The 30 Canons

Council of Chalcedon (AD 451) (AD 451)

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Canon I.

WE have judged it fight that the canons of the Holy Fathers made in every synod even until now, should remain in force.

Notes.
Ancient Epitome of Canon I. The canons of every Synod of the holy Fathers shall be observed. Hefele. Before the holding of the Council of Chalcedon, in the Greek Church, the canons ofseveral synods, which were held previously, were gathered into one collection and provided with continuous numbers, and such a collection of canons, as we have seen, lay before the Synod of Chalcedon. As, however, most of the synods whose canons were received into the collection, e.g. those of Neo- Caesarea, Ancyra, Gangra, Antioch, were certainly not Ecumenical Councils, and were even to some extent of doubtful authority, such as the Antiochene Synod of 341, the confirmation of the Ecumenical Synod was now given to them, in order to raise them to the position of universally and unconditionally valid ecclesiastical rules. It is admirably remarked by the Emperor Justinian, in his 131st Novel, cap.j.; "We honour the doctrinal decrees of the first four Councilsas we do Holy Scripture, but the canons given or approved by them as we do the laws."

It seems quite impossible to determine just what councils are included in this list, the Council in Trullo has entirely removed this ambiguity in its second canon. This canon is found in the Corpus, Juris Canonici, Gratian's Decretum, Pars II., Causa XXV., Qusest. 1, can. xiv.

Canon II.

IF any Bishop should ordain for money, and put to sale a grace which cannot be sold, and for money ordain a bishop, or chorepiscopus, or presbyters, or deacons, or any other of those who are counted among the clergy; or if through lust of gain he should nominate for money a steward, or advocate, or prosmonarius, or any one whatever who is on the roll of the Church, let him who is convicted of this forfeit his own rank; and let him who is ordained be nothing profited by the purchased ordination or promotion; but let him be removed from the dignity or charge he has obtained for money. And if any one should be found negotiating such shameful and unlawful transactions, let him also, if he is a clergyman, be deposed from his rank, and if he is a layman or monk, let him be anathematized.

Notes.
Ancient Epitome of Canon XIX. Whoso buys or sells an ordination, down to a Prosmonarius, shall be in danger of losing his grade. Such shall also be the case with go-betweens, if they be clerics they shall be cut off from their rank, if laymen or monks, they shall be anathematized. Bright.

A great scandal in the "Asian diocese" had led to St. Chrysostom's intervention. Antoninus, bishop of Ephesus, was charged, with "making it a rule to sell ordinations of bishops at rates proportionate to the value of their sees" (Palladius, Dial. de vita Chrysost, p. 50). Chrysostom held a synod at Ephesus, at which six bishops were deposed for having obtained their sees in this manner. Isidore of Pelasium repeatedly remonstrated with his bishop Eusebius on the heinousness of "selling the gift" of ordinations (Epist. I., 26, 30, 37); and names Zosimus, a priest, and Maron, a deacon, as thus ordained (ib. 111,119). A few years before the council, a court of three bishops sat at Berytus to hear charges brought against Ibas, bishop of Edessa, by clerics of his diocese. The third charge was thus curtly worded: "Moreover he receives for laying on hands" (Mansi, vii. 224). The xxvijth Trullan canon repeated this canon of Chalcedon against persons ordained for money, doubtless in view of such a state of things asGregory the Great had heard of nearly a century earlier, "that in the Eastern Churches no one comes to holy order except by the payment of premiums" (Epist. xi. 46, to the bishop of Jerusalem; compare Evagrius's assertion that Justin II. openly sold bishoprics, V. 1). It is easy to understand how the scruples of ecclesiastics could be abated by the courtly fashion of calling bribes "eulogiae" (Fleury, XXVI, 20), just as the six prelates

above referred to had regarded their payments as an equivalent for that "making over of property to the Curia," which was required by a law of 399 (Cod. Theod., xii. 1, 163, see notes in Transl. of Fleury, i. 163, ij. 16).

