius, \textit{Vita Constantini} 3.18 (= Opitz, 3 document 26).} as well as in the \textit{epistula synodica} to the Church of Alexandria.\footnote{Opitz 3 document 23, 12.} 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.\footnote{Pitra, \textit{Juris, Spicilegium} 4 (1858) 540-555 (541); and \textit{Monumenta} 1.435-436, also called the ‘C.de Pascha’ here. Skeptically with J. Schmid, \textit{Die Osterfestfrage auf dem ersten Allgemeinen Konzil von Nicäa} (Vienna 1905) 66; and Huber, \textit{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. Larentzakis, ‘Das Osterfestdatum nach dem I. ökumenischen Konzil von Nikaia (325)’, \textit{ZKTh} 101 (1979) 67-78, 68, follows him without further consideration.} It is no more than another summary of the decision made in Nicaea. This text was already found in the \textit{Synagoge of Fifty Titles} by John Scholasticus,\footnote{Benešević, \textit{Synagoga} 156. The \textit{lemmata} of the manuscripts used by Benešević vary between ‘Τῆς ἀγίας συνόδου τῆς ἐν Νικαίᾳ περὶ τοῦ ἀγίου πάσχα’ and ‘Έκ τῶν πρακτικῶν τῆς (ἐν Νικαίᾳ) πρώτης οἰκουμενικῆς συνόδου’.} 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 only been preserved in the synodal letter to the Church of Alexandria.\textsuperscript{59} The thirty-three bishops, five priests, and three deacons consecrated by Melitius of Lycopolis\textsuperscript{60} were permitted to remain in their offices and churches after a laying-on of hands, 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.\textsuperscript{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 \textit{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) reports\textsuperscript{62} that after the anathematization of the Arians, the

\textsuperscript{59} Opitz 3 document 23, 6-11.

\textsuperscript{60} Cf. Athanasius, \textit{Apologia Secunda} 71.

\textsuperscript{61} Specifically Akesios of Constantinople; cf. Sozomenus, \textit{Historia ecclesiastica} 2.32 (GCS NF 4, 96-98; J Bidez, G. C.Hansen,); Socrates, \textit{Historia ecclesiastica} 1.10 (GCS NF 1, 41 G. C.Hansen).

\textsuperscript{62} \textit{Historia eccl.} 1.8 (GCS 19, 38 Parmentier-Schneidweiler).
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 (ἐκκλησιαστικῶς κανόνας εἴκοσιν) without varying from the content or sequence of what is found in Greek canonical collections. 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. 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. In the Syrian, Arabic, and Ethiopian traditions, these 20 canons grew through the addition of a great number of other canonical norms. 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). Under threat of excommunication, canons 15 and 16 intended

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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 pp. 1139-76. On the Eastern churches, see the chapter by Kaufhold below.

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, \(\varepsilon\pi\alpha\rho\gamma\varepsilon\alpha\)), 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 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 (\(\pi\rho\varepsilon\sigma\beta\varepsilon\iota\alpha\)) 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 (\(\acute{\alpha}\kappa\omega\lambda\omicron\omega\theta\iota\alpha \tau\acute{\iota}\varsigma \tau\mu\eta\varsigma\)), saving the rights of the metropolitan see of Caesarea.

\(^{68}\) 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.

It must not be overlooked that these canons for restructuring the church resulted from conditions prevalent in the Eastern Empire but which 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.  

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.

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The Synod of Ancyra (314)


Translations: English: Rudder, 489-503; NPNF 14.63-72; German: Hefele 1.219-42; French: Joannou.


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. 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

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71Eusebius, *Historia ecclesiastica* 10.3 (GCS E.2, 370 E. Schwartz)
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, the Latin tradition preserves three lists of bishops who attended the council. These vary between 12 and 18 participants. The Ballerini showed long ago that one of the lists gave anachronistic provincial boundaries, 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 Neoacasarea, Vitalis of Antioch held first place and should be seen as the president. The so-called Libellus synodicus attributed the presidency to Marcellus of Ancyra, who was one of the participants, but it is unlikely that he presided. It is striking, however, that the participants come from the sphere of influence of the Church of Antioch.

72 There are 24 in Dionysius Exiguus, who unite 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).

75 Cf. Mansi 2.539; The Synodicon Vetus. Text, Translation and Notes, eds. 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.
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

\(^{76}\) Cf. Rackham, ‘Canons of Ancyra’; now standard is Beneševič, *Syntagma = Joannou, CSP* 56-73.

\(^{77}\) Cf. ClavisG 8501 and EOMIA 2.3-11, 18-27, 36-43, 48-51, 54-115.
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 lastly 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.

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\(^{78}\) Cf. J. Grotz, *Die Entwicklung des Bußstufenwesens in der vornicaenischen Kirche* (Freiburg 1955) 428-429.

\(^{79}\) 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.
Editions: Joannou, CSP 75-82; Mansi 2.539-543; Lauchert 35-6; Pitra, Juris 1.451-454; Pedalion 385-395; Rhalles-Potles 3.70-95; Versiones: ClavisG 8504.

Translations: English: Rudder, 507-19; NPNF 14.79-88; German: Hefele 1.242-251; French: Joannou, CSP 75-82.


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.\textsuperscript{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 decree 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,\textsuperscript{82} of which 6 are also found on the lists for Ancyra, and several are on the Nicaean 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 sphere of influence in Asia Minor, Syria, and Palestine. J. Lebon attributed this list of bishops to a council in Caesarea in

\textsuperscript{81} Cf. Joannou, CSP 75.

\textsuperscript{82} Cf. EOMIA 2.32, 52, 53.
Cappadocia in 314.\textsuperscript{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.\textsuperscript{84}

The Synod of Gangra (ca. 340-342)

\textsuperscript{83} See Lebon, ‘Sur un concile de Césarée’.

\textsuperscript{84} Cf. Grotz, \textit{Die Entwicklung} 429-435.
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 523-531; NPNF 14.91-103; German: Hefele 1.780-788; French: Joannou, CSP 85-99.


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 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, and a
certain identification of the bishops is possible only with difficulty.\footnote{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.} 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’ (ὑπὸ τοῦτων οὗτών 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.\footnote{Socrates, \textit{Historia ecclesiastica} 2.43 (GCS NF 1,180 G. C.Hansen) and Sozomenus, \textit{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.} The epilogue emphasized that the synod was not condemning asceticism, \textit{enkrateia} or \textit{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.  

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 had contempt of the house of God and of congregational worship; 6. that one held private religious services without the consent of the bishop; 7. that a cleric received ecclesiastical income without the permission of the bishop; 8. payment and receipt of such gifts without permission by the bishop; 9. that one practiced asceticism and condemned marriage; 10. that one practiced virginity and criticized the married; 11. that one refused to take part and dispised the agape; 12. that one dispised the clothing of ordinary people and only valued the clothing of the ascetic class; 13. that a woman would wear men's clothing in order to practice asceticism; 14. that women would abandon their husbands in contempt of marriage; 15. and 16. that parents abandoned children and children abandoned their parents for asceticism; 17. tonsure of women was anathematized; 18. fasting on Sundays was condemned; 19. that one rejected the norms of the general fasts of the church as insufficient; 20. that one rejected 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.  

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87 Eustathius von Sebaste und die Chronologie der Basilius-Briefe (Halle 1898) 79-90. For an earlier effort of dating, see Hefele, Concilien 1.791-792. 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.

88 Gratian placed the canons in Distinction 30; he omitted canons 5, 7, 8.
The Synod of Antioch (ca. 330)


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. 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

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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’:

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\(^93\) Cf. Hefele-Leclercq *Histoire* 1.706-14, 722-24; but also by Joannou, CSP 100-101; Menevisoglou, ‘Ιστορική’ 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 1.591-594.
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.\textsuperscript{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 \textit{in encaeniis} points to the period before 380, when this council was held in greater regard than the council of Nicaea in the homoioic imperial church.\textsuperscript{96}

Canon 1 renewed the Nicaean 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

\textsuperscript{95} Cf. Schwartz, Gesammelte Schriften 3.224-226.

\textsuperscript{96} H.C. Brennecke, \textit{Studien zur Geschichte der Homöer} (Tübingen 1988).
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 Nicaean 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 were unable to come to an unanimous conclusion in such a case, the metropolitan was supposed to summon additional bishops from a neighboring eparchy (c. 14). If the conclusion were 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 only been filled (c. 16) and the consecration of bishops can only take place in the presence of the metropolitan sitting in a synod (c.19). He alone could summon a provincial synod, that 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 130-155; Lauchert 72-79; Pitra, *Juris* 1.495-504; Pedalion 420-442; Rhalles-Potles 3.171-226; *Versiones*: ClavisG 8607.

