

## THE COUNCIL IN TRULLO REVISITED: ECUMENISM AND THE CANON OF THE COUNCILS

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*Although the much-postponed subject of papal primacy in the ecumenical dialogue between the Catholic and the Orthodox Churches finally got to a formal start in 2007, it was set in a wider framework of synodality or conciliarity. Thus the Roman primacy is theologically twinned with the ecumenical councils. In this context the article draws attention to the Council in Trullo (692). Neglected in the post-Tridentine West, in the East it had long been regarded as an ecumenical council. This council is of interest not only for canon law but for theology, liturgy, sacred art, and church history as well.*

WE CATHOLICS HAVE TO REFLECT MORE CLEARLY on the problem of synodality or conciliarity, especially at the universal level,” said Cardinal Walter Kasper, president of the Pontifical Council for Promoting Christian Unity, in an interview granted to *Our Sunday Visitor*.<sup>1</sup> He added that the Orthodox Churches will have to reflect more deeply on the role of the *protos* at the universal level, that is, the primacy of the pope. Kasper was speaking after the Catholic-Orthodox ecumenical dialogue of the Joint International Commission, which took place in Ravenna, Italy, October 8–15, 2007.

This commission has yoked the subject of the Roman primacy to synodality/conciliarity. Seeing primacy and conciliarity thus joined and setting both in the wider framework of communion, the commission chose to discuss conciliarity before addressing the long-delayed subject of the

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<sup>1</sup> Quoted in Gerard O’Connell, “Vatican Top Ecumenist Hails Orthodox ‘Breakthrough,’” *Our Sunday Visitor*, February 3, 2008.

primacy of the bishop of Rome.<sup>2</sup> Widely recognized as the biggest hurdle on the way to ecumenical unity, the Roman primacy is now set in a larger framework, lending priority in dialogue to conciliarity. This setting can remind one of the proceeding of the Second Vatican Council, which in its dogmatic constitution on the church, *Lumen gentium*, first dealt with the mystery of the church and then the people of God before coming to the collegiality of the bishops and the primacy of the Roman pontiff in chapter 3. From this perspective the above-mentioned option of the Joint Commission invites reflection and comment. Indeed, progress has been made in recent years in the study both of the Roman primacy and of the ecumenical councils. As a consequence not a few Catholic scholars who have referred in the past to Vatican II as the 21st ecumenical council will hesitate to do so today, or may do so only with certain qualifications. And what may seem to many Catholics a surprising novelty, a council called (strangely, for many in the West) the Council in Trullo is increasingly being recognized as belonging among the ecumenical councils, without, however, the number of the ecumenical councils of the first millennium being raised from seven to eight. This may sound puzzling to many.

### THE RAVENNA DOCUMENT

At Ravenna the Orthodox theologians of the Joint Commission recognized for the first time the universal level of ecclesial communion beyond the local and regional levels. A month after the Ravenna meeting, Kasper said in an interview with Vatican Radio:

The document speaks of the tension between authority and conciliarity (or synodality) at the local (i.e. diocesan), regional and universal levels. The important development is that for the first time the Orthodox Churches have said yes, this universal level of the Church exists; and at the universal level also there is conciliarity or synodality and . . . a primate, [who is] according to the practice of the ancient Church, the first bishop, the bishop of Rome. . . . The next time we will have to return to the role of the bishop of Rome in the universal Church during the first millennium.<sup>3</sup>

<sup>2</sup> Joint International Commission for the Theological Dialogue between the Roman Catholic Church and the Orthodox Church, "Ecclesiology and Canonical Consequences of the Sacramental Nature of the Church: Ecclesial Communion, Conciliarity, and Authority in the Church" (the "Ravenna Document"), October 13, 2007," [http://www.vatican.va/roman\\_curia/pontifical\\_councils/chrstuni/ch\\_orthodox\\_docs/rc\\_pc\\_chrstuni\\_doc\\_20071013\\_documento-ravenna\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_20071013_documento-ravenna_en.html) (accessed January 31, 2010). Hereafter this document will be referred to by paragraph number.

<sup>3</sup> Vatican Information Service, Press Release, November 15, 2007, [http://www.vatican.va/roman\\_curia/pontifical\\_councils/chrstuni/ch\\_orthodox\\_docs/rc\\_pc\\_chrstuni\\_doc\\_20071013\\_documento-ravenna\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_20071013_documento-ravenna_en.html) (accessed January 31, 2010).

Formerly, the Orthodox had spoken only of two levels where ecclesial communion is realized: the *local* level, in hierarchical communion with the diocesan bishop; and the *regional* level, in hierarchical communion with the *protos* or head of an autocephalous church, namely the patriarch, or the head of an autonomous church. Among Catholics, in the Latin Church, too, ecclesial communion is usually conceived as realized at two levels but differently posited, corresponding to *episcopatus et primatus*, in the diocese and in the universal church. At Ravenna, with what looks like progress from a synthesis of these two approaches, ecclesial communion and church structure have been conceived at three levels: local church, regional church, and universal church. This seems to give virtual recognition to the three-tiered ecclesial structure, which theologians of the so-called “Uniate churches” in particular have been stressing since Vatican II as germane to ecclesiology with only rare, though significant, support from other Catholic theologians.

According to the Ravenna document, then, synodality/conciliarity too corresponds to ecclesial communion at the above-mentioned three levels: local, regional, and universal with their corresponding structures, which can be sketched schematically as follows:

- (1) the local synod with its “*protos* and head (*kephalē*),” namely, the diocesan bishop;
- (2) the regional synod with its “*protos* and head,” namely, the patriarch or the metropolitan; and
- (3) the universal synod or ecumenical council with its “*protos* and head,” namely, the first patriarch, who is the pope of Rome.

At the first level of the diocese/eparchy, the East and the West are at one in theory and in practice. At the second level, synodality is exercised better in the Eastern churches with their Holy Synods in the Patriarchal churches and with their equivalents or counterparts in the autonomous churches (or churches *sui iuris*) than in the Latin Catholic Church with the episcopal conferences (no. 29) at the national or regional levels. At the third or universal level, synodality is expressed and is realized in the ecumenical councils, the *protos* being very visibly present in Catholicism but absent in Orthodoxy. As Frans Bouwen, Catholic participant at Ravenna observed:

If the exercise of conciliarity at the regional level is clearly more evident in the East than in the West, at the universal level almost the opposite is noticeable. This last level is accentuated very pronouncedly in the West, but it is very little present in the consciousness of the East. At these two levels, the Orthodox and the Catholic traditions challenge each other very forcefully. Are they perhaps also called to complete each other?<sup>4</sup>

<sup>4</sup> Frans Bouwen, “Ravenna 2007 . . . ,” *Proche-Orient Chrétien* 58 (2008) 59–78, at 70 (my translation).

It was recognized at Ravenna that the third level *protos* can only be, at least in practice and in historical continuity, the *protos* among the patriarchs, namely, the bishop of Rome, whatever be the underpinning theory or theological justification of the Roman primacy, and in spite of the omission of the title of Patriarch of the West from the *Annuario pontificio* since 2006, noted by the Orthodox co-chair John of Pergamum. The Ravenna document states:

Conciliarity at the universal level, exercised in the ecumenical councils, implies an active role of the bishop of Rome as *protos* of the bishops of the major sees, in the consensus of the assembled bishops (no. 42). . . . Primacy and conciliarity are mutually interdependent. That is why primacy at the different levels of the life of the Church, local, regional and universal, must always be considered in the context of conciliarity, and conciliarity likewise in the context of primacy (no. 43).

Whatever further precisions may be needed in these statements (*protos* of the bishops of the major sees of today or of the first millennium?), it has been agreed to situate the Roman primacy in the wider theme of “ecclesial communion, conciliarity and authority” and to study “the role of the Bishop of Rome in the communion of the Church in the first millennium” in the light of “its scriptural and theological foundations” (no. 43). This was the subject of the Catholic-Orthodox dialogue in the joint session that took place in October 2009 in Cyprus. At the same time it was also recognized that the ecumenical council is a subject that “needs to be studied further in our future dialogue, taking account of the evolution of ecclesial structures during recent centuries in the East and the West” (no. 36).

According to the Ravenna document, “the decisions of the Ecumenical Councils remain normative. . . . Their solemn doctrinal decisions and their common faith formulations, especially on crucial points are binding for all the Churches and all the faithful, for all times and all places” (no. 35). The document states further that “the ecumenicity of the decisions of a council is recognized through a process of reception. . . . This process of reception is differently interpreted in East and West according to their respective canonical traditions” (no. 37). But historically, which councils are ecumenical? Ravenna furnishes neither their names nor their number but leaves this question for future joint study. As regards the second millennium the Ravenna document states:

Even after the break between East and West, which rendered impossible the holding of Ecumenical Councils in the strict sense of the term, both Churches continued to hold councils whenever serious crises arose. . . . In the Roman Catholic Church, some of these councils held in the West were regarded as ecumenical (no. 39).