The e!kdikoj, "defensor," was an official Advocate or counsel for the Church. The legal force of the term "defensor" is indicated by a law of Valentinian I. "Nec idem in codera negotio defensor sit et quaesitor" (Cod. Theod., ii. 10, 2). In the East the office was held by ecclesiastics; thus, John, presbyter and "advocate" was employed, at the Council of Constantinople in 448, to summon Eutyches (Mansi, vii. 697). About 496, Paul the "Advocate" of Constantinople saved his archbishop from the sword of a murderer at the cost of his own life (Theodor., Lect. ii. 11). In the list of the functionaries of St. Sophia, given by Goat in his Euchologion (p. 270), the Protecdicos is discribed as adjudicating, with twelve assessors, in smaller causes, on which he afterwards reports to the bishop. In Africa, on the other hand, from a.d. 407 (see Cod. Theod., xvi. 2, 38), the office was held by barristers, in accordance with a request of the African bishops (Cod. Afric., 97; Mansi, iii., 802), who, six years earlier, had asked for "defensores," with special reference to the oppression of the poor by the rich (Cod. Afric., 75; Mansi, iii. 778, 970). The "defensores" mentioned by Gregory the Great had primarily to take care of the poor (Epist., v. 29), and of the church property (ib, i. 36), but also to be advocates of injured clerics (ib., ix. 64) and act as assessors (ib., x. 1), etc.

The next office is that of the Prosmonarius or, according to a various reading adopted by many (e.g. Justellus, Hervetus, Beveridge, Bingham), the Paramonarius. Opinions differ as to the functions intended. Isidore gives simply "paramonarius:" Dionysius (see Justellus, Biblioth., i., 134) omits the word; but in the "interpretario Dionysii," as given in the Concilia, freedom has been taken to insert "vel mansionarium" in a parenthesis (vii. 373; see Beveridge, in loc.). Mansionarius is a literal rendering; but what was the function of a mansionarius? In Gregory the Great's time he was a sacristan who had the duty of lighting the church (Dial., i. 5); and "ostiarium" in the Prisca implies the same idea. Tillemont, without deciding between the two Greek readings, thinks that the person intended had "some charge of what pertained to the church itself, perhaps like our present bedells" (xv. 694). So Fleury renders, "concierge" (xxviij. 29); and Newman, reading "paramonarion," takes a like view (note in Transl. of Fleury, vol. iii., p. 392). But Justellus (i. 91) derives "paramonarius" from monh/ "mansio," a halting-place, so that the sense would be a manager of one of the church's farms, a "villicus," or, as Bingham expresses it, "a bailiff" (iii. 3, 1). Beveridge agrees with Justellus, except in giving to monh/ the sense of "monastery" (compare the use of monh/ in Athan., Apol. c. Arion, 67, where Valesius understands it as "a station" on a road, but others as "a monastery," see Historical Writings of St. Athanasius, Introd., p. xliv.). Bingham also prefers this interpretation. Suitor takes it as required by "paramonarios" which he treats as the true reading: "prosmonarios" he thinks would have the sense of "sacristan."

Hefele. According to Van Espen, however, who here supports himself upon Du Cange, by "prosmonarios" or "mansionarius," in the same way as by "oiconomos," a steward of church

property was to be understood. The canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars II., Causa I., Quaest. i., can. viii.

Canon III.

IT has come to [the knowledge of] the holy Synod that certain of those who are enrolled among the clergy have, through lust of gain, become hirers of other men's possessions, and make contracts pertaining to secular affairs, lightly esteeming the service of God, and slip into the houses of secular persons, whose property they undertake through covetousness to manage. Wherefore the great and holy Synod decrees that henceforth no bishop, clergyman, nor monk shall hire possessions, or engage in business, or occupy himself in worldly engagements, unless he shall be called by the law to the guardianship of minors, from which there is no escape; or unless the bishop of the city shall commit to him the care of ecclesiastical business, or of unprovided orphans or widows and of persons who stand especially in need of the Church's help, through the fear of God. And if any one shall hereafter transgress these decrees, he shall be subjected to ecclesiastical penalties.

Notes.
Ancient Epitome of Canon III. Those who assume the care of secular houses should be corrected, unless perchance the law called them to the administration of those not yet come of age, from which there is no exemption. Unless further their Bishop permits them to take care of orphans and widows. Bright.