Translations: English: NPNF 14. 123-134; *Rudder* 551-578; German: Hefele 1.746-777;

French: Joannou, CSP 130-155.


\(^{97}\) Cf. c. 21 with c. Serdica 1+2; c. 11 with c. Serdica 8; c. 6 with c. Serdica 16; see Hess, *Sardica* 212-213, 216-217, 222-223.

\(^{98}\) Cf. ACO 2.1 pp. 407, 459-60; see also 2.5 p. 51, 20.
The synod of Laodicea in Phrygia, with its 59 or 60 canons\textsuperscript{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\textsuperscript{100} informing 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 a 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 νό’ τῆς Ἐν Λαοδικείᾳ τῆς Φρυγίας συνελθόντων μακαρίων πατέρων συνόδου ἐπὶ τού μεγάλου θεοδοσίου’, which Joannou adopted in his edition,\textsuperscript{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 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.\textsuperscript{102} Theodoret's assertion is the terminus ad quem, and the partition of Phrygia, which is admittedly not precisely

\textsuperscript{99} In John Scholasticus c. 59 and 60 form c. 59 together.

\textsuperscript{100} Only Latin text in Joannou (= Dionysius Exiguus, ed. Strew, 52); on the Greek text, cf. Beneševič, Syntagma 267 and Lauchert. The note is found in all the Greek manuscripts.

\textsuperscript{101} Joannou, CSP 130.

\textsuperscript{102} Ad Coloss. 2:18 (PG 82.614B, 620).
dated, into Phrygia Salutaris and Phrygia Pacatiana about 325 is the *terminus non ante.*

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. 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. 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. 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 (οὗ) δὲ...’. Further, some canons are repeated in both of these stylistic forms, as is the case with the

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

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 Nicaean 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.\textsuperscript{107} E. Schwartz tried to explain the reception of the canons of Laodicea into the Greek corpus canonum through its stress 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’.\textsuperscript{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,\textsuperscript{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).\textsuperscript{110} Bishops were obligated to attend

\footnote{107}{Thus in Joannou, CSP 128.}
\footnote{108}{Schwartz, ‘Kanonensammlungen’ 31-35, at 35.}
\footnote{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.}
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 *Revelations*.

The Synod of Constantinople (381)

Editions: COGD 64-70; Joannou, CCO 45-48; Lauchert 84-87; Pitra, *Juris* 1.508-509; Pedalion 155-165; Rhalles-Potles 2.165-191; *Versiones*: ClavisG 8600.


Literature: G. Bardy, ‘Constantinople, concile de (381)’, DDC 4.424-428; P. Chrestou, ‘The
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 taken from independent sources, since they
divide the text differently. Further, the early historians only speak of the first four canons. Hence, canons 5 and 6 probably belong to the Constantinople synod of 382, 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. All three canons were only later joined to the council of 381 in the manuscript tradition.

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 Prosphebotikos, a document which has survived. The emperor responded to this request for confirmation with his edict of 30 July 381. The Nicene-Constantinopolitan Creed, which current research attributes to this council, but whose role at the council is still disputed, together


112 Socrates, Historia ecclesiastica 5.8 (ed. Hansen, GCS NF 1, 279-281); Sozomenus, Historia ecclesiastica 7.9 (ed. Bidez and Hansen, GCS NF 4, 311-313) ; Theodoret, Historia ecclesiastica 5.8 (ed. Parmentier and Scheidweiler, GCS 44, 287-289).

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-Köln 2000) 143-144.

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 IIe Concile 378. V. Pheidas, in ‘Les critères des décisions administratives du IIe Concile œcuménique’, Le IIe Concile 385-98, knows the historical problem, but he still deals with canons 5 to 7 as canons of 381; also see Menevisoglou, 'Ιστορικὴ' 192-93.

116 Mansi 3.557; Benešević, Syntagma 94-95.

117 Codex Theodosianus 16.1.3
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.\footnote{118}

Any statements about the course of the council can only be based on an historical reconstruction, though one of high probability, since minutes not only do not survive, they were probably never even kept.\footnote{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 this election was invalid, as well as all of Maximus’ consecrations and actions.\footnote{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.\footnote{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, 

\footnote{118} Ritter, \textit{Konzil} 132-209, 239-53; Ritter, ‘Stand der Forschung’ 48-52; COGD 64-70; for other positions, see these as well.\
\footnote{119} Chrysos, ‘Die Akten’.\
\footnote{120} Cf. Ritter, \textit{Konzil} 49-52.\
\footnote{121} Cf. Ritter, \textit{Konzil} 85-96; Ritter, ‘Stand der Forschung’ 47-48; J. Meyendorff, ‘The Council of 381 and the Primacy of Constantinople’, \textit{Le II Concile} 399-413;
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 (metropolitan 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 the most important ally of the Roman Church in the East was downgraded for the benefit of ecclesiastically traditionless Constantinople, but the canons also 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. 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’. The formulation of these dogmatic decisions were in addition to the doctrinal tome, and its loss can only be understood if c. 1 is meant as the doctrinal decision of the council. 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 only speak of a general recognition of the synod of Constantinople of 381 as the Second Ecumenical Council 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 not generally accepted in the Western Church. Pope Leo the Great lodged a vigorous protest against c. 3, and the council was not declared one of the four ecumenical councils until the time of Pope Hormisdas (514-523). 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

123 For these groups, see Hanson, Search.
124 Cf. Ohme, Kanon 510-528.
125 Epp. 105, 106: ACO 2.4 pp. 58, 61.
the canons of 381. 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.\textsuperscript{128}

The Synod of Ephesus (431)

Editions: Joannou, CCO 57-65 (reprint Benešević, \textit{Synogoga} see below); ACO 1.1-3, 27-28 (c. 1-6); 1.1-7, 105-106 (c. 7); 1.1-7, 122 (c. 8); Lauchert 87-88; Pitra, \textit{Juris} 1.522-534; Rhalles-Potles 2.192-215; Pedalion 170-179; \textit{Versiones}: ClavisG 8800; \textit{Gesta}: ClavisG 8675-8802.


Literature: L. Abramowski, COGD 73-80; G. Bardy, ‘Éphèse (Concile de 431)’, DDC 5.362-364; P.-T. Camelot, \textit{Éphèse et Chalcédoine} (Paris 1962); German translation \textit{Ephesus und Chalkedon} (Mainz 1963); Franca de Marini Avonzo, ‘Codice Teodosiano e concilio di Efeso’, \textit{Dall’impero crisitano al medioevo: Studi sul diritto}

\textsuperscript{127} Epistulae I Letter 25 (PL 77.478 = Jaffé, 1092).

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 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

129 ClavisG 8668.
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 "Απόφασις" bears 197 signatures. 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 Nestorius as a dogmatic statement, which was accepted by 125 votes, as well as the rejection of Nestorius’ second letter to Cyril by 35 votes.

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 was proclaimed in a ‘ψήφος’, but excluded all who held communion with them. 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, Cyril’s majority held second and third sessions on 10 and 11 July, after the arrival of the papal legates. 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

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130 ACO 1.1-2, 54, 16-28.
131 ClavisG 5304.
132 ClavisG 5669.
133 ACO 1.1-2, 13-35.
134 ClavisG 8691.
135 ClavisG 8696.
136 ClavisG 8710.
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 ‘συνοδικόν 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 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 counciliar 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

\(^{137}\) ACO 1.1.3, pp. 15-26.

\(^{138}\) ClavisG 8718, 8719, 8717.

\(^{139}\) 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 Cyripiis* 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.

\(^{141}\) 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.
Pelagianism. Bishops who maintained communion with ‘apostacy’ should be deposed (c. 2), clerics deposed by Nestorius were reinstated in their offices (c. 3). Clerics who are 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. These acts are incomplete and were probably gathered after the fact by Cyril. 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, 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 ‘απόφασις’ of the synod, hence under the

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144 Cf. ACO 1.1.4 pp. xviii-xix; 1.1.8 p. 10.

6 decisions already described.

*Collectio Atheniensis* 81 preserves the protocol of *actio* 7 of the council, which constitutes the basis for the autocephaly of the Church of Cyprus. The dating in *actio* 7, 31 August, was a scribal error for 31 July. A petition (*libello*) 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’ 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 Nicean 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.