The expression, “Ecumenical Councils in the strict sense of the term,” implies a distinction from ecumenical councils in the *broad* sense of the term. This latter category of ecumenical councils has been called by some

“general councils” (see below). This would imply a scale of ecumenical councils (*hierarchia conciliorum*) apparently comparable to the concept of “the hierarchy of truths.”<sup>5</sup> This implication gives rise to the need to spell out the criterion for the distinction between ecumenical councils in the strict sense and broad sense of the term. Is the latter to apply to the second millennium general councils? An apt terminology is yet to evolve—as is also a satisfactory theology of the ecumenical councils.

The Ravenna document does not use the expression “supreme authority,” which Catholics are wont to use to qualify the authority of the ecumenical councils as well as that of the pope. Historically it is evident that ecumenical councils have been occasional and infrequent (and in this sense extraordinary) events in the history of the church, and that they have exercised supreme authority. But between these discontinuous events there can be no void in the supreme authority, which, according to the Catholic position, is exercised *ordinarily* by the bishop of Rome. As regards the ecumenical councils, they mark the *extraordinary* exercise of supreme authority.

There is East-West accord on seven councils held during the first millennium. In fact on the model of the canon of the Scriptures, the canon of the councils of the first millennium was fixed by Nicaea II (787), which in its first canon qualified the previous six councils as universal or ecumenical, thus determining the *canon of the ecumenical councils* held till then. However, as I will show below, one of those councils, which had been placed on the canon of the ecumenical councils by the Seventh Council, namely the Council in Trullo, has been neglected till recently in the West—not to say “decanonized” or cancelled from the canon, a matter that is certain to figure as a topic of discussion in the future Orthodox-Catholic ecumenical dialogue.

The most widely used modern Catholic collection of the decrees of ecumenical councils, *Conciliorum oecumenicorum decreta*, appeared in 1962. Abbreviated COD, it included 20 councils from Nicaea I to Vatican I, “which,” as Hubert Jedin stated in the preface, “are recognized by the Roman Catholic Church” as ecumenical. He added: “Some explanation is needed here. For although only the twenty councils which are regarded as ‘ecumenical’ are included, the editors are aware that this numbering is due more to custom than to any declaration of ecclesiastical authority.”<sup>6</sup> Appearing on the eve of Vatican II in an attractive edition, COD proved a runaway success, rushing into a second edition in the same year. The third edition appeared in 1973 and included the documents of Vatican II. It was

<sup>5</sup> Vatican II, *Unitatis redintegratio* no. 11.

<sup>6</sup> Giuseppe Alberigo et al., eds., with Hubert Jedin, *Conciliorum oecumenicorum decreta* (Bologna: Istituto di scienze religiose, 1962) vii–ix, at vii.

translated into Italian, English, German, French, and Korean, and has remained a standard reference work ever since.<sup>7</sup>

In 2006, however, a fourth edition (although not so qualified explicitly) of COD was announced, and its first volume has appeared.<sup>8</sup> The new edition has a revised title: *Conciliorum oecumenicorum generaliumque decreta: Editio critica* (hereafter COGD). Volume 1 of COGD (hereafter COGD-I) carries the English title, *The Oecumenical Councils from Nicaea I to Nicaea II (325–787)*. General editor Giuseppe Alberigo announced in the preface and illustrated in the accompanying folder that volumes 2 and 3 are to be entitled respectively: *The Medieval General Councils, 869–1517* and *The General Councils of the Roman Catholic Church, 1545–1965*. Volume 4 will contain a “History of the Councils,” a “Bibliography of the Councils,” and several indexes. While the conciliar decrees are in their original languages (Greek, Latin, Armenian, Arabic, etc., but with a Latin translation), the subtitles and prefaces of the four volumes as well as the introduction to each council are (or will be) in English. More recent information indicates that this project is being expanded to include a volume on the general councils of Orthodoxy and another volume on those of Protestantism.

### THE CANON OF SCRIPTURE AND THE CANON OF COUNCILS

A comparison may ensure greater clarity. The canon of Scripture was fixed gradually in the first millennium by tradition, that is, through the decisions of local councils like the Council of Carthage (419, *Codex Canonum Ecclesiae Africanae*), the writings of the Church Fathers like Athanasius and Jerome, and the decrees of popes like Damasus (382) and Gelasius (495), till finally it was fixed in the Western church by the Council of Trent in its fourth session (April 8, 1546) and confirmed by Vatican I (1870). As the recent ecumenical editions or joint editions of the Bible show, this Catholic canon of Scripture is substantially acceptable also to the Orthodox and the Protestants with some minor additions or subtractions regarding the “apocrypha” or deuterocanonical writings.

Whereas “canon of Scripture” is a readily understood theological term, “canon of tradition” may sound strange. And yet the so-called “*decretum Gelasianum*,” which is attributed to Pope Gelasius I (492–496), fixed the canon not only of Scripture but also of tradition, naming the ecumenical councils and the Fathers received by the Church of Rome (DS 352–53). Already the Council of Chalcedon (451) had listed in a row “the sacred and

<sup>7</sup> For the English edition, see Norman P. Tanner, ed., *Decrees of the Ecumenical Councils*, 2 vols. (Washington: Georgetown University, 1990).

<sup>8</sup> Giuseppe Alberigo, ed., *Conciliorum oecumenicorum generaliumque decreta*, vol. 1 (hereafter COGD-I) (Turnhout: Brepols, 2006).

great council[s]” of Nicaea (325), of Constantinople (381), and of Ephesus (431), but no others, and qualified itself as “the sacred and great and ecumenical council.” As Norman Tanner notes, “*Ecumenical* thus became a technical term and the canon of ecumenical councils was established.”<sup>9</sup> While fixing the canon of Scripture in response to the Reformation disputes, the Council of Trent also decreed that, along with Scripture, tradition is to be venerated with equal respect as the two sources of revelation (DS 1501–3); although this council did not, however, proceed to fix the canon of tradition or of the councils. Four centuries later, Vatican II in the constitution on revelation further clarified the Tridentine teaching about the equal veneration of Scripture and tradition as follows: “Sacred tradition and scripture are bound together in a close and reciprocal relationship. They both flow from the same divine wellspring. . . . By God’s wise design, tradition, scripture and the church’s teaching function are so connected and associated that one does not stand without the others” (*Dei Verbum* nos. 9–10).

So Scripture does not stand alone apart from tradition. And yet unlike the canon of Scripture, the canon of tradition has not been fixed since Nicaea II, which determined the canon of the councils. It is to be noted, moreover, that there is an important distinction between tradition in the strict sense and tradition in the broad sense, the former being constitutive of the contents of revelation (“source”: “Tradition” with a capital letter, according to Congar<sup>10</sup>), and the latter being rather a continuing witness of tradition. The ecumenical councils and the Church Fathers belong under tradition in the broad sense as its chief constituents.

The Orthodox Churches stand by the tradition or the canon of the seven ecumenical councils fixed by Nicaea II,<sup>11</sup> whereas Catholics generally exhibit a longer list of 21 ecumenical councils including the two Vatican Councils. But this is not an official list or canon fixed by any ecumenical council or papal definition or decree. During the Counter Reformation Catholics drew up several lists of ecumenical councils. One such, by Robert Bellarmine, listed 18 of them (omitting Constance but including Trent).<sup>12</sup> A group of Roman scholars working under the patronage of Pope Paul V assumed Bellarmine’s list but added to it the Council of Constance and

<sup>9</sup> Norman P. Tanner, *The Councils of the Church: A Short History* (New York: Crossroad, 2001) 15.

<sup>10</sup> Yves M.-J. Congar, *La Tradition et les traditions*, vol. 1., *Essai historique*, vol. 2., *Essai théologique* (Paris: Arthème Fayard, 1960–1963); Engl. trans., *Tradition and Traditions: An Historical and A Theological Essay*, trans. Michael Naseby and Thomas Rainborough (New York: Macmillan, 1966).