These two cases excepted, the undertaking of secular business was made ecclesiastically penal. Yet this is not to be construed as forbidding clerics to work at trades either (1) when the church-funds were insufficient to maintain them, or (2) in order to have more to bestow in alms, or (3) as an example of industry or humility. Thus, most of the clergy of Caesarea in Cappadocia practised sedentary trades for a livelihood (Basil, Epist., cxcviii., 1); and some African canons allow, or even direct, a cleric to live by a trade, provided that his clerical duties are not neglected (Mansi, iii., 955). At an earlier time Spyridion, the famous Cypriot bishop, still one of the most popular saints in the Levant (Stanley's East. Church, p. 126), retained, out of humility (a0tufian pollh/n, Soc. i. 12), his occupation as a shepherd; and in the latter part of the fourth century Zeno, bishop of Maiuma, wove linen, partly to supply his own wants, and partly to obtain means of helping the poor (Soz., vii. 28). Sidonius mentions a "reader" who maintained himself by commercial transactions (Epist., vi. 8), and in the Anglo-Saxon Church, although presbyters were forbidden to become "negotiorum saecularium dispositores" (C1. of Clovesho in 747, c. 8), or to be "mongers and covetous

merchants" (Elfric's canons, xxx.), yet the canons of King Edgar's reign ordered every priest "diligently to learn a handicraft" (No. 11; Wilkins, i. 225). In short, it was not the mere fact of secular employment, but secularity of motive and of tone that was condemned.This canon was the second of these proposed by the Emperor, and is found in the Corpus Juris Canonici, Gratian's Decretum,Pars I. Dist. lxxxvi., C. xxvj.

Canon IV.

Let those who truly and sincerely lead the monastic life be counted worthy of becoming honour; but, forasmuch as certain persons using the pretext of monasticism bring confusion both upon the churches and into political affairs by going about promiscuously in the cities, and at the same time seeking to establish Monasteries for themselves; it is decreed that no one anywhere build or found a monastery or oratory contrary to the will of the bishop of the city; and that the monks in every city and district shall be subject to the bishop, and embrace a quiet course of life, and give themselves only to fasting and prayer, remaining permanently in the places in which they were set apart; and they shall meddle neither in ecclesiastical nor in secular affairs, nor leave their own monasteries to take part in such; unless, indeed, they should at any time through urgent necessity be appointed thereto by the bishop of the city. And no slave shall be received into any monastery to become a monk against the will of his master. And if any one shall transgress this our judgment, we have decreed that he shall be excommunicated, that the name of God be not blasphemed. But the bishop of the city must make the needful provision for the monasteries.

Notes.
Ancient Epitome OF Canon Domestic oratories and monasteries are not to be erected contrary to the judgment of the bishop. Every monk must be subject to his bishop, and must not leave his house except at his suggestion. A slave, however, can not enter the monastic life without the consent of his master. Hefele. Like the previous canon, this one was brought forward by the Emperor Marcian in the sixth session, and then as number one, and the synod accepted the Emperor's proposed canon almost verbally. Occasion for this canon seems to have been given by monks of Eutychian tendencies, and especially by the Syrian Barsumas, as appears from the fourth session. He and his monks had, asEutychians, withdrawn themselves from the jurisdiction of their bishops, whom they suspected of Nestorianism. Bright.

Here observe (1) the definite assertion of episcopal authority over monks, as it is repeated for greater clearness in the last words of the canon, which are not found in Marcian's draft, "It is the duty of the bishop of the city to make due provision for the monasteries." and compare canons 8, 24. Isidore says that the bishop must "keep an eye on the negligences of monks" (Epist., i. 149). The Western Church followed in this track (see Council of Agde,

canon xxvii., that ”no new monastery is to be rounded without the bishop’s approval,” and 1st of Orleans, canon xix., ”Let abbots be under the bishop’s power,” and also Vth of Paris, canon xij., Mansi, viii., 329, 354, 542, etc.), until a reaction set in against the oppressiveness of bishops, was encouraged by Gregory the Great (Epist., i. 12; ii. 41), the IV Council of Toledo (canon li.), and the English Council of Hertford (canon iij., Bede, iv. 5, and Bright’s Chapters of Early Engl. Ch. Hist., p. 244), and culminated in the system of monastic exemptions, of which Monte Cassino, St. Martin’s of Tours, Fulda, Westminster, Battle (see Freeman, Norm. Conquest, iv. 409), and St Alban’s were eminent instances.This canon, cut up and mutilated, is foundin the Corpus Juris Canonici, Gratian’s Decreturn, Pars II., Causa XVI., Quest. L, can. xij., and Causa XVIII., Quest. II., Canon X.

I have followed the reading of the Prisca, and of Dionysius, of Routh, and of Balsamon, ”they were set apart,” i.e. (as Balsamon explains) where they received the monastic tonsure. This reading substitutes a0peta/canto for e0peta/canto, which would mean ”over which they had been put in authority,” or possibly (as Johnson) ”where they are appointed,” or as Hammond, ”in which they have been settled.” Isidore reads ”ordinati sunt.”