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’ and

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146 ClavisG 8744.


148 ACO 1.1.7, 122.1-22, ᾨ γία σύνοδος εἶπε...

149 ClavisG 8746.
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. 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.

The third text was a letter to the eparchial synod of Pamphylia 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 όνομα, τιμή, and κοινωνία of his episcopal position but could act as a bishop only with the approval of his successor.

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

150 ClavisG 8745.

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, Ἰστορική 224-25).

152 ACO 1.1.7 p. 124.20: ώρίσαμεν...
Ephesus is remarkably short for a contemporary, mentioned no canons. 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. 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. 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. 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. 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.

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153 Historia ecclesiastica 7.34 (ed. Hansen, GCS NF 1, 382-384).

154 Cf. Schwartz, ‘Kanonensammlungen’ 163-64.

155 Cf. ACO 1.1.4 pp. vii-xvi.


The Synod of Chalcedon (451)

Sources: COGD (canons 1-28) 138-151; canons 1 to 27: ACO 2.1.2, 158-163 (354-359) (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 Beneševič, Synagoga [canons 1 to 27]; Lauchert 89-97; Pitra, Juris 1.522-536; Rhalles-Potles 2.216-291; Pedalion 185-211; Versiones: ClavisG 9008, 9018, 9015.


With his sacra of May 451, 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 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. The result of this agreement was the formulation of a doctrinal definition (horos), which preceded the deposition of Dioscorus and the annulment of the decisions of Ephesus of 449.

At the sixth session, the doctrinal formula was confirmed by the emperor and endorsed by  

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158 ClavisG 8981, 8982.

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

Actio VI.23.

Actio VI.16.

Actio VI.17-19.

ACO 2.1-6; cf. TRE 7.674-75.

ClavisG 9000-20.

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.
7 to 17 with detailed arguments. 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). 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. In addition, with the close connection of 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 kepalaia and did not pass immediately to the promulgation of the canons. Yet the synod did not adopt the three kepalaia moved by the emperor without modification, but rather added to them, altered them, and passed them on their own. 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, ‘ηλθεν εις την άγιαν σύνοδον οτι...’ 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.


170 According to the Latin Versio antiqua a Rustico correcta, 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 pp. 767ff.

171 ClavisG 9008; ACO 2.1.2 pp. 158-63 (354-359).

172 Ueding, ‘Bedeutung’ 602-609, 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.
The Greek acts of actio 8 of 26 October\textsuperscript{174} bring an end to the debates between Maximus of Antioch and Juvenal of Jerusalem on the region of jurisdiction between the two thrones. The two of them presented to the synod an agreement they had negotiated on 23 October,\textsuperscript{175} which was unanimously approved by the synod and which was entered into the acts by the imperial commissioners as synodal ‘ἄποφασις’ and ‘ψήφος’ with validity for all time.\textsuperscript{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 Cyrus was given a legally clear decision.\textsuperscript{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 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.\textsuperscript{178} The council proceeded to order his

\textsuperscript{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.

\textsuperscript{175} ClavisG 9006; Schwartz, ‘Aus den Akten’ 45-46.

\textsuperscript{176} Actio VIII 3.17.

\textsuperscript{177} ClavisG 9010.

\textsuperscript{178} Actio I 25-46.
reinstatement as bishop of Cyrus after he anathematized Nestorius.\textsuperscript{179}

The tenth and eleventh sessions on 26 and 27 October settled the case of Bishop Ibas of Edessa.\textsuperscript{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 \textit{Latrocinium} was rejected. Ibas was rehabilitated, the orthodoxy of his letter to Maris was confirmed by the Roman legate,\textsuperscript{181} and his reinstatement as bishop of Edessa was ordered after he had also explicitly anathematized Nestorius.\textsuperscript{182}

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

The dispute between the metropolitan of Bithynia, Eunomius of Nicomedia, and the bishop of Nicaea was recorded in \textit{actio} 14 on 30 October.\textsuperscript{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

\begin{footnotes}
\footnote{179} Actio IX 13.

\footnote{180} ClavisG 9011, 9013.

\footnote{181} Actio XI 161.

\footnote{182} Actio XI 180.

\footnote{183} ClavisG 9014, 9016; cf. on this Hefele-Leclercq 2.2 pp. 755-761.

\footnote{184} ClavisG 9017; cf. Hefele-Leclercq 2.2 pp. 761ff.
\end{footnotes}
Actio 15 of 31 October dealt with the effort of Bishop Sabinianus of Perre, 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, ‘’Οροι έκκλησιαστικοί έκφωνηθέντες παρά τῆς ēγίας καὶ οἰκουμενικῆς συνόδου τῆς ἐν Χαλκεδόνι συναχθείσης’, 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 monasticism was given a legal standing as an institution and was integrated into the church. C.4 is fundamental, which 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. The demand for constancy and steadfastness is doubled, firstly by the ban on secularizing

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186 ClavisG 9019.

187 ACO 2.1.2, 354.

188 On this particularly, cf. Ueding, ‘Bedeutung’.

189 C.4 is taken extensively from the emperor’s Kephalaion 1.
established houses and their property (c. 24), secondly 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,\textsuperscript{190} and c. 7 banned them from accepting worldly office or exercising any military service. All clerics in charitable establishments, monasteries, or \textit{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 non-observance with excommunication (c. 20).\textsuperscript{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 only to be bestowed on women 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 \textit{metropoleis} is also punished with deposition, and \textit{metropoleis} already created

\textsuperscript{190} This decision as well goes back to a proposal of the emperor (\textit{Kephalaion} 2) see above.

\textsuperscript{191} This decision is taken from the emperor’s \textit{Kephalaion} 3.
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 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 it 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.\textsuperscript{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 \textit{actio} 17\textsuperscript{194} the minutes from a session on 30 October on the privileges of the archbishop of Constantinople. 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.\textsuperscript{195}

The resolution passed the following decisions: confirming c. 3 of the Council of Constantinople (381),\textsuperscript{196} that the see of Constantinople-New Rome should receive the same privileges (\(\tau \alpha \iota \sigma \alpha \pi r e s b e i a\)) 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

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\textsuperscript{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’ 474-477.

\textsuperscript{194} ClavisG 9018; on the rest, cf. Schwartz, ‘Der sechste nicaenische Kanon’ 611-640; Martin, ‘Twenty-Eighth Canon’ ; Herman, ‘Ausgestaltung’.

\textsuperscript{195} ClavisG 9015.

\textsuperscript{196} See above, \textbf{000}. There it still says, \(\tau \alpha \pi r e s b e i a \tau \eta \varsigma \tau m \eta \varsigma\)!
\end{footnotesize}
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. 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, 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. These are still discernable in the minutes of actio 17 with the protests of Eusebius of Ankara and Thalassus of Caesarea. Further, there must have been other Pontic bishops, so that many more


198 ClavisG 9015.

199 Chrysos, ‘ Ὑ διάταξις ’ 275-82.

200 Actio XVII 35-42.
synodal participants were present than the 185 in the subscription list.\textsuperscript{201}

The papal legates certainly refused cooperation from the outset, on the grounds that they had no instructions.\textsuperscript{202} Beyond this there was the legal necessity of carrying out a voting procedure (ψήφος) 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 ‘ψήφος’. In keeping with that, this resolution was described by the bishops as a ‘ψήφος’,\textsuperscript{203} never as a ‘canon’.

Chrysos had plausibly explained that \textit{actio} 16 contained in the Greek minutes, with the reading of the letter of Pope Leo to the synod, is bogus.\textsuperscript{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 assured the canons and rights of the bishops after the restoration of ecclesiastical peace,\textsuperscript{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 \textit{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 \textit{actio} 16, and \textit{actio} 17 was to be dated on 1 November.

\begin{footnotes}
\item[201] This number is often incorrectly cited as the number of participants; cf. for example, Herman, ‘Ausgestaltung’ 463.
\item[202] ACO 2.1.3 p. 447.18-19.
\item[203] ACO 2.1.3 pp. 458.10ff.
\item[204] Chrysos, ‘΄Η διάταξις’ 272-75. \textit{Actio} 16: ClavisG 9020. Letter: ClavisG 8993.
\item[205] ACO 2.4 pp. 51-53.
\end{footnotes}
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 *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*

\(^{206}\) *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, ‘‘Η διάταξις’’ 278-279.