<sup>11</sup> Tanner, *Decrees* 1:138–39

<sup>12</sup> Robert Bellarmine, “IV Controversia generalis, De Conciliis,” *Opera omnia*, 12 vols. (Paris: Ludovicum Vivès, 1870) 2:199–204.

published a complete collection of the decrees of the ecumenical councils.<sup>13</sup> This so-called “Roman edition” did not, however, contain any papal decree and therefore was not an *official* Catholic collection. Nevertheless, with it a list of 19 ecumenical councils began to circulate in the West. And with the addition of the two Vatican Councils the number grew to 21, although no authoritative church magisterium established this canon.<sup>14</sup> Indeed, even in this list the ecumenical status of certain second millennium councils like Pisa (1409) is disputed, and the addition of some general councils has been suggested. With these reservations, the proposed canon of councils in COGD includes a total of 23 “ecumenical and general councils.” Although the term “general” has often been used in the past as synonymous with “ecumenical,” here it is obviously not.

Historically, the second millennium councils belong to the divided and separate traditions of the East and the West—the Council of Florence (1439–1445), as a union council, will need special consideration. According to Vittorio Peri, the Council of Trent was a wholly Western council.<sup>15</sup> The Ravenna document says that in the second millennium, “both sides of Christendom” convoked councils proper to each of them. . . . In the Roman Catholic Church, some of these councils held in the West were regarded as ecumenical” (39).

The publication of COGD-I in 2006 was greeted with a stinging article in the Vatican daily *L'Osservatore Romano*.<sup>16</sup> This negative reaction was directed more against the programmed second and third volumes of COGD than the first volume under review. The project seemed to limit the *ecumenical* councils to those contained in COGD-I. The remaining councils, including Vatican II, were therefore to come under *general* councils as distinct from *ecumenical* councils. These two terms were not being used here as synonyms, as they had been occasionally in the past and most notably in the title of the above-mentioned “Roman edition” (Greek, *oikoumenikōn*; Latin, *generalia*). To limit the ecumenical councils historically to the first millennium and leave none to the second did not satisfy the

<sup>13</sup> *Tōn hagiōn oikoumenikōn synodōn tēs katholikēs ekklēsiās hapanta: Concilia generalia ecclesiae catholicae Pauli V pont. max. auctoritate edita*, 4 vols. (Rome: Typographia Vaticana, 1608–1612). Note that the Latin “concilia generalia” in the title renders the Greek “ecumenical synods.”

<sup>14</sup> See Vittorio Peri, “Il numero dei concili ecumenici nella tradizione cattolica moderna,” *Aevum* 37 (1963) 433–501; Peri, *I concili e le chiese* (Rome: Studium, 1965); and Peri, *Da oriente e da occidente: Le Chiese cristiane dall'Impero romano all'Europa moderna*, 2 vols. (Rome: Antenore, 2002) 1:460–96.

<sup>15</sup> Vittorio Peri, “Trento: Un concilio tutto occidentale,” in *Cristianesimo nella storia: Saggi in onore di Giuseppe Alberigo*, ed. Giuseppe Alberigo and Albert Melloni (Bologna: Il Mulino, 1996) 213–77.

<sup>16</sup> *L'Osservatore Romano*, June 3, 2007 (Italian edition). The author's identity was indicated by three asterisks.

Vatican critic. Indeed, it is not surprising if, like the ecclesiality of the divided churches, the ecumenicity of their councils should appear as a *quaestio disputata*. Not to linger on this question,<sup>17</sup> I note that Pope Eugenius IV listed the Council of Ferrara-Florence (1431–1445) as the *eighth* ecumenical council, and that Pope Paul VI referred to the Second Council of Lyons (1274) as one of the “general councils of the West” rather than a general council (without qualification) or an ecumenical council.<sup>18</sup> According to some scholars like Joseph Ratzinger, however, because of the universal primacy of the bishop of Rome, the second millennium general councils of the West have a certain ecumenicity, even if not a factual one. These and other such issues under discussion among theologians will surely receive further study and need only be mentioned here.

As far as terminology is concerned, progress has been achieved in the Ravenna dialogue in that the term “universal church” has been received into the Orthodox theological vocabulary. The term “universal council” has been used occasionally in the past as a synonym for “ecumenical council,” and it is being used in the titles of the volumes in the series *Acta conciliorum oecumenicorum* (the latest to appear, *Concilium universale Nicaenum secundum*). It would seem that the most suitable term to express conciliarity at its widest extension and highest level is “universal council.”

I now turn to the inclusion of the Council in Trullo among the ecumenical councils in COGD-I. This is the chief novelty of this publication in comparison with its forerunner COD.<sup>19</sup> While this inclusion will be greeted with satisfaction in Orthodox circles, it may be a matter of surprise or incomprehension for many Western readers, although the Trullun Council used to figure in collections of the acts of the ecumenical councils (albeit with a negative verdict in a warning note) till the eve of Vatican II. However, it is significant that in 1962, when the first edition of COD appeared, another Catholic edition of the ecumenical councils did include the Council in Trullo. This was *Les canons des conciles oecuméniques* published by Périclès-Pierre Joannou, a Greek Catholic scholar who had

<sup>17</sup> See Yves Congar, “Structures ecclésiales et conciles dans les relations entre Orient et Occident,” *Revue des sciences philosophiques et théologiques* 58 (1974) 355–90; and, more recently, Hermann-Josef Sieben, “Die Liste ökumenischer Konzilien der katholischen Kirche: Wortmeldung, historische Vergewisserung, theologische Deutung,” *Theologie und Philosophie* 82 (2007) 525–61.

<sup>18</sup> Paul VI in a letter to Cardinal Willebrands: “generales synodos in occidentali orbe,” *Acta apostolicae sedis* 66 (1974) 620.

<sup>19</sup> Its novelty is highly appreciated by Ugo Zanetti, who observes: “An important addition, that of the Quinisext council or ‘in Trullo’ of 692 (by G. Nedungatt and S. Agrestini) . . . was lacking in the previous editions of 1962 and 1973. Its decrees are indeed a fundamental source of canon law and liturgy of the Churches of the Byzantine tradition, and it has always been regarded by them as ‘ecumenical’ . . . a happy innovation” (review of COGD-I, *Irenikon* 80 (2007) 711–12, at 712).

coedited COD.<sup>20</sup> His Greek text of the canons marked an improvement on the standard Greek Orthodox edition of Rhalles-Potles.<sup>21</sup> His was a three-language edition of the ecumenical councils from Nicaea I to Nicaea II in the original Greek accompanied by an ancient Latin version and a French translation. The Rhalles-Potles edition highlighted the Council in Trullo as constituting the primary source of the common discipline of the Eastern churches, a view shared by its most competent reviewers.<sup>22</sup> Indeed, this edition could even claim a sort of semiofficial character inasmuch as it carried a preface by Cardinal Peter-Gregory Agagianian, secretary (today equivalently prefect) of the Congregation for the Eastern Churches and president of the Pontifical Commission for the Redaction of the Eastern Code of Canon Law. However, this work went almost unnoticed, eclipsed by its bestselling rival COD, which, after some debate in the editorial group, had been published without including the Council in Trullo. Thus it was curious and even symptomatic that two Catholic editions of the ecumenical councils appeared simultaneously in 1962, of which one contained seven ecumenical councils (up to 787, including Nicaea II), while the other featured 20 councils (up to 1870, including Vatican Council I). The former included the Council in Trullo; the latter did not.

Now, after more than four decades, the fourth edition of COD is appearing as COGD with some novelties. The publication of COGD-I, in 2006, with the Council in Trullo included, signals a new development. It registers progress of scholarship in the study of the church councils. At the invitation of Giuseppe Alberigo, the general editor of COGD, I wrote the introduction to the Council in Trullo. Earlier, in 1995, I had coedited a collective work on the Council in Trullo and written its introduction.<sup>23</sup> In what follows I will briefly present this council, stressing its credentials for inclusion among the ecumenical councils. Let the reader, however, be forewarned that it is a council *sui generis* and does not raise the number of the ecumenical councils of the first millennium from seven to eight—the

<sup>20</sup> Périclès-Pierre Joannou, *Discipline générale antique*, vol. 1, *Les canons des conciles œcuméniques*, Fonti, fasc. 9, Pontificia commissione per la redazione del codice di diritto canonico orientale (Rome: Tipografia Italo-Orientale “S. Nilo,” 1962).

<sup>21</sup> Georgios A. Rhalles and Michael Potles, eds., *Syntagmatōn Theōn kai hierōn Kanonōn tōn te hagiōn kai paneuphēmōn Apostolōn . . .*, 6 vols. (Athens: Chartofylax, 1852–1859; Athens: Kassandra M. Girgori, 1966); see 2:295–554 for the Council in Trullo with the commentaries of Zonaras, Balsamon, and Aristenus.