Canon V.

Concerning bishops or clergymen who go about from city to city, it is decreed that the canons enacted by the Holy Fathers shall still retain their force.

Notes.

Ancient Epitome of Canon V. Those who go from city to city shall be subject to the canon law on the subject. Clerical adventurers and brief pastorates are not the peculiar characteristics of any one century. Bright. It is supposed by Hefele that the bishops were thinking of the case of Bassian, who, in the eleventh session (Oct. 29), pleaded that he had been violently ejected from the see of Ephesus. Stephen the actual bishop, answered that Bassian had not been ”ordained”for that see, but had invaded it and been justly expelled. Bassian rejoined that his original consecration for the see of Evasa had been forcible even to brutality; that he had never even visited Evasa, that therefore his appointment to Ephesus was not a translation. Ultimately, the Council cut the knot by ordering that a new bishop should be elected, Basalan and Stephen retaining the episcopal title and receiving allowances from the revenues of the see (Mansi, vii. 273 et seqq.)

This canon is found in the Corpus Juris Canonici, Gratian’s Decretum, Pars II., Causa VII., Quaest. I., can. xxij.

Canon VI.

Neither presbyter, deacon, nor any of the ecclesiastical order shall be ordained at large, nor unless the person ordained is particularly appointed to a church in a city or village, or to a martyry, or to a monastery. And if any have been ordained without a charge, the holy Synod decrees, to the reproach of the ordainer, that such an ordination shall be inoperative, and that such shall nowhere be suffered to officiate.

Notes.
Ancient Epitome of Canon VI. In Martyries and Monasteries ordinations are strictly forbidden. Should any one be ordained therein, his ordination shall be reputed of no effect. Van Espen. The wording of the canon seems to intimatethat the synod of Chalcedon held ordinations of this sort to be not only illicit but also invalid, irritis and cassis. Nor is this to be wondered at, if we take into account the pristine and ancient discipline of the church and the opinion of many of the Scholastics (Morinus, De SS. Ordinat., Parte III., Exercit. V., cap Hefele. It is clear that our canon forbids the so-called absolute ordinations, and requires that every cleric must at the time of his ordination be designated to a definite church. The only titulus which is here recognized is that which was later known as titulus beneficii. As various kinds of this title we find here (a) the appointment to a church in the city; (b) to a village church; (c) that to the chapel of a martyr; (d) the appointment as chaplain of a monastery. For the right understanding of the last point, it must be remembered thatthe earliest monks were in no wise clerics, butthat soon the custom was introduced in every larger convent, of having at least one monk ordained presbyter, that he might provide for divine service in the monastery.

Similar prohibitions of ordinationes absolutoe were also put forth in after times. According to existing law, absolute ordinations, as is well known, are still illicitoe, but yet validoe, and even the Council of Chalcedon has not declared them to be properly invalidoe,but only as without effect (by permanent suspension). Cf Kober, Suspension, S. 220, and Hergenrother, Photius, etc., Bd. ii., S. 324. Bright. By the word marturi/w (”martyry”) is meant a church or chapel raised over a martyr’s grave. So the Laodicene Council forbids Churchmen to visit the ”martyries of heretics” (can. ix.). So Gregory of Nyssa speaks of ”the martyry” of the Holy Martyrs (Op. ii., 212); Chrysostom of a ”martyry,” and Palladius of ”martyries” near Antioch (In Act. Apost. Hom., xxxviii. 5; Dial., p. 17), and Palladius of ”the martyry of

St. John" at Constantinople (Dial., p. 25). See Socrates, iv. 18, 23, on the "martyry" of St. Thomas at Edessa, and that of SS. Peter and Paul at Rome; and vi. 6, on the "martyry" of St. Euphenia at Chalcedon in which the Council actually met. In the distinct sense of a visible testimony, the word was applied to the church of the Resurrection at Jerusalem (Eusebius, Vit. Con., iii. 40, iv. 40; Mansi, vi. 564; Cyril, Catech., xiv. 3), and to the Holy Sepulchre itself (Vit. Con., iii. 28), Churches raised over martyrs' totals were called in the West "memorioe martyrum," see Cod. Afric., lxxxiii. (compare Augustine, De Cura pro Mortuis, VI.).

This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars I., Dist. lxx., can. j.

Canon VII.

WE have decreed that those who have once been enrolled among the clergy, or have been made monks, shall accept neither a military charge nor any secular dignity; and if they shall presume to do so and not repent in such wise as to turn again to that which they had first chosen for the love of God, they shall be anathematized.