\(^{209}\) ClavisG 9031-33; Jaffé 481-483.

\(^{210}\) 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 primatum*; cf. Schwartz, ‘‘Der sechste nicäische Kanon’’ 627-640.

around 550 only documented 27 canons. Finally, canon 28 was included in the *Syntagma XIV titulorum*, together with two further decisions. All three were admittedly not designated as ‘canons’. They consisted of excerpts from the minutes of the session on the affair of Photius of Tyre and Eustathius of Berytus, as well as material from *actio 4*. One of the texts established the impossibility (sacriilege) 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 3.227-285; Pedalion 443-461; *Versiones*: ClavisG 8570.


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214 See Troianos below 000.


583-99; German: Hefele 1.556-607; French: Joannou, CSP 159-89.


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 anathemization 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 (337-352), 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

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\(^{217}\) 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 140-144 (Appendix I). On the historical context, cf. Hess, Sardica 1-21; Hess, Council of Serdica 95-113 Caspar, Geschichte 1.142-165; Girardet, Kaiserggericht und Bischofsgericht 106-120; Brennecke, Hilarius 17-64; and Barnard, ‘Council of Serdica’. 
Antioch (341) and formulated their confession in the form of a new creed, colored by Origenism. 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. 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 Nicaean formulation of the trinitarian faith was not interpreted uniformly. In other matters the anti-Arian spokesman of the Nicean synod, Marcellus of Ancyra, had been excommunicated and deposed in the meantime by eastern synods (Constantinople, 330-331 or 334-335), and Antioch, 341). 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 could 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

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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....*  

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.  

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.  

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?  

Consequently, the council split even before the beginning of actual discussions. Both rump

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

222 Brennecke, *Hilarius* 30ff.


224 This in Girardet, *Kaisergericht und Bischofsgericht* 116.
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.\textsuperscript{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 diverge 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 \textit{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’.\textsuperscript{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.\textsuperscript{227} Consequently, his edition has 13 canons. But his numbering has not been

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\textsuperscript{226} Hess, \textit{Sardica} 24; earlier reaching an identical conclusion, Turner, ‘Genuineness’ 374 n. 1.

\textsuperscript{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, \textit{Syntagma} = Joannou.
adopted in the literature.\textsuperscript{228}

The original form in which the canons circulated reveals that this canonical material was shaped under western influence.\textsuperscript{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.\textsuperscript{230} Such 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.\textsuperscript{231} The stylistic characteristics of this minute-style include the proposal by a named participant framed as a question (\textit{N. N. episcopus dixit: ... si omnibus [hoc] placet} in discursive, informal diction, with the formula of approval added (\textit{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

\textsuperscript{228}Hess, \textit{Sardica} 137 (Table A), Hess, \textit{Council of Serdica} 210, presents a tabular overview of the numbering systems in use. In what follows, the numeration of Dionysius and the \textit{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.

\textsuperscript{229}Cf. in particular Hess, \textit{Sardica} 24-41; Hess, \textit{Council of Serdica} 60-84.

\textsuperscript{230}Schwartz, ‘Kanonensammlungen’ 209; similarly, Schwartz, ‘Der griechische Text’ 5.

\textsuperscript{231}Cf. Hess, \textit{Sardica} 26ff; Ohme, \textit{Kanon} 450-477.
are dependent comments or resumés’.  

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’ analysis, as a reflection of this ‘parliamentary method’. 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.

There exists no direct historical evidence for the question thoroughly discussed in the older literature concerning the priority of the Latin or Greek text. 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. Schwartz saw the Greek version as a later translation.

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to the presence of canons XVIII 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

n. 17.


²⁴⁰ Cf. Hess, Sardica 43-44.

²⁴¹ Cf. Ulrich, Die Anfänge 91-96.
of the proposals as they were repeated by the interpreter.\footnote{Hess, \textit{Sardica} 47.}

The canons of Serdica deal almost exclusively with questions of the office of the bishop.\footnote{Except for canons 16, 17, and 20.}

In the course of this legislation, four major themes were addressed:

\textit{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.\footnote{Hence already Heckrodt, \textit{Sardika} 4-42; Hess, \textit{Sardica} 71-89, follows it; Hess, \textit{Council of Serdica} 162-178.} 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 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 diocesis. 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

\footnote{Hess, \textit{Sardica} 47.}

\footnote{Except for canons 16, 17, and 20.}

\footnote{Hence already Heckrodt, \textit{Sardika} 4-42; Hess, \textit{Sardica} 71-89, follows it; Hess, \textit{Council of Serdica} 162-178.}
of Serdica relied upon canons 15 and 16 of Nicaea.\textsuperscript{245}

\textit{Episcopal election}.\textsuperscript{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.\textsuperscript{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 adhering to the rules that governed the proper time required between each grade. Both canons hearken back to canons 2 and 9 of Nicaea.

\textit{Appellatio}.\textsuperscript{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 to 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


\textsuperscript{247} Hess, \textit{Sardica} 90-100.

contradictions, but rather they must be seen as parts of a single resolution. 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: 1. In 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. 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

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250 Relying on Girardet, ‘Appellatio’ 117.

251 Cf., for example, Athanasius, Apologia secunda 22.6 (Opitz, 2.104, 18-19).
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 only be confirmed or retried 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

Episcopal relations with the imperial court. Episcopal petitions to the imperial court were regulated by canons 8 to 12 by hindering dubious and ambitious petitions, defining proper petitions, and clarifying the rules by which one proceeds. 255

The history of the tradition of the canons of Serdica is rich in surprises. 256 It is remarkable

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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.


256 Cf. Hess, Sardica 49-67; also below 000 (Carthage, 419).
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 appealed against his deposition in 417-418 to Pope Zosimus of Rome was much discussed. Zosimus’ 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.\textsuperscript{257}

The text of the canons appeared to have been unknown outside of the Roman Church before their circulation in the first canonical collections.\textsuperscript{258} The practice of attributing canons to Nicaea was common and by no means restricted to the decisions of Serdica.\textsuperscript{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 \textit{Synogoge L titulorum} of John Scholasticus and then in the \textit{Syntagma XIV titulorum}.\textsuperscript{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)


\textsuperscript{258} For a different interpretation: Brennecke, ‘Rom und der dritte Kanon’ 25-45.

\textsuperscript{259} Cf. Hess, \textit{Sardica} 55.

\textsuperscript{260} See below, Troianos.
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* (c.34-133); PL 67.181-230; Mansi 3.699-844;

Joannou, CSP 197-436; Rhalles-Potles 3.286-624; Pedalion 462-542.


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

\(^{261}\) Munier, *Concilia Africae* 79-172.
canonical material from the end of the fifth century. These Excerpta ex registro ecclesiae Carthaginiensis were passed on into the Latin tradition separately and were widely distributed. 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.

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. 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 would be 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, for the verbatim citation of c.81 in the Epistula adversus Theodorum Mopsuestenum by the Emperor Justinian, about 550.

262 Munier, Concilia Africae 173-247.


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. Beneševič, Synagoga 7.258-259.

265 PG 86.1091; E. Schwartz, ‘Drei dogmatische Schriften Justinians’ (Abh. Akad. 18; Munich 1939; reprinted Legum Justiniani imperatoris vocabularium Subsidia 2, Milan 1973) p. 68 and 124 respectively.
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.

The Synod of Constantinople (394)

Sources: Joannou, CSP 438-444; Benešević, Syntagma 456-459; Pelagii diaconi ecclesiae Romanae, In defensione Trium Capitulorum, ed. R. obert Devreesse (Studi e Testi 57; Rome 1932) 9-11; Pitra, Juris 2.162-165; Pedalion 461-462; Rhalles-Potles 3.625-628; ClavisG 8606.