<sup>22</sup> Such as Vitalien Laurent, “L’Oeuvre canonique du concile in Trullo (691–692): Source primaire du droit de l’Église orientale,” *Revue des études byzantines* 13 (1965) 7–41.

<sup>23</sup> George Nedungatt and Michael Featherstone, eds., *The Council in Trullo Revisited*, *Kanonika* 6 (Rome: Pontificio Istituto Orientale, 1995).

traditional number seven remains unchanged. This is but one of several peculiarities of the Council in Trullo.

### THE COUNCIL IN TRULLO AN ECUMENICAL COUNCIL

Although the Council in Trullo deals with discipline or church order and not with issues of faith, it is significant not only for canon law but also for dogmatic theology, church history, liturgy, moral theology, art, etc. Regarding the relevance of canon law to ecumenism, the Ravenna Agreed Statement affirms: “In order for there to be full ecclesial communion, there must be between our Churches reciprocal recognition of canonical legislations in their legitimate diversities” (16).

Whereas in the East the status of the Council in Trullo as an ecumenical council was never questioned, in the West it has had a mixed reception. After an initially negative response, it was received and was on the canon of the councils till the late Middle Ages when its ecumenicity was denied. And then finally it was let slip into limbo. Recent scholarship, however, has rescued it and placed it back in the canon of the ecumenical councils. But most theology students in the West who use COD as the standard reference work on ecumenical councils are not likely even to have heard of the Trullan Council.

Although the decrees or canons of this council are now available in the COGD–I in the original Greek and a Latin version, there is no accompanying translation into a modern language. This will be a difficulty for many readers.<sup>24</sup> Its outstanding novelty, namely, its inclusion of the Trullan Council, has already been misunderstood as the addition of an eighth ecumenical council to the traditional seven of the first millennium.<sup>25</sup>

<sup>24</sup> For an English translation, see *Council in Trullo Revisited* 55–185 (together with the original Greek text and an ancient Latin version). For an earlier English version, see Henry R. Percival, *The Seven Ecumenical Councils*, vol. 14 of *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church*, ser. 2 (1899; Grand Rapids, Mich: Eerdmans, 1979) 359–408. For a German translation see Heinz Ohme, *Concilium Quinisextum: Das Konzil Quinisextum*, *Fontes Christiani* 82 (Turnhout: Brepols, 2006) 160–293; see also the bibliography, 294–334. For an Italian translation from the Greek text of Joannou, see *I canoni dei concili della Chiesa antica*, vol. 1, *I concili greci*, ed. Angelo di Berardino, trans. Carla Noce (Rome: Augustinianum, 2006) 91–182.

<sup>25</sup> Hermann-Josef Sieben, for example, writes: “The first volume contains eight councils, that is, besides the seven ancient ecumenical synods from Nicaea I to Nicaea II of the undivided Christendom, the Council in Trullo, which did not figure in the earlier editions. It is now joined no longer to the earlier Council of Constantinople (680–681) but is introduced as a council by itself, the Council in Trullo” (review of COGD–I, *Theologie und Philosophie* 82 [2007] 284–87, at 284, my translation). Sieben adds that COGD–I contains “together with the Synod in Trullo a total of eight synods of the ancient Church.” But this is a misunderstanding, as can

The layout of the table of contents of COGD–I is perhaps partly to blame for creating this erroneous impression. However, a careful reading of the introduction to the Council in Trullo could prevent or dissipate any such misconception. A proper understanding and appreciation of this council is important for the success of the ongoing Catholic-Orthodox ecumenical dialogue on conciliarity.

In the East, the Council in Trullo has always been regarded as an ecumenical council, albeit *sui generis*. In the West, it has had a different story, alternating between rejection and reception. After initial rejection, it was received together with Nicaea II in 787 and formally ratified at an East-West reconciliation council held in Constantinople in 880. Later, caught up in the medieval East-West polemics, the Trullan Council was practically proscribed in the West and then gradually forgotten. But toward the end of the second millennium, especially as a result of several studies published on the occasion of the celebration of its 13th centenary in 1992 held in Istanbul,<sup>26</sup> Rome,<sup>27</sup> and Brookline, Massachusetts,<sup>28</sup> a scholarly consensus about its real status as an ecumenical council began to emerge and gain momentum among scholars in the West.<sup>29</sup> Given its complex history, it is not easy to present this council briefly to the general reader. Even its name needs explanation.

### The Name “in Trullo”

The Council in Trullo is so called after the Domed Hall (Greek, *ho tróuillos*, from late Latin *trullus*, “dome”) of the imperial palace of

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be ascertained from the introduction to the Trullan Council in COGD–I, 205–15; I will show this below with ample citations. For an Italian translation of the canons from the Greek text of Joannou by Carla Noce, see Angelo di Bernardino, ed., *I canoni dei concili della chiesa antica*, Studia Ephemeridis Augustinianum 95 (Rome: Augustinianum, 2006) 91–182.

<sup>26</sup> See seven articles in *Annuarium historiae conciliorum* 24 (1992) 78–185, 273–285; see esp. Heinz Ohme, “Zum Konzilsbegriff des Concilium Quinisextum” 112–26.

<sup>27</sup> In *Council in Trullo Revisited*, among seven articles (189–451) see esp.: Vittorio Peri, “Introduzione” 15–36; Peter Landau, “Überlieferung und Bedeutung der Kanones des Trullanischen Konzils im westlichen kanonischen Recht” 215–28; and Heinz Ohme, “Die sogenannten ‘antirömischen’ Kanones des Concilium Quinisextum” 307–22 (summaries in English, 455–62).

<sup>28</sup> *Greek Orthodox Theological Review* 37 (1992) 1–246.

<sup>29</sup> The ecumenical standing of the Quinisext/Trullan Council is recognized by *The Cambridge History of the Byzantine Empire c. 500–1492*, ed. Jonathan Shepard (New York: Cambridge University, 2008); see esp. Andrew Louth, “Byzantium transforming (600–700)” 244–48.

Constantinople, where the Council Fathers assembled. Emperor Justinian II convoked the council ten years after the sixth ecumenical council (Constantinople III, 680–681), which had been wholly occupied with Monothelitism just as the fifth ecumenical council (Constantinople II, 553) was concerned entirely with questions of faith raised by the “Three Chapters.” Neither of these two councils had dealt with matters of discipline. Matters of faith already settled, the agenda of the present council focused on what was left over, namely, discipline. For this reason it was regarded as completing the sixth council of 680–681 in a sort of second session. In the twelfth century, however, the Byzantine canonist Balsamon (ca. 1135–ca. 1195) attached it also to the fifth council and named it *Penthekte* (Latin, *Quinisextum*), literally, “fifth-sixth” council.<sup>30</sup> This neologism was designed to draw attention to the fact that the Trullan Council was the canonical completion of *both* the Fifth and the Sixth Ecumenical Councils. In the Greek tradition ecumenical councils are regularly called the “First Council” (Nicaea I), the “Third Council” (Ephesus), etc., a tradition that was received also in the West and preserved by the classical canonists like Gratian. Local councils are not named thus with an ordinal number. Hence the designation “fifth-sixth” stamped the Trullan Council as ecumenical, but without the claim to be ecumenical on its own, detached from the Sixth Council, Constantinople III (680–681). Since, however, numerical designation of councils is no more traditional in the West, and “Quinisext” might seem to prejudice dogmatically the question of ecumenicity from the start, it has seemed preferable to use the rather neutral title “in Trullo” as a purely historical designation. Indeed, the council of 680–681 was also held in the same Domed Hall and so one might call it “Trullanum I,” as some indeed have done. However, this would be mere Latin logic, which could go on to require that the Quinisext council should be called “Trullanum II.” Such specifications or distinctions are foreign to the Greek historical sources, in which the name “the Council in Trullo in Constantinople” or simply “the Council in Trullo” is well-established, so that the manuscript and historiographical tradition precludes any danger of confusion.

A further caution for Western readers, who are used to expressions like “the Council *of* Nicaea,” “the Council *of* Chalcedon” etc., with the genitive of place, is that the Greek uses the locative, as in “the Council *in* Nicaea,” or “the Council *in* Chalcedon,” etc. The present council follows this Greek usage in its being called “Council *in* Trullo” or the “Trullan Council” (*Concilium Trullanum*). But to call it “Council of Trullo” would betray ignorance of the long established terminology.

<sup>30</sup> Migne, PG 137.508d; *Syntagmatōn Theōn kai hierōn Kanonōn* 2:300.