Notes.

Ancient Epitome of Canon VII. If any cleric or monk arrogantly affects the military or any other dignity, let him be cursed. Hefele. Something similar was ordered by the lxxxiii. (lxxxii.) Apostolic Canon, only that it threatens the cleric who takes military service merely with deposition from his clerical office, while our canon subjects him to excommunication.The Greek commentators, Balsamon and Zonaras, think that our canon selects a more severe punishment, that of excommunication, because it has in view those clerics who have not merely taken military service, etc., but at the same time have laid aside their clerical dress and put on secular clothing. Bright.

By stratei/an [which I have translated (or, as Canon Bright thinks, mistranslated) "military charge"], "militiam," is here meant, not military employment as such, but the public service in general. This use of the term is a relic and token of the military basis of the Roman monarchy. The court of the Imperator was called his camp, strato/pedon (Cod. Theod., tom. ii.„ p. 22), as in Constantine's letter's to John Archaph and the Council of Tyre (Athan., Apol. c. Ari., lxx. 86), and in the VII canon of Sardica, so Athanasius speaks of the "camp" of Constans (Apol. ad Constant, iv.), and of that of Constantius at Milan (Hist. Ari., xxxvij.); so Hosius uses the same phrase in his letter to Constantius (ib. xliv.); so the Semi-Arian bishops, when addressing Jovian (Soz., vi. 4); so Chrysostom in the reign of Theodosius I. (Hom. ad Pop. Antioch, vi. 2). Similarly, there were officers of the palace called Castrensians (Tertull. De Cor., 12), as being "milites alius generis-de imperatoria familia" (Gothofred, Cod. Theod., tom. ii., p. 526). So strateu/sqai is used for holding aplace at court, as in Soc., iv. 9; Soz., vi. 9, on Marcian's case, and a very clear passage in Soc., v. 25, where the verb is applied to an imperial secretary. It occurs in combination with stratei/a in a petition of an Alexandrian deacon named Theodore, which was read in the third session of Chalcedon: he says, "'Estrateusa/men for about twenty-two years in the Schola of the magistrians" (under the Magister officionum, or chief magistrate of the palace), "but I disregarded stratei/aj

tosou/ton xro/nau in order to enter the ministry" (Mansi, vi. 1008). See also Theodoret, Relig. Hist., xij., on the emperor's letter-carriers. In the same sense Honorius, by a law of408, forbids non-Catholics "intra palatium militare" (Cod Theod., xvi., 5, 42); and theVandal king Hunneric speaks of "domusnostrae militiae" (Vic 4 r Vitens, iv. 2).

This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars IL,Causa xx., Quaest. iii., Can. iij.

Canon VIII.

Let the clergy of the poor-houses, monasteries, and martyries remain under the authority of the bishops in every city according to the tradition of the holy Fathers; and let no one arrogantly cast off the rule of his own bishop; and if any shall contravene this canon in any way whatever, and will not be subject to their own bishop, if they be clergy, let them be subjected to canonical censure, and if they be monks or laymen, let them be excommunicated.

Notes.

Ancient Epitome of Canon VIII. Any clergyman is an almshouse or monastery must submit himself to the authority of the bishop of the city. But he who rebels against this let him pay the penalty. Van Espen. From this canon we learn that the synod of Chalcedon willed that all who were in charge of such pious institutions should be subject to the bishop, and in making this decree the synod only followed the tradition of the Fathers and Canons. Although in its first part the canon only mentions ”clergymen,”yet in the second part monks are named, and, as Balsamon and Zonoras point out, both are included. Bright. What a ptwxei=on was may be seen from what Gibbon calls the ”noble and charitable foundation, almost a new city” (iii. 252), established by St. Basil at a little distance from Caesarea, and called in consequence the Basiliad. Gregory Nazianzen describes it as a large set of buildings with rooms for the sick, especially for lepers, and also for house-less travellers; ”a storehouse of piety, where disease was borne philosophically, and sympathy was tested” (Orat., xliii., 63, compare Basil himself, Epist., xciv., on its staff of nurses and physicians and cl., 3). Sozomen calls it ”a most celebrated resting-place for the poor,” and names Prapidius as having been its warden while acting as ”bishop over many villages” (vi. 34, see on Nic., viii.). Another ptwxotrofei=on is mentioned by Basil (Epist., cxliij.) as governed by a chorepiscopus.