It is only with the Syntagma XIV titulorum that Greek canonical collections transmitted an

\[\text{266 The editors of the Pedalion have made the traditional text unusable through the elimination of portions of acts which seemed to them not to be ‘canonical’, as well as through transposition, construction of novel ‘canons’, and a singular numeration. For their justification, see Pedalion 163, n. 4; there is a synopsis of the numeration in Joannou, CSP 193.}\]
excerpt of the proceedings from the acts of the Constantinople synod of 394.\footnote{Beneševič, \textit{Syntagma} 456-59; Beneševič, \textit{Sbornik} 86-87; cf. on that Honigmann, \textit{Trois mémoires} 7-8; on the \textit{Syntagma} see below, Trojanos 8.1.4. \textit{Lemma}: \textit{'Ek tōn prαxhēntωn ύπομνημάτων ἐν Κωνσταντινουπόλει περὶ Ἁγαπίου καὶ Γαβαδίου, ἐκατέρου ἀντεχομένου τῆς ἐπισκοπῆς Βόστρης (Joannou, CSP 438).}} L. Duchesne (see above) discovered further fragments of these proceedings in Pope Pelagius I’s (556-561) memorandum on the dispute over the Three Chapters in the Orléans, Bibliothèque muncipale (\textit{Codex Aurelianensis}) 73 (70).\footnote{Cf. Duchesne, ‘Le pape Sirice’; cf. now the critical edition in Devreesse, \textit{Pelagii}.} Even when joined in proper sequence,\footnote{Cf. Honigmann, \textit{Trois mémoires} 11-16.} the two parts appear only to constitute 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 \textit{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, Amphiloctius of Iconium and Theodore of Mopsuestia,
all holders of metropolitan se Car, as well as ‘various other bishops’.  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 Arabian ecclesiastical province. The former occupant of the metropolitan see of Bostra, Gabadius, disputed the legitimacy of the present metropolitan, Agapius. The minutes mention that Gabadius had been deposed by two bishops, since deceased, and that Agapius had been raised in his place. 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 (384-399), 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

270 Joannou, CSP 439-440; 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.


272 Joannou, CSP 440.18ff.
application of the ‘appeal canons’ of Serdica (see above). 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 only to be possible 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 Ἰστιώτικον. Nikodemos Hagiorites (= Pedalion), who did not see this form of publication as proper for a ‘canon’, took two substantive sentences beginning with ὑποτίθηται and called them Ἰστιώτικον Α’ and B’ (= the proposal of Nectarius).

The Synod of Constantinople (692)
(Quinisext Council)

Sources: COGD 219-293; ‘Joannou, CCO 101-241 (Logos Prophoentikos and canons);

Ohme, *Concilium Quinisextum* 145-170 (subscription list); *Trullo Revisited* 41-186; Mansi 11.921-1006; 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: Heinz Ohme, *Concilium Quinisextum* = *Das Konzil Quinisextum* (Fontes Christiani 82; Turnhout 2006) 169-293.

Emperor Justinian II (685-95, 705-11) called a synod in 691-692\textsuperscript{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.\textsuperscript{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.\textsuperscript{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 Prosphonetikos.\textsuperscript{277} From this it can be learned

\textsuperscript{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’, \textit{Trullo Revisited} 18-20. It is not compelling to date it between 1 September 691 and 31 December 691 (contrary to Menevisoglou, ‘\textit{Ιστορική}’ 281).

\textsuperscript{275} From these basic facts arise the usual nomenclature which is used here, which is Trullanum, the Council in the Trullos, Quinisextum, Penteke.

\textsuperscript{276} Cf. Ohme, \textit{Concilium Quinisextum} 8-25.

\textsuperscript{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
that the emperor himself had taken the initiative for this synod; the bishops had gathered at his command, and the council had assembled as a ‘holy and ecumenical’ council. The motivation for bringing the council into being was also declared.

The critical edition of the subscription list and the forthcoming edition of the Acts for *Acta conciliorum oecumenicorum* permits us for the first time to make definitive statements on the number of participants. Out of 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

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distinction between the protocol of decisions by non-judicial synods and the procedural minutes of synods with court hearings.


279 Joannou, CCO 110.19; 110.8; 110.10.


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.

proceeding the incorporation of East Illyricum into the jurisdiction of Constantinople.\textsuperscript{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.\textsuperscript{284}

The signature of the metropolitan of Crete, Basil of Gortyna,\textsuperscript{285} has been seen in the Orthodox tradition since Balsamon as a sign of Roman participation at the Quinisext, even of its approval.\textsuperscript{286} But Basil was no Roman apocrisiarius,\textsuperscript{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 final stage in

\begin{itemize}
\item \textsuperscript{283} This was a development whose conclusion is generally placed in the 730s, even though the time and process of final incorporation remains unclarified.
\item \textsuperscript{285} Βασίλειος ἐπίσκοπος τῆς Γορτυνέων μητροπόλεως τῆς φιλοχρίστου Κρήτης νήσου καὶ τὸν τόπον ἐπέχον πάσης τῆς συνόδου τῆς ἁγίας ἐκκλησίας Ῥώμης ὤρίσας υπέγραψα, cf. Ohme, Concilium Quinisextum 146, n. 15.
\item \textsuperscript{286} Cf. Ohme, Concilium Quinisextum 235-251.
\item \textsuperscript{287} Contra Laurent, ‘L’ Œuvre canonique’ 14-15.
\end{itemize}
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 suffered by the Byzantine Empire in the course of the seventh century constitute the historical background.  

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). 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), as well as a representation of Christ as a lamb (c.82).

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289 For all Canons of the Quinisext Council see now the commentary of Heinz Ohme, Konzil 35-157.
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 marriage 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 childbirth’ (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 the subject of c.39.

It is clear that a large number of canons renewed or modified older decisions. 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. 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) 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

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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 iron’ 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 what he approved and to reject and declare invalid what he disapproved’. He sent the acts back to the

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293 Joannou, CCO 170.10ff.


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


297 *Liber Pontificalis* 1.373.6-7.
emperor without alteration. 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. Constantinus would only accept those canons that did not oppose Roman usage. It is likely that the Roman Church achieved a dispensation from the application of the canons in question. Yet Constantinus did recognize their validity. 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.

Yet the conflict over the Trullan Council is not primarily to be understood on the basis of its canonical material. This only emerged into the foreground later. Over the course of the seventh and

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298 Liber Pontificalis 1.386.1-3.


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 Ier’ 15-18) has made it clear in retrospect that this is not tenable.

301 Sansterre (‘Le Pape Constantin Ier’ 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 Ier’ 21 n. 87.
eighth centuries, if not longer, there was a readiness to compromise. 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. 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 polemics 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. 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.

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


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
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. 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’. 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


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

Alongside the synodal canons, the ‘Canons of the Fathers’ make up a significant portion of Greek canonical collections. C.2 of the Quinisext Council (692) sealed (ἐπισφραγίζωμεν) the ‘canons established by our holy and blessed Fathers’, and alongside the synodal canons gave the names of 13 Fathers with their episcopal titles.\textsuperscript{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.\textsuperscript{310} However, a comparison of the list of Fathers in c.2 of the Quinisext with the Fathers listed in the so-called Nomokanon of Photius,\textsuperscript{311} in the Pedalion, and in Rhalles-Potles (in this sequence) 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.\textsuperscript{312}

\textsuperscript{309} Joannou, CCO 123.7—124.16.

\textsuperscript{310} P. Menevisoglou (Οἱ πατερικοὶ κανόνες καὶ ἔτερα ‘κανονικὰ κείμενα’ ἐν ταῖς κανονικαῖς συλλογαῖς’, Kleronomia 14 [1982] 125-161) has made the attempt, using the Patmos, Monastic Library (Codex Patmiacus) 172 (ninth century), which, according to Benešević (Shornik 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.

\textsuperscript{311} According to Rhalles-Potles 1.10-11, it is an early version of the Syntagma XIV titulorum.

\textsuperscript{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’ (‘κανονικὰ κείμενα’) for which there is no synodal confirmation (such as in Menevisoglou, ‘Οἱ πατερικοὶ κανόνες’ 140-161) must be left to Orthodox dogmatics. This thesis cannot be supported by the corpus of Byzantine canonistic
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<td>Cyprian of Carthage</td>
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<td>John the Faster and others</td>
<td>Tarasius of Constantinople</td>
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Later additions found in the Pedalion and in Rhalles-Potles will be dealt with later in another collection manuscripts (see below).
place. So far as the ordering of the Fathers is concerned, the surprising part is that Peter of Alexandria and Gregory Thaumaturgy 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 only a part of the Fathers is included. Even as late as the eleventh century, Michael Psellus (1018-1078) (who was a close friend of the learned jurist and later Patriarch John VIII Xiphilinus) only knew Dionysius, Gregory the Wonder-Worker, Timothy of Alexandria, Cyril, and Gennadius, as well as the 68 (!) canons of Basil the Great. 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 it was only after then that one may 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

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313 See below, 000.