### Context, Date, and Agenda of the Trullan Council

For 240 years after the Council of Chalcedon (451) no ecumenical council had issued any norms of church discipline. Meanwhile the Eastern Roman (or Byzantine) Empire had undergone profound social, demographic, and political changes, being especially convulsed with “the invasions of the barbarians” (the Slavs, the Persians, and the Arabs). The Empire had practically shrunk to Asia Minor in the East, and to Rome and Ravenna in the West. Ethnic minorities such as the Armenians were asserting themselves and following their different traditions in liturgy and discipline. The Christian Empire was in a crisis, and this was interpreted as divine punishment for moral failures. There was a general decadence of order and of morals, which also affected even clerics and monks. Paganism, Judaism, and certain heresies had revived or made deep inroads. As the church and the empire constituted a single social unit, Emperor Justinian I (483–565) had enacted much legislation affecting the church, but this legislation had not been conciliarly received. It was in this context that Emperor Justinian II (685–695, 705–711) as “the Guardian of the Orthodox Faith” and the holder of the highest sacral-political power convoked the Trullan Council. He was young, not yet twenty-five years old (born ca. 668), sanguine and ardently orthodox. Church reform through disciplinary updating was the agenda he set for the new council.

The date of the Council in Trullo cannot be determined with precision from the available sources. Canon 3 places it in the year 6200 of the world, that is, between September 1, 691, and August 31, 692. Within this period, some scholars opt for autumn 691, and some even indicate more precisely October 691. But presuming that the ancient custom of synods assembling in the period following Easter was observed, many others think of spring 692 as more probable.

The young Emperor Justinian II’s ambitious agenda was to achieve in a single session, without the usual debate or discussion, the conciliar approbation for a draft of 102 canons prepared by a commission of experts. This could seem a high-handed procedure, but since no questions of faith requiring extended discussions were involved, he presumed that the matter could be expedited. Besides, the agenda was practically to extend throughout the universal church the usages of the Church of Byzantium, deemed superior to those of the other churches—*praestantia ritus Byzantini*, to apply in reverse a later phrase associated with Pope Benedict XIV, *praestantia ritus latini*, which would thus appear as a belated retort. But this would be an oversimplification. For the Council in Trullo approved not only the canons of the councils held in the East (both ecumenical and local) but also two that had been held in the West (Serdica and Carthage).

Already the Fathers of the Council of Chalcedon had decreed in their first canon: "We decree that the canons established by the holy fathers in each and every council are to remain in force."<sup>31</sup> But Chalcedon had not issued an official list of these councils; and so there was need for a council of equal authority to fill in that lacuna, which the Council in Trullo set out to do in its second canon. An earlier effort to dress up a canon of councils was the compilation known as the *Synagoga L Titulorum* by John Scholasticus, Patriarch of Constantinople (569–577), in which he assembled the canons of the councils to which the Fathers of Chalcedon had referred. To these he added 68 canons of Basil of Caesarea, justifying the addition by the authority of this great Cappadocian Father.<sup>32</sup> Following the lead of John Scholasticus, a more complete manual known as the *Syntagma of XIV Titles* was compiled at Constantinople, "most probably in 629," by an expert with the approval of the patriarch, who added the canons of the other Fathers not mentioned in the *Synagoga*.<sup>33</sup> For at least six decades this *Syntagma of XIV Titles* had been practically the manual of canon law in use at the see of Constantinople. In his admirable edition and study of this work, Vladimir Benešević writes: "The Council in Trullo in 692 made use of the *Syntagma* to compose its list of canons" and enumerated in its second canon "the very same authors and in exactly the same order."<sup>34</sup> When these facts are considered, what struck the Western polemicists as lack of discussion and haste in the conduct of the Council in Trullo can be seen in a different light. The agenda of the council was mostly well-trodden ground for the Eastern participants, whereas the Western delegates might have felt disoriented.

### The Participants

After the prefatory allocution (*prosphonetikos logos*) addressed by the conciliar assembly to the emperor come the council's 102 canons followed by the list of the participants' signatures.<sup>35</sup> A close study of this allocution

<sup>31</sup> My translation.

<sup>32</sup> Vladimir N. Benešević, *Sinagoga v 50 titulov I drugie juridičeskie sborniki Ioanna Scholastika: k drevnejšej istorii istocnikov prava greko-vostocnoj cerkvi* (St. Petersburg, 1914) 217–19; for the text, see Benešević, ed., *Ioannis Scholastici Synagoga L Titulorum ceteraque eiusdem opera iuridica* (Munich: Bayerischen Akademie der Wissenschaften, 1937).

<sup>33</sup> Vladimir N. Benešević, *Kanoničeskij sbornik XIV titulov so vtoroj četverti VII veka do 883 g.* (St. Petersburg, 1905) 227–29; for the date see 229–30, § 8.

<sup>34</sup> *Ibid.* 241–42, § 5.

<sup>35</sup> There are no acts of the council as such. The records do not contain any minutes or protocols, since its proceedings were not concerned with the judicial trial of any particular case such as the condemnation of a heretic, for which minutes were obligatory.

as well as of the critical edition of this list, first published in 1990 by Heinz Ohme, has helped eliminate several erroneous judgments concerning the Council in Trullo. One such judgment, held by several scholars till recently,<sup>36</sup> is that the emperor had not invited the pope to the council. Such neglect, however, was unlikely, given the sweeping scope of the council for the whole *ecumene*. According to the *Liber pontificalis*, “the legates of the apostolic see” took part in the council and “signed the acts, albeit under a misconception.”<sup>37</sup> Some have supposed that these *legati* were the ambassadors or “the *apocrisari* of the pope resident at Constantinople, but without any pontifical mandate for the council.”<sup>38</sup> But this interpretation does not square with the fact that the second place on the list was reserved for the signature of the pope or of his representative: *hagiōtatōi papai Rhōmēs*.<sup>39</sup> This space for the signature of “the pope of Rome,” the second after the emperor, is indeed blank in the manuscripts, showing that the pope did not attend the council personally or through a delegate, but room had been made for the later papal reception (“confirmation”) of the council.

After the signature of “Paul the Bishop of Constantinople” in the third place, there follow those of patriarches of Alexandria, Antioch, and Jerusalem—disproving the assertion of certain Western polemist that these patriarchs did not take part in the council, and that therefore it was not ecumenical. Of the 227 participants at the Trullo Council, 190 were from the patriarchate of Constantinople; the others were the patriarch of Alexandria, 24 Antiochians, two participants from the patriarchate of Jerusalem, and ten bishops from Illicum orientale.<sup>40</sup> On the list of bishops five signatures are missing, including those of the bishop of Rome and the bishops of Thessaloniki, Corinth, Ravenna, and Sardinia; the blank spaces show that these bishops had also been invited, thus indicating the

<sup>36</sup> Joseph Langen, Erich Ludwig Eduard Caspar, Franz Xaver Seppelt, Joseph Laurent, Hans-Georg Beck, J. M. Hussey, and Jan Louis van Dieten—all cited by Heinz Ohme, *Das Concilium Quinisextum und seine Bischofsliste: Studien zum Konstantinopler Konzil von 692*, Arbeiten zur Kirchengeschichte 56 (Berlin: Walter de Gruyter 1990) 29 n. 101; see “Der Text der Subscriptionsliste” 145–70; and Ohme, “The Causes of the Conflict about the Quinisext Council,” *Greek Orthodox Theological Review* 40 (1995) 17–45.

<sup>37</sup> Louis Duchesne, ed., *Liber pontificalis* (Paris: E. Thorin, 1886) 372; See Heinz Ohme, “Das Concilium Quinisextum: Neue Einsichten zu einem umstrittenen Konzil,” *Orientalia christiana periodica* 58 (1992) 367–400, at 115.

<sup>38</sup> Joannou, *Les canons des conciles oecumeniques* 99.

<sup>39</sup> Ohme, *Das Concilium Quinisextum* 30, 145.

<sup>40</sup> For these revised figures, see Heinz Ohme, “Die Beziehungen zwischen Rom und Konstantinopel am Ende des 7. Jahrhunderts: Eine Fallstudie zum Concilium Quinisextum,” *Annuario historiae conciliorum* 38 (2006) 55–72, at 61 n. 38. Accordingly, the figures given in my introduction to COGD–I, p. 207 need revision.

emperor's intention to hold an ecumenical council. After a survey of the decrees or canons of the Trullan Council I will speak of its ecumenical character.