St. Chrysostom, on coming to the see of Constantinople, ordered the excess of episcopal expenditure to be transferred to the hospital for the sick (nosokomei/on), and ”founded other such hospitals setting over them two pious presbyters, with physicians and cooks. . . .so that foreigners arriving in the city, on being attacked by disease, might receive aid,both because it was a good work in itself, and for the glory of the Saviour” (Palladius, Dial., p. 19). At Ephesus Bassian founded a ptwxei=ton with seventy pallets for the sick (Mansi, vii., 277), and there were several such houses in Egypt (ib., vi., 1013; in the next century

there was a hospital for the sick at Daphne near Antioch (Evagr., iv., 35). "The tradition of the holy fathers" is here cited as barring any claim on the part of clerics officiating in these institutions, or in monasteries or martyries, to be exempt from the jurisdiction of the ordinary. They are to "abide under it," and not to indulge selfwill by"turning restive" against their bishop's authority" (a0fhnia/zw is literally to get the bit between the teeth, and is used by Aetius for "not choosing to obey," Mansi, vii., 72). Those who dare to violate this clearly defined rule (diatupwsin, comp. tupoj in Nic., xix.), and to refuse subjection to their own bishop, are, if clerics, to incur canonical censure, if monks or laics, to be excommunicated. The allusion to laics points to laymen as founders or benefactors of such institutions.

This canon is found in the Corpus JurisCanonici, Gratian's Decretum, Pars II., CausaXVIII., Q. II., canon x.,3.

Canon IX.

IF any Clergyman have a matter against another clergyman, he shall not forsake his bishop and run to secular courts; but let him first lay open the matter before his own Bishop, or let the matter be submitted to any person whom each of the parties may, with the Bishop's consent, select. And if any one shall contravene these decrees, let him be subjected to canonical penalties. And if a clergyman have a complaint against his own or any other bishop, let it be decided by the synod of the province. And if a bishop or clergyman should have a difference with the metropolitan of the province, let him have recourse to the Exarch of the Diocese, or to the throne of the Imperial City of Constantinople, and there let it be tried.

Notes.

Ancient Epitome of Canon IX. Litigious clerics shall be punished according to canon, if they despise the episcopal and resort to the secular tribunal. When a cleric has a contention with a bishop let him wait till the synod sits, and if a bishop have a contention with his metropolitan let him carry the case toConstantinople. Johnson. Let the reader observe that here is a greater privilege given by a General Council to the see of Constantinople than ever was given by any council, even that of Sardica, to the bishop of Rome, viz., that any bishop or clergyman might at the first instance bring his cause before the bishop of Constantinople if the defendant were a metropolitan. Hefele.

That our canon would refer not merely the ecclesiastical, but the civil differences of the clergy, in the first case, to the bishop, is beyond a doubt. And it comes out as clearly from the word proteron (= at first) that it does not absolutely exclude a reference to the secular judges, but regards it as allowable only when the first attempt at an adjustment of the controversy by the bishop has miscarried. Thiswas quite clearly recognized by Justinian in his 123d Novel, c. 21: "If any one has a case against a cleric, or a monk, or a deaconess, or a nun, or an ascetic, he shall first make application to the bishop of his opponent, and he shall decide. If both parties are satisfied with his decision, it shall then becarried into effect by the imperial judge of the locality. If, however, one of the contending parties lodges an appeal against the bishop's judgment within ten days, then the imperial judge of the locality shall decide the matter. There is no doubt that the expression "Exarch" employed in our canon, and alsoin canon 17, means, in the first place, those superior metropolitans who have several ecclesiastical provinces under them. Whether, however, the great patriarchs,

properly so called, are to be included under it, may be doubted. The Emperor Justinian, in c. 22 of his Novel just quoted (l. c.

in our text has, without further explanation, substituted the expression Patriarch for Exarch, and in the same way the commentator Aristenus has declared both terms to be identical adding that only the Patriarch of Constantinople has the privilege of having a metropolitan tried before him who does not belong to his patriarchate, but is subject to another patriarch. In the same way our canon was understood by Beveridge. Van Espen, on the contrary, thinks that the Synod had here in view only the exarchs in file narrower sense (of Ephesus, Caesarea), but not the Patriarchs, properly so called, of Rome, Alexandria, Antioch, and Jerusalem, as it would be too great a violation of the ancient canons, particularly of the 6thof Nicaea, to have set aside the proper patriarch and have allowed an appeal to the Bishop of Constantinople (