315 PG 122.921 BC (*Oblatio Nomocanonis ad Imp. Michaelem Ducam*).
the collections of the twelfth-century canonists.\textsuperscript{316}

Evaluating the opinions of significant theologians and Fathers of the Old 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 \textit{Synagoga} of John Scholasticus (Patriarch of Constantinople, 565-577) 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.\textsuperscript{317} What E. Schwartz has called the ‘Collection of Theodosius Diaconus’ in Verona, Biblioteca Capiolare (Codex Veronensis) LX (seventh century), probably compiled about 367-368 in Alexandria,\textsuperscript{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 only preserved in this form, and

\textsuperscript{316} Cf. Ohme, \textit{Concilium Quinisextum} 332-344.

\textsuperscript{317} Beneševič, \textit{Synagoga} 219, 249. The \textit{Synagoga} contains 68 canons of Basil.

\textsuperscript{318} Cf. Schwartz, ‘Die Sammlung des Theodosius Diaconus (1904)’, \textit{Gesammelte Schriften} 3.30-72, 71 (= Cod. θ in EOMIA 1.xii).
incorporated into later sixth-century collections, also contained no canons of the fathers.\textsuperscript{319} From this Syriac tradition, as well as from the corresponding Latin tradition in what is called the ‘Freising-Würzburg Version’\textsuperscript{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’. \textsuperscript{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.\textsuperscript{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 \textit{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.

\textsuperscript{319} Cf. Schwartz, ‘Kanonensammlungen’ 159-176.

\textsuperscript{320} Schwartz, ‘Kanonensammlungen’ 169-175.

\textsuperscript{321} Schwartz, \textit{Bußstufen} 322.

\textsuperscript{322} Schwartz, \textit{Bußstufen} 322ff.
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 the 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 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, τί φησί περί, τί τό. 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

323 Joannou, CPG Introduction, xxiii-xxiv.
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.

The Quinisext Council (see above) sought to bestow the character of canon law binding for

324 E. Schwartz, ‘Die Quellen über den melitianischen Streit (1905)’, Gesammelte Schriften 3.87-116, 94.

325 Schwartz, ‘Kanonensammlungen’ 178.
the entire church on the selection of episcopal rescripts gathered in its c.2.326

Dionysius of Alexandria († 264-265)

Editions: C.L. Feltoe, ΔΙΟΝΥΣΙΟΥ ΛΕΙΠΑΝΑ. 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 544-551; PG 10.1272-1290; Pitra, Juris 1.541-545.

Translations: English: C.L. Feltoe, St. Dionysius of Alexandria: Letters and Treatises (Translations of Christian Literature, series I; London 1908); Rudder 713-723; German: W.A. Bienert, Dionysius von Alexandrien: Das erhaltene Werk (Bibliothek der griechischen Literatur 2; Stuttgart 1972) 45-6, 54-8; French: Joannou, CPG 1-16.


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’. 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. 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 only until Good Saturday evening or during the night between

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the two days. Basilides asked Dionysius whether he could issue a “horos” on this point.\textsuperscript{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,\textsuperscript{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.\textsuperscript{331} The Letter to Kolon. The Pedalion and Rhalles-Potles restrict themselves to these 4 canons. Pitra\textsuperscript{332}

\begin{footnotesize}
\begin{itemize}
\item\textsuperscript{329} Joannou, CPG 5, 8.
\item\textsuperscript{330} Thus Bienert, \textit{Frage} 121.
\item\textsuperscript{331} Cf. on this, Eva Maria Synek, ‘Wer aber nicht völlig rein ist an Seele und Leib . . ’: \textit{Reinheitstabus im Orthodoxen Kirchenrecht} (Kanon Sonderheft 1; Egling an der Paar 2006).
\item\textsuperscript{332} Pitra, \textit{Juris} 1.545–46.
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in contrast, has shown that some canonical collection manuscripts\textsuperscript{333} also preserve a fragment of the letter to Konon (or Kolon),\textsuperscript{334} which Joannou adds to his edition. Eusebius reported that Kolon was bishop of Hermopolis, hence under the bishop of Alexandria.\textsuperscript{335} The fragment dealt with the question of how one was to deal with excommunicates who have been reconciled \textit{in articulo mortis} and then recover. Dionysius expressly opposed banning them again and burdening them with their earlier sins.

Peter of Alexandria († 311)


Literature: Thomas Böhm, ‘Peter I of Alexandria’, DECL 479-480; \textit{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,

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

\textsuperscript{334}Eusebius, \textit{Historia ecclesiastica} 6.46.1-2 (ed.Schwartz, GCS E.2, 626.24—628.8); Feltoe, \textit{Letters and Treatises} 60-62.

\textsuperscript{335}Eusebius, \textit{Historia ecclesiastica} 6.46.1-2 (ed.Schwartz, GCS E.2, 626.24—628.8).
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. 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*, 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

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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.
end of the letter.\textsuperscript{338} It is only in the Syriac tradition that the proemium as well as an extended concluding passage are preserved.\textsuperscript{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’.\textsuperscript{340} Since the lapsi themselves are addressed, however, it is certainly an encyclical ‘to be read out in all Egyptian churches’.\textsuperscript{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 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 repentence (c.3).\textsuperscript{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).\textsuperscript{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.\textsuperscript{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.

\textsuperscript{338} Cf. Schwartz, ‘Die Quellen’ 93-94.
\textsuperscript{339} Schwartz, ‘Die Quellen’ 90-93, retranslated into Greek.
\textsuperscript{340} Schwartz, ‘Die Quellen’ 95.
\textsuperscript{341} Kettler, ‘Der melitianische Streit’ 35, 179.
\textsuperscript{342} Joannou, CPG 36.6-14.
\textsuperscript{343} Joannou, CPG 34.9-10.
\textsuperscript{344} Cf. Joannou, CPG 56.9ff. (c.14); 49.27—50.9 (c.11).
The decisions of Peter may be called a ‘decree of pardon’, 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 only denied the faith 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. Epiphanius of Salamis reported that most confessors stood on the side

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345 Thus Kettler, ‘Der melitianische Streit’.

346 Cf. in c.5 (Joannou, CPG 38.23ff.).
of Melitius.\textsuperscript{347}

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 only survives in fragmentary form.\textsuperscript{348}

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


\textsuperscript{348} Cf. ClavisG 1640, \textit{Sermo de Paschate ad Tricientium}. 

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 nameless351 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.


351 If the address, ‘ἱερῆ πάπα’ is to be understood in that way (Joannou, CPG 19.19).
However, it is more likely that the letter was an encyclical by Gregory to the bishops of his eparchy.\textsuperscript{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 divided into 11 sections,\textsuperscript{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 that 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 Old Church. It is in dispute whether there are more levels of penance behind the decisions of canons 7 to 9 than that

\textsuperscript{352} Thus already in Routh, 2.447.

\textsuperscript{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.
of those excluded, those beseeching readmittance, and the penitent themselves. The so-called c.11 describes a penitential system in four stages. It is not included in many manuscripts, and it is generally seen as a later addition.

Athanasius of Alexandria ([295]-373)


Translations: English: NPNF 14.602-603; Rudder 758-770; German: P. Merendino, Osterfestbriefe des Apa Athanasios (Düsseldorf 1965) 94-107; French: Joannou, CPG 63-84.


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.

From the plethora of writings by the outstanding theologian and ecclesiastical politician of Nicaean orthodoxy and bishop of Alexandria, three letters of different form and style entered Greek canonical collections.\(^\text{356}\)

*The Epistula ad Ammun*, designated c.1, answered a request from the monk Ammun for an ethical evaluation of involuntary nightly pollutions.\(^\text{357}\) 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.\(^\text{358}\) 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


\(^{357}\) Cf. on the same theme, c.4 of Dionysius of Alexandria and c.12 Timothy of Alexandria.

\(^{358}\) Joannou, CPG 69.7-8, 13.
from the 39th Festival Letter of Athanasius from 367. 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. In a polemical text directed against the use of ‘apocryphal’ scriptures by the Melitians, 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 Revelations 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 only to have been received into the Greek canonical collections as c.3 quite late; a large number of manuscripts preserve it only at the end of the canons of the fathers or not at all. 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


361 See above, ‘Peter of Alexandria’ section, 000-000.

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’.
error.  