### The Decrees of the Council: The Canons

Following conciliar practice, the Trullo Council's first canon received and confirmed the *faith* of the church defined by the preceding six ecumenical councils. Its second canon received and confirmed the ecclesiastical *canons*: the canons of all the four preceding ecumenical councils; the canons of all the local councils of the East and of two local councils of the West (Serdica and Carthage); and the canons of the Fathers and of those of the Apostles as received by the Fathers. Thus the Council in Trullo sanctioned a corpus of 643 canons of varying origin and authority, thereby investing them with its own authority. It then added 100 canons of its own, divided into three sections corresponding to the threefold division of persons in the church traditional in the East: "priests and clerics" (cc. 3–39), "monks and nuns" (cc. 40–49), and "laypeople" (cc. 50–102). Except for the canons of the second group, which is homogeneous, the other two are in fact a medley of canons gathered under two convenient heads: *klerikoi* and *laikoi*. Taken together, it can be said that the 102 Trullan canons leave hardly any aspect of ecclesial and social life untouched. A few examples will show this.

In section 1, some canons concern matters that would be regarded today as belonging to the church's constitutional structure rather than to clerics as such; thus they are of interest to theology. An example is the canon determining the precedence of the patriarchal sees: authority of seniority (*presbeia*) equal to that of the senior Rome is assigned to the see of Constantinople (36). Another canon confirms the policy that the civil rank of cities must be respected in establishing ecclesiastical structures (c. 37). A third canon decrees that country and village parishes are to remain under the authority of the local bishop (c. 25). Other canons reinforce an existing norm: the metropolitan is to convoke a provincial synod each year (c. 8); the respective age for the ordination of presbyters, deacons, and deaconesses is fixed (c. 14); simony is forbidden (cc. 22, 23).

As regards clerical celibacy, the Council in Trullo canonized the civil law forbidding bishops to cohabit with their wives (c. 12) but did not impose any such restriction on presbyters and deacons. In this it claimed to "adhere strictly to the Apostolic norm and discipline," whereas the Roman Church was blamed for innovating by forbidding the marital cohabitation of presbyters and deacons (c. 13). This Roman practice was not expressly condemned, but such blame was unacceptable to Rome not only in theory (celibacy being regarded as superior to marriage and highly suitable, if not

even necessary, for NT ministers) but also in practice in places like Illyricum, a see contested by Rome and Constantinople as their own canonical territory, where the coexistence of the two systems created friction.

Canon 3, the lengthiest in section 1, claims to combine Roman severity and Constantinopolitan clemency in the matter of clerical reform. It censures the uncanonical situation of presbyters who have married twice, or have married after ordination, and of clerics who have married a widow or divorcée. Sexual offences of clerics are threatened with punishment (cc. 4, 5). Priests who have vowed to live in total abstinence with their spouses should no longer cohabit (c. 30).

Section 3, entitled “On the Laity,” is a sort of miscellany containing several canons on marriage, prohibition to play dice (c. 50) or to fast on Sundays and Saturdays except Holy Saturday (cc. 55, 89), or to genuflect on Sunday (c. 90)—matters obviously not specific to laypeople! Missing mass for more than three consecutive Sundays is punishable with deposition for clerics and with excommunication for laypeople (c. 80); the same punishment is prescribed also for procuring harlots (c. 86). Jesus Christ is not to be depicted as the lamb of God indicated by John the Baptist, which was regarded as an undue concession to the Jews (c. 82). Canon 95 gives norms for the reception of heretics. There are penalties for abortion (c. 91), for reviving paganism with oaths (c. 94) or with peculiar plaits of hair (c. 96), or with the practice of clerics and monks bathing together with women in public baths (c. 77). Also condemned are other similar pagan practices (cc. 65, 71), including mimes (c. 51), theatrical dancing (cc. 51, 62), and sorcery (c. 61). The penalties, however, are to be medicinal, aimed at the healing of the soul (c. 102) in keeping with the prevailing theory of punishment in the Christian East.

### **The Ecumenical Character of the Council in Trullo**

The Trullan Council designated itself twice as a “holy and ecumenical synod” (cc. 3, 51). Of course, this self-declaration does not make the council automatically ecumenical. But it was subsequently recognized as ecumenical by the Seventh Council, Nicaea II, as I will show below. However, the necessary recognition by the first apostolic see of Rome came only gradually, after initial refusals. Despite the emperor’s threat to arrest him, Pope Sergius I (687–701) resolutely refused to subscribe to its acts “because it contained some uncanonical provisions.”<sup>41</sup> Pope John VII (705–707) also declined to countersign the Trullan canons sent him. Later, however, three

<sup>41</sup> *Liber Pontificalis* I, 373: “quaedam capitula extra ritum ecclesiasticum fuerant in eis adnexa.”

popes approved the council, although with some reserve: Constantine I (708–715), Hadrian I (772–795), and John VIII (872–882).

The popes' reservation concerned the so-called "anti-Roman" canons (especially cc. 2, 13, 36, 55). Their primary purpose was not to take an anti-Roman stand but to consolidate the threatened unity of the empire by imposing uniformity of discipline according to the Byzantine pattern.<sup>42</sup> This policy is seen also in the council's "anti-Armenian" stance: for example, contrary to Armenian usage, some water is to be added to the wine in Holy Eucharist (c. 32); priestly ordination is not to be a matter of family succession (c. 33); norms about fasting and abstinence are to be stricter (c. 56); meat offerings are forbidden (c. 99). As regards the Roman see, canon 36 reaffirmed (perhaps unnecessarily, given c. 2) the respective ranks of the five patriarchal sees as already determined by the Councils of Constantinople I (c. 3) and Chalcedon (c. 28). But the prolonged Roman opposition to conferring equal dignity (*presbeia*) on Constantinople as "New Rome" was probably the reason for Trullo's harping on the patriarchal hierarchy, which indirectly cast light on the difference between Rome's idea of the Roman primacy and that held by the rest of the church. Seen as a persistent threat to its primatial position and privileges, the so-called anti-Roman canons of the Trullan Council were rejected by the "First See."

This rejection and the presence of the "anti-Roman" canons led to the Trullan Council's being regarded as not ecumenical from the late Middle Ages till recently. Thus, for example, the Roman edition of the ecumenical councils (vol. 3, 1612) included the Trullan canons as those of "the so-called sixth council" (pp. 302–334) with a "warning to the reader" that it was not an ecumenical council (pp. 295–299). This example was followed by most of the later Western editions like those of Philip Labbe and Gabriel Cossart, of Joseph Catalan, and Mansi,<sup>43</sup> each containing a "monitum" to the reader that the Trullan Council, whose canons were being published, was not ecumenical. Mansi called this council "pseudo-sixth," a "conciliabulum reprobatum."<sup>44</sup> Hefele-Leclercq saw it as an anti-Roman council never really approved by any pope; the approval by Pope Hadrian I was rated as imprudent and that by Nicaea II was attributed to the fact that the

<sup>42</sup> Ohme, "Die sogenannten 'antirömischen' Kanones" 307–22.

<sup>43</sup> See "Council in Trullo," in *Conciliorum collectio regia maxima*, 11 vols. in 12, ed. Philip Labbe and Gabriel Cossart (Paris: Regia, 1714–1715), vol. 3, cols. 1645–1749; Josephus Catalanus, *Sacrosancta concilia oecumenica commentariis illustrata*, 4 vols. (Rome: Antonius de Rubeis, 1736–1749); see 2:40–232; and s.v. "historia" 40–42, concluding that the Trullan Council is not ecumenical. Giovan Domenico Mansi et al., *Sacrorum conciliorum nova et amplissima collectio* . . . , 53 vols. (Florence, 1759–1927), vol. 11, cols. 621–1006: "Concilium in Trullo"; vol. 12, cols. 47–56: "Conciliabulum Constantinopolitanum pseudosextum universale et reprobatum."

<sup>44</sup> Mansi, *Sacrorum conciliorum nova et amplissima collectio*, vol. 12, col. 47.

participants were almost wholly Greek.<sup>45</sup> In the same way the volume entitled *The Seven Ecumenical Councils of the Undivided Church* in the series *Nicene and Post-Nicene Fathers*, warned that the Quinisext Council should not be mistaken for an ecumenical council.<sup>46</sup> The *Dictionnaire de théologie catholique* did not rate it as an ecumenical council, but devoted an article to the “Quinisexte (concile),” and a short notice to the “Concile in Trullo,” disposed of it as an “oriental council.”<sup>47</sup> In the twelve-volume history of the ecumenical councils from Nicaea I to Vatican I, published under the general editorship of Gervais Dumeige, the Council in Trullo was given short shrift<sup>48</sup> with no mention of Joannou’s work, in which the argument for the ecumenicity of the Trullan Council was indeed jejune. Thus the Western devaluation of this council continues to show itself occasionally up to the present.<sup>49</sup>

In an ecumenical age it is possible to appreciate more positively the following historical facts. First of all, through dialogue between Emperor Justinian II and Pope Constantine I, an oral compromise was reached at Nicomedia in 711, which led to the papal approval of the Trullan Council, albeit with a proviso concerning “the privileges of the [Roman] Church.”<sup>50</sup> Pope Constantine refused to put his signature on the list of participants in the *second* place *after* the emperor, which he saw as smacking of undue imperialist ideology. The attribution of eastern Illyricum to the jurisdiction of Constantinople was another sticking point. However, Pope Hadrian I, in a 787 letter to Patriarch Tarasios of Constantinople read out at the Council of Nicaea II, declared: “I receive the sixth sacred council with all its canons which have been promulgated according to divine law (*jure ac divinitus*).”<sup>51</sup> Since the sixth council or Constantinople III (680–681) had not issued any canons, the expression “the sixth council with all its canons” can

<sup>45</sup> Karl Joseph von Hefele and Henri Leclercq, *Histoire des conciles d’après les documents originaux*, 8 vols. in 15 (Paris: Letouzy, 1907–1952) 3:560–81.