Athanasius responded by mentioning that, immediately after the end of the persecutions, a synod including outside bishops had gathered in Alexandria; with others in Hellas, Spain, and Gaul. All of them had made the same decision. 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 Nicaeans 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. Rufinus of Aquileia described this synod as ‘the council of the confessors’, and it was motivated by the consolidation and unification of Nicene orthodoxy. The sole surviving written document is the so-called Tomus ad Antiochenos. 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. 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

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363 Joannou, CPG 77.19, 22ff.
364 Joannou, CPG 78.6-7.
367 ClavisG 2134; Tetz, ‘Orthodoxie’ 66.
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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{372} Also found in some manuscripts and hence also accepted by Joannou is the fragment, *De non participando divinis mysteriis sine discrimine*, on marital continence before receiving communion.\textsuperscript{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

\textsuperscript{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.

\textsuperscript{370} Cf. Tetz, ‘Orthodoxie’ 200.

\textsuperscript{371} Cf. Mansi 12.1023E, 1027E-1030D, 1030E-1031D.

\textsuperscript{372} ClavisG 2257; PG 28.597-700; cf. Joannou, CPG 80-82.61.

\textsuperscript{373} ClavisG 2303 (*spuria*); Joannou, CPG 82-84.
Basil the Great (330-379)


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]).


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374 G. Graf, Geschichte der christlichen arabischen Literatur I (Studi e Testi 118; Vatican 1944) 605ff.; ClavisG 2302.
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 *De Spiritu Sancto*. Portions of his ascetic 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 (370-379). 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

\(^{375}\) Cf. above, Introduction section, \(000\).

\(^{376}\) PG 32.219-1110.
certain if not finally settled.\textsuperscript{377} Eight letters as well as the excerpts from \textit{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, \textit{Amphilochio de canonibus} I a.374-375 (Joannou, CPG 92-116; Rhalles-Potles 4.88-137; PG 32.663-683; Courtonne 2.120-131).

Canons 17 to 50 = Letter 199, \textit{Amphilochio de canonibus} II a.375/6 (Joannou, CPG 116-139; Rhalles-Potles 4.138-205; PG 32.715-732; Courtonne 2.154-164).

Canons 51 to 85 = Letter 217, \textit{Amphilochio de canonibus} III a.376-377 (Joannou, CPG 140-519; Rhalles-Potles 4.206-256; PG 32.793-809; Courtonne 2.208-217).

Canon 86 = Letter 236, \textit{Amphilochio Iconii episcopo} a.376 (Joannou, CPG 159-160; Rhalles-Potles 4.257-258; PG 32.875-885; Courtonne 3.47-55).

Canon 87 = Letter 160, \textit{Diodoro} a.375-376 (Joannou, CPG 160-169; Rhalles-Potles 4.259-268; PG 32.621-628; Courtonne 2.88-92).

Canon 88 = Letter 55, \textit{Gregorio presbytero} a.370-378 (Joannou, CPG 169-172; Rhalles-Potles 4.269-274; PG 32.401-404; Courtonne 1.141-142).

Canon 89 = Letter 54, \textit{Chorepiscopis} a.370-378 (Joannou, CPG 172-175; Rhalles-Potles

Canon 90 = Letter 53, *Chorepiscopis* a.370-378 (Joannou, CPG 175-176; Rhalles-Potles 4.278-282; PG 32.396-399; Courtonne 1.137-139).

Canons 91-92 = *De Spiritu Sancto* 27.66-67; 29.71, a.375 (Joannou, CPG 179-187; Rhalles-Potles 4.283-291; PG 32.188-192, 200-1; 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 187-190; Rhalles-Potles 4.391-392; PG 31.1685-1688).

Canon 94 = Letter 93, *Ad Caesariam patriciam, de communione* a.372 (Joannou, CPG 191-193; Rhalles-Potles 4.389; PG 32.483-485; Courtonne 1.203-204).

Canon 95 = Letter 240, *Nicopolitanis presbyteris* a.376 (Joannou, CPG 193-198; Rhalles-Potles 4.386; PG 32.893-897; 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 apostacy deserved the same penalty (c.7); considerations concerning premeditated and unpreameditated 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 = weeping,
2. ἀκροομένοι = hearers, 3. ὑποπίπτοντες = kneelers, and 4. συνεστῶτες = standing. 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. To clarify Basil’s thought, c.56 is given here verbatim:

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

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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 penance (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. He concluded that ‘in the third letter from the 56th canon on, Basil copied earlier canons with small modifications, usually only stylistic’. 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. Schwartz’ evidence for his conjecture was his analysis of the Patmos, Monastic Library (Codex Patmiacus) 172 and 173 (eighth to ninth centuries) and of the Paris, Bibliothèque nationale de France (Syriac Codex Parisinus) 62 (ninth century). Recently F. van de Paverd has rejected Schwartz’

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379 Zur Geschichte des Athanasius VI (1905), Gesammelte Schriften 3.134-155; Zur Geschichte des Athanasius VII (1908)’ Gesammelte Schriften 3.170-187; Schwartz, Bußstufen; Schwartz, Kanonensammlungen’.

380 Schwartz, Bußstufen 329.

381 Schwartz, Bußstufen 316-334.
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 only to be made 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 Paregorius (c.88) forbade him from continuing to live with his housekeeper, with 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 conclusions.\footnote{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.}

\footnote{Schwartz argued for this form of the name; cf. Bußstufen 323.}
duties. The addressees of Letter 53 (c.90) are also *choreepiscopi*. 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, 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 blessing of baptismal water and chrism; the chrism itself; the threefold immersion of the one being baptised; abrenuntiation; praying while standing; the inclusion of the Holy Spirit in the doxology with the formulation, σὺν τῷ Πνεύματι; 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. 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

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


386 Cf. Rhalles-Potles 4.255 n. 1.
additions with the title ‘Διάφορα’ . \textsuperscript{387} C.93 bore the title, ‘Παράγγελμα πρὸς τὸν ἱερέα περὶ τῆς θείας χάριτος’ . This is the pseudo-epigraphic Sermo ob sacerdotum instructionem,\textsuperscript{388} certainly of Alexandrian provenance, which Joannou took into his collection in the longer variant reading.\textsuperscript{389} C.94 is an excerpt from Letter 93 to the Patrician Lady Kaisaria on the frequency of communion.\textsuperscript{390} Basil approved of daily communion, but he also mentioned for Caesarea the practice of receiving communion on Sunday, Wednesday, Friday, and Saturday, besides holidays of the saints.

An excerpt from Letter 240 to the residents of Nikopolis is contained in c.95.\textsuperscript{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 203-226; PG 45.221-326; Rhalles-Potles 4.295-330; Pedalion 651-662; Pitra,

\textsuperscript{387} Rhalles-Potles 4.386-392.

\textsuperscript{388} ClavisG 2933.1-2.

\textsuperscript{389} The shorter = PG 31.1685-1688.

\textsuperscript{390} On Letter 93, cf. B. Gain, L’ église de Cappadoce au IV	extsuperscript{e} siècle d’après la correspondance de Basile de Césarée (OCA 225; Rome 1985) 207-213.

\textsuperscript{391} Not ‘To the priests’ as the Maurists’ edition formulates.
Only scanty information is available for a biography of the younger brother and pupil of Basil the Great.\textsuperscript{392} His election in 372 as bishop of the small town of Nyssa,\textsuperscript{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

\textsuperscript{392} Cf. in particular Dörrie, ‘Gregor III’ 864-870 and Balás, ‘Gregor von Nyssa’ 173-175.

\textsuperscript{393} Cf. F. Hild and M. Restle, \textit{Kappadokien} (Tabula Imperii Byzantini 2; Vienna 1981) 246ff.
systematic theological thinker. The fact that his gifts did not lie in the practical requirements of the episcopal office, but rather in the systematic working out of theological questions, is shown by his letter to Bishop Letoius 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, apostacy; 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 and their concrete manifestations, theft and robbery (c.6), grave robbery (c.7), and sacrilege (c.8).

The periods of penance mentioned by Gregory are different from those prescribed by Basil

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

for the same case, so the question might be asked, whence came the tradition represented by Gregory? 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 229-231; PG 37.472-474 (ClavisG 3034); Rhalles-Potles 4.363-364; Pedalion 662ff.; Pitra, Juris 1.654-655.

Translations: English: Rudder 883-884; NPNF 14.612; French: Joannou, CPG 229-231.