<sup>46</sup> See Henry R. Percival, “The Canons of the Councils in Trullo,” in *Seven Ecumenical Councils* 356 and 359–408 (with commentary).

<sup>47</sup> *Dictionnaire de théologie catholique*, s.v. “conciles,” vol. 3, pt. 1, cols. 636–76; s. v. “Quinisexte,” vol. 13, pt. 2, cols. 1587–97; s.v. “Trullo,” vol. 15, pt. 2, col. 1925.

<sup>48</sup> See F. X. Murphy and P. Sherwood, *Constantinople II et III* (Paris: Orante, 1974) 244–47; vol. 3 of *Histoire des conciles œcuméniques*, 12 vols., ed. Gervais Dumeige (Paris: Orante, 1963–1981).

<sup>49</sup> In a review of COGD–I, e.g., Joseph Carola says of the Council in Trullo: “The Catholic Church does not rank it among the ecumenical councils. . . . Its inclusion in this present collection is not without controversy” (*Gregorianum* 89 [2008] 202–3).

<sup>50</sup> *Liber Pontificalis* I, 391.

<sup>51</sup> Gratian, *Decretum*, Dist. XVI, c. 5; Mansi, *Sacrorum conciliorum nova et amplissima collectio*, vol. 12, col. 1080A. The double adverb “*iure ac divinitus*” has the force of a hendiadys, *ius divinum*: Hadrian accepts whatever is decreed by the sixth council as of divine law.

only refer to the Trullan Council understood as the second session of the sixth council. Although the phrase *jure ac divinitus* could be interpreted either as qualificative or restrictive, the latter sense is more likely: Hadrian received only those canons that were not contrary to divine law. However, no restriction was expressed by the Council of Nicaea II (787) itself, which in its first canon received and confirmed “the canons of the six holy and ecumenical councils.” Thus the seventh ecumenical council ascribed the Trullan canons without reserve to the sixth council and recognized the Trullan Council itself as ecumenical. In other words, with its reception by Nicaea II the Trullan Council stood confirmed as ecumenical.

Nicaea II went further and cited the authority of the Trullan Council in determining the periodicity of provincial councils. The norm of their biannual convocation had been established by Nicaea I (c. 5) and confirmed by Chalcedon (c. 19), but this norm was seldom observed in practice. The Trullan Council reduced the frequency of provincial councils to an annual celebration (c. 8), a modification pointing to the consciousness and claim of the Trullan Council itself to be an ecumenical council. And Nicaea II recognized this claim by stating: “The holy fathers of the sixth synod decreed ‘they should be held in any case and despite all excuses, once a year, and all that is incorrect should be put right’” (c. 6).<sup>52</sup> Here again “the sixth synod” refers clearly to the Trullan Council. Further, the Trullan canon 82 was cited and put to good use by the Council of Nicaea II in its defence of the veneration of images.<sup>53</sup> It is thus established beyond doubt that Nicaea II regarded the Trullan Council as the second session of Constantinople III (“the sixth synod”) and thereby recognized it as an ecumenical council. And this gave rise to the canonical tradition that attaches an ordinal number to this council (“the sixth council”), which is done only for ecumenical councils, not for local councils. In fine, if it were merely a local council, the emperor would not have taken so much trouble to have it approved by the pope of Rome, nor would the popes of Rome have regarded the question of the approbation of Trullo worth much consideration. The very resistance of some popes to the Trullan Council is the reflection of their conviction that their signature would seal it as ecumenical.

In more recent times, Pope Paul VI cited the Trullan Council (c. 13) to confirm the tradition of the Eastern Catholic Churches regarding the married clergy.<sup>54</sup> And Pope John Paul II, in his apostolic constitution promulgating the *Code of Canons of the Eastern Churches*, referred

<sup>52</sup> Tanner, *Decrees* 1:144 n. 2, “Conc. Quinisext., (692), c. 8.”

<sup>53</sup> See Heinz Ohme, “Das Quinisextum auf dem VII. ökumenischen Konzil,” *Annuario historiae conciliorum* 20 (1988) 325–44; Ohme, “Die Beziehungen zwischen Rom und Konstantinopel” 70.

<sup>54</sup> Paul VI, *Sacerdotalis caelibatus*, June 24, 1967, *Acta apostolicae sedis* 59 (1967) 657–59.

expressly to the first canon of Nicaea II, which confirmed the canons of “the six holy and universal synods,” thus implicitly recognizing the Trullan Council as the sixth ecumenical council.<sup>55</sup>

For its deferred and gradual reception by the Roman See the Council in Trullo is comparable to the Council of Constantinople I (381), which was convoked as an Eastern council and was conducted without any Western participation at all. And it was not received by the Roman See at first. But in the sixth century its dogmatic definitions were approved, though there was still some lingering reserve as regards its third canon about the “New Rome.” Nevertheless, this council came to be recognized universally by degrees as an ecumenical council.

Another example is the Council of Nicaea II (787) itself.<sup>56</sup> Although it was presided over by papal delegates and received by Pope Hadrian I, it was ratified formally only after a lapse of 93 years. The case of the Trullan Council is analogous. Ecumenical reception is a historical process in act, as Vittorio Peri puts it.<sup>57</sup> In this process it has been suggested that what is ultimately decisive is “connumeration,” that is, being numbered along with the series starting with Nicaea I.<sup>58</sup> The Trullan Council was numbered “the sixth” along with Constantinople III by the Seventh Ecumenical Council. And this conciliar lead was followed later by the canonical tradition. However, the ongoing discussion about the criteria of the ecumenicity of councils shows that perhaps the last word has not yet been said.<sup>59</sup>

The ecumenical status of the Trullan Council was commonly recognized by such classical Western canonists of the second millennium as Ivo of Chartres, Pope Innocent III, and Gratian.<sup>60</sup> For example, Gratian, following Ivo’s lead, included 16 canons of the Council in Trullo in his *Decretum*.

<sup>55</sup> John Paul II, apostolic constitution *Sacri canones*, October 18, 1990, *Acta apostolicae sedis* 82 (1990) 1034.

<sup>56</sup> See Erich Lamberz, ed., *Concilium universale Nicaenum secundum*, *Acta conciliorum oecumenicorum*, ser. 2, vol. 3, pt. 1 (Berlin: Walter de Gruyter, 2008).

<sup>57</sup> Vittorio Peri, “L’ecumenicità di un concilio come processo storico nella vita della Chiesa,” *Annuario historiae conciliorum* 20 (1988) 216–44.

<sup>58</sup> Discussing the criteria of the ecumenicity of councils, Sieben (“Die Liste ökumenischer Konzilien“ 535) states that the decisive criterion is a council’s being counted and listed along with the First Council (Nicaea I): it is “Konnumerierung” that makes a council ecumenical. However, in his examination of the “lists” of the ecumenical councils of the first millennium Sieben considers only the councils from Nicaea I to Constantinople III, thus overlooking the Council in Trullo (pp. 537–540), although this council was counted along with Nicaea I and listed together with it by Nicaea II in its canon 2.

<sup>59</sup> For a recent discussion of the criteria of the ecumenicity of a council, see Brigitta Kleinschwärzer-Meister, “Die Relevanz des Konzils von Nikaia für die Gegenwart: Rückblick und Perspektiven,” *Catholica* 62 (2008) 1–17; see esp. “Die Frage nach den Kriterien der Ökumenizität” 2–8.

<sup>60</sup> Gratian, *Decretum*, Dist. IV, c. 122; Landau, “Überlieferung. . .” (see n. 24).