Gregory’s year of birth in the Cappadocian town of Nazianzus cannot be established with certainty. 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

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’ 164-167; Wyß, ‘Gregor II’ 794-798; and P. Gallay, La vie de S. Grégoire de Nazianze (Lyon-Paris 1943).
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 on, Gregory resided in Constantinople in order to care for the Nicaean 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 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 iambics of Amphilochius (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 Revelations. Consequently, this listing proves that the canon of the 26 books had gained general acceptance by the end of the fourth century.400

Amphilochius of Iconium (340-345; 394-403)

398 On Constantinople I, see above 000.


After his education as a rhetor under Libanius in Antioch, Amphilochius practiced this profession in Constantinople from 363 to 370-371. 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, Amphilochius was elected metropolitan. Both of them were bound in close friendship. Amphilochius 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

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a guarantor of orthodoxy in the imperial diocese of Asia.\textsuperscript{403} He died between the synod of Constantinople in 394 (see above), in which he participated, but before 403.\textsuperscript{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 nephew about 396.\textsuperscript{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 \textit{Epistle to the Hebrews}, the four small ‘Catholic Epistles’, and \textit{Revelations}.

Timothy of Alexandria († 385)

Editions: Joannou, CPG 240-258; PG 33.1296-1308; Pitra, \textit{Juris} 1.630-645; Pedalion 666-676; Rhalles-Potles 4.331-341 (ClavisG 2520).

Translations: English: \textit{Rudder} 889-901; NPNF 14.612; French: Joannou, CPG 240-258.


\textsuperscript{403} \textit{Codex Theodosianus} 16.1.3.

\textsuperscript{404} On his writings and theology, cf. Holl, \textit{Amphilochius von Ikonium} 42-115, 235-263.

\textsuperscript{405} PG 37.1577-1600. Seleucus was the son of Olympias, who was the daughter of Amphilochius’ sister Theodosia; cf. K.G. Bonis, \textit{Περὶ τῆς μητρὸς τῆς ἄγίας Ὀλυμπιάδος}, \textit{Studì bizantinì e neoellenìci} 8 (1953) 3-10.

Only a little is known of the biography of Timothy of Alexandria. Socrates reported that he succeeded his own brother, 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. Afterward the Emperor Theodosius named him one of the ‘normal bishops’ in the Empire.

Among the few surviving works of Timothy 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. It consists of brief ‘questions and answers’ (’Ερωταποκρίσεις) of diverse content which are numbered as the ‘canons’ of Timothy. The number of responses vary in the tradition. The first 15 are found in all the canonical collection manuscripts and may be held as authentic; the rest are of dubious origin. The Pedalion and Rhalles-Potles offer 18 excerpts, and in Pitra there are further elements added in the tradition. Out

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407 Cf. Ritter, *Konzil* 95ff., 115-116, etc.

408 *Codex Theodosianus* 16.1.3.

409 ClavisG 2520-2530.

410 *Lemma*: Ἁποκρίσεις κανονικαὶ Τιμοθέου τοῦ ἁγιωτάτου ἁρχιεπισκόπου Ἀλεξανδρείας, ἐνδὲ τῶν πρ’ Πατέρων τῶν ἐν Κωνσταντινουπόλει συναθροισθέντων, πρὸς τὰς προσενεχθέσις αὐτῷ ἐπερωτήσεις παρὰ τῶν ἐπισκόπων καὶ κληρικῶν (Joannou, CPG 240).

411 Thus the *lemma* in the Pedalion (666): Αἱ Ἐρωταποκρίσεις, ἦτοι οἱ Ἰη Κανόνες Τιμοθέου....

412 Cf. Joannou, CPG 238.
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 in 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)**


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.\textsuperscript{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 already 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.\textsuperscript{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’,\textsuperscript{415} as well as by his intrigues against Bishop John Chrysostom of Constantinople. Theophilus deposed him at the ‘Synod of the Oak’ (403).\textsuperscript{416}

Among the extensive literary works of Theophilus, which have been preserved in fragments,\textsuperscript{417} there are five letters which were divided into 14 canons and included in the Greek

\textsuperscript{413} Cf. on this and on the biography, Crouzel, ‘Théophile d’Alexandrie’ 524-527; Favale, Teofilo d’ Alessandria.

\textsuperscript{414} See above, 000.


\textsuperscript{417} ClavisG 2580-2684.
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’ 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).

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\(^{418}\) Cf. Joannou, CPG 260; ClavisG 2583.

\(^{419}\) *Lemma*: ‘Ὑπομνηστικόν ὑπὲρ ἐλαβέν Ἀμµων διὰ τῆν Λυκώ (Joannou, CPG 264).
Cyril of Alexandria ([380]-444)

Editions: Joannou, CPG 276-284; PG 77.361-365; Rhalles-Potles 4.916-922; Pedalion 687-692; Pitra, Juris 1.650-3 (ClavisG 5378-5379).


As successor to his uncle Theophilus, Cyril mounted the episcopal throne of Alexandria on 17 October 412.\textsuperscript{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’ questioning of title \textit{Theotokos} for Mary in connection with the ‘Antioch Theology’ and second the status and preeminence of the episcopal see of the imperial residence.\textsuperscript{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


\textsuperscript{421} See above, Synod of Ephesus (431), 000.
adherents as well as among those of the Antiochene school.

Of the more than 100 surviving letters of Cyril, of the more than 100 surviving letters of Cyril, ClavisG 5301-5411. two have entered the Greek canonical collections. They were divided into 5 'canons’.

1. The letter to Domnus II (441-449), successor to John on the throne of Antioch, must have been written at the beginning of Domnus’ 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 who were guilty of sins were capable of being baptised in articulo mortis (c.5).

422 ClavisG 5301-5411.

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.\(^{424}\)

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Gennadius of Constantinople ([400]-471)


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.

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in 431-432 with a public and virulent rejection\(^{426}\) of the 12 anathemas of Cyril. 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 encyclicca 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.

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.

\(^{426}\) ClavisG 5974.

\(^{427}\) ClavisG 5970-5986.

\(^{428}\) Hence the lemma, Γενναδίου ...καί τῆς σῶν αὐτῷ ἀγίας 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 Re gestes 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 7.916-920; Rhalles-Potles 4.371-374; critical edition, E. Schwartz, Publizistische Sammlungen zum Acacianischen Schisma (Abhandlung der Bayerischen Akademie der Wissenschaften, Phil-Hist. Abteilung 10; Munich 1934) 176.
A dating of the synod around 458-459 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, which Neophyos Enkleistos\textsuperscript{430} wrote in Cyprus in the twelfth century, he included a shortened form of the encyclical letter.\textsuperscript{431} In view of the uncomplicated tradition of the manuscripts before the thirteenth century,\textsuperscript{432} this must have been a later epitome.

Among the spuria of Gennadius was a letter, addressed to Martyius of Antioch according to the lemma, on the reception of heretics into the church.\textsuperscript{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)


\textsuperscript{430} Cf. Beck, Kirche 633.

\textsuperscript{431} Diekamp, Analecta Patristica 81-82 = H. Delehaye, Analecta Bollandiana 26 (1907) 222-223.

\textsuperscript{432} Cf. Joannou, CPG 290.

\textsuperscript{433} ClavisG 5983; Grumel, Les Registes; Diekamp, Analecta Patristica 83 = Pitra, Jurs 2.187-188.
Cyprien: Lettres, Selected by Denys Gorce [Namur 1961]) 2.252-256; Joannou, CPG 303-313; Rhalles-Potles 3.2-6; Pedalion 368-369.

Translations: English: R.B. Donna, Saint Cyprian (Letters 1-81, The Fathers of the Church 51; Washington 1964); NPNF 14.518-5521; Rudder 483-488; German: BKV 2nd ed. 60.323-327 (J. Baer); French: Bayard, St. Cyprien II; Joannou, CPG 303-313.

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 (254-256). 435 The decision of 255 opposed the validity of any baptism made by heretics and schismatics without distinction, 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 256 436 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 Syntagma XIV titulorum, 439 even before the Quinisext Council. This already

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436 Sententiae episcoporum numero LXXVII de haereticis baptizandis, Soden, ed. (NGWG; Berlin 1909) 247-307; CSEL 3.1.433-461.
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 303-304) before the decision of 255 without explanation.
439 Cf. below, Troianos.
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 only represented the African local tradition and only had validity there. 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. At the same time, c.2 of the Quinisext carried the canon as the last in a series of canons of the 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.

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440 Cf. Joannou, CCO 124.9-16.
441 Cf. Joannou, CCO 2 (‘Introduction générale à l’édition’), CPG 303.
442 Cf., for example, Pedalion 366-371; Rhalles-Potles 3.1-9.