He regarded this council as the second session of the Sixth Ecumenical Council: “the first was held under Emperor Constantine IV, but it issued no canons; and the second, held under his son Emperor Justinian II, issued the above-mentioned canons.”<sup>61</sup> Referring to Pope Hadrian’s letter to Patriarch Tarasios cited above, Gratian wrote: “*sexta synodus auctoritate Adriani corroboratur*” (the sixth synod is confirmed by the authority of Pope Hadrian) through reception.<sup>62</sup> Thus it is clear that Gratian saw the Trullan Council as belonging with “the sixth synod” as its second session and therefore as ecumenical. Hence Gratian stated that its canons were formulated by “divine inspiration.”<sup>63</sup> In fact, the ecumenicity of the Council in Trullo was once standard doctrine in the West as in the East, but in the subsequent East-West polemics, the West rejected this council and denigrated it in proportion to its determined defence and exaltation in the East.

It is a matter of canonical doctrine and practice that a council can be celebrated in two or more sessions separated by some years. For example, in the East the two councils of Constantinople of 869–870 and of 879–880, formerly seen as opposed to each other in the matter of the Photian controversy or schism, have come to be regarded by scholars today as two sessions of one and the same council, albeit not ecumenical. In the West, the Council of Trent (1545–1563) was held in three periods: 1545–1548, 1551–1552, and 1560–1563.

In the East, the ecumenicity of the Council in Trullo was never in doubt. I will not belabor the point here.<sup>64</sup> Wishing to stress that this council made up for the vacuum left in canonical legislation by the sixth and the fifth council, as already noted, Theodore Balsamon called it *Penthekte* (Quinisext in Latin). But Nicaea II had counted it with the sixth council only, and the classical canonists followed this conciliar lead in both East and West.

What then could be a proper name for this council? Neither of the two names now in use is fully satisfactory. “Quinisext” attaches this council equally to the *fifth* and the *sixth* councils, which is to deviate both from

<sup>61</sup> “*Sexta synodus bis congregata est: primo, sub Constantino, et nullos canones constituit; secundo, sub Justiniano filio eius, et praefatos canones promulgavit*” (Gratian, *Decretum*, Dist. XVI, c. 6).

<sup>62</sup> Gratian, *Decretum*, Dist. XVI, c. 5.

<sup>63</sup> “*Eadem sancta synodus, divinitus inspirata, iterum . . . congregata est et canones numero cii ad correctionem Ecclesiae promulgavit*” (Gratian, *Decretum*, Dist. XVI, c. 6).

<sup>64</sup> See *Basilika* 5.3.2 (*Basilika* is the code issued by Leo VI the Wise); Novels 5, 6, 76, 79, 123, 133, 137, etc. (the Novels or “Novellae Constitutiones” are a fourth unit of the Roman law issued by Justinian I). References to more Eastern sources can be found in Nicolae Dură, “The Ecumenicity of the Council in Trullo: Witnesses of the Canonical Tradition in East and West,” in *Council in Trullo Revisited* 229–62. (Dură’s assessment of the Western evidence is insufficiently critical.)

history and from Nicaea II, which regarded it as attached to the sixth council as its second session. The fact that the Trullan Council completes *in contents* also the fifth council does not make it the second session of this council to warrant the name “Quinisext,” which thus turns out to be a misnomer. Possibly this insight underlies the preference for the designation “Trullanum” by Rhalles-Potles. Perhaps in the East-West dialogue today, the name “Quinisext” may seem to prejudice the ecumenicity of this council from the start, whereas the designation “Council in Trullo” would appear to be neutral. However, this latter is not a fully satisfactory name either: it fits awkwardly in the list of the ecumenical councils. This very awkwardness can, however, serve to underscore the fact that it is an ecumenical council *sui generis*. Indeed, the ecumenical councils differ among themselves so much that it has been suggested that “ecumenical” as a conciliar category needs to be understood analogously.<sup>65</sup> Perhaps the teaching of the Second Vatican Council about “the hierarchy of truths” may be applied to the ecumenical councils as well, so that the Trullan Council can be set on a scale of ecumenical councils. This would be in keeping with the tradition according to which Pope Gregory the Great saw the first four ecumenical councils on a level apart and analogously to the four canonical Gospels.

### CONCLUSION

The Council in Trullo occupies a unique place in the canon of the ecumenical councils of the first millennium. Patriarch Photius underscored its singular standing by qualifying it in relation to the ecumenical councils as a “sister council,”<sup>66</sup> an expression that has its modern parallel in the “sister churches.” As I have emphasized, the inclusion of the Council in Trullo in the canon of the ecumenical councils of the first millennium does not raise their number from seven to eight. The table of contents of a volume that includes the ecumenical councils of the first millennium needs to be prepared with care so as not to mislead readers;<sup>67</sup> the “*conspectus materiae*” in COGD-I is not a model to follow; it has apparently already misled some into thinking that this volume presents eight ecumenical councils

<sup>65</sup> Bertrand de Margerie, “L’Analogie dans l’oecuménicité des conciles: Notion clef pour l’avenir de l’oecuménisme,” *Revue Thomiste* 84 (1984) 425–45.

<sup>66</sup> Jean-Baptiste Pitra, *Juris ecclesiastici Graecorum historia et monumenta*, 2 vols. (Rome: Collegio Urbano, 1864–1868) 2:449.

<sup>67</sup> Until the Council in Trullo is fully lifted out of limbo, the table of contents will do well to indicate the two sessions of the Sixth Council (Constantinople III) and place the Trullan Council in the second. Once this rescue has been fully achieved, the table of contents may only need to mention the two sessions but can omit explicit mention of Trullo.

from Nicaea I to Nicaea II, contrary to the clear warning in the introduction to the "Concilium Trullanum."<sup>68</sup>

Relevant to the current Catholic-Orthodox ecumenical dialogue is the chequered history of the reception of the Trullan Council in the West during the first millennium, for which chiefly two factors were responsible. The first is the idea of the Roman primacy, on which the East and the West already differed and which has since become hurdle number one on the way to the recovery of ecumenical unity. The second is the attempt of the Trullan Council to enforce uniformity of discipline (c. 56: "throughout the whole world the Church of God should follow one order") at the expense of legitimate diversity. For the youthful Emperor Justinian II, the prospect of extending to the whole *ecumene* or empire the usages of the Great Church of Byzantium was a fascinating ideal. Much later, however, this policy was rejected as unnecessary and misconceived at the Council of Constantinople held in 880, a council of reconciliation between the sees of Rome and Constantinople after the so-called Photian schism. This council recognized that the diversity of the customs of the two churches, as well as those of the Eastern sees, was legitimate and proper; therefore it should not be a matter for contention or polemics. That unity should not be confused with uniformity is a lesson that the Christian churches learned only slowly. In particular, that unity of faith need not involve uniformity of expression in theology and dogma is a lesson the Christian churches are still learning with difficulty.

In the current Orthodox-Catholic ecumenical dialogue about the twin theme of conciliarity/synodality-primacy, the question of the status of the Trullan Council as an ecumenical council is not insignificant. True, several canons of this council are generally deemed to be outdated by the Orthodox churches themselves. But according to Orthodox theology, they cannot be abolished except by an ecumenical council; for only an ecumenical council can abrogate or modify the decrees of another ecumenical council. But without the concurrence of the bishop of Rome (as the *protos* among the five patriarchal *prottoi*), there can be no ecumenical synod, but only a pan-Orthodox synod, which cannot modify any canon of an ecumenical council. So the outdated canons of the Trullan Council have to be preserved in the *syntagma* and observed by applying the principle of *oikonomia*, by which practical provision can be made in single cases in keeping with the exigency of the supreme law of *salus animarum*. According to Catholic theology and canon law, however, the supreme church authority is vested in ecumenical councils as well as in the Roman pontiff, and the disciplinary decrees or canons of the ecumenical councils can be abrogated or modified by either. The Roman pontiff has often done

<sup>68</sup> COGD-I, p. 212

so, especially in the 20th-century codifications of canon law (hence the ecumenical joke: Roman *primacy* = Orthodox *economy*).

The Trullan Council furnishes ample illustration of the truth of the statement of the Ravenna document that “the prerogatives of the bishop of Rome as *protos* . . . was already understood in different ways in the first millennium” (no. 41). Giving due value to the East-West differences in theological vision and approach to conciliarity, Catholic scholars are now called upon to take stock of the appearance of COGD–I, which has set the Council in Trullo back in the canon of the ecumenical councils. This will furnish matter for the post-Ravenna reflection, about which Cardinal Kasper stated: “We Catholics have to reflect more clearly on the problem of synodality or conciliarity, especially at the universal level.”<sup>69</sup>

<sup>69</sup> See above, n. 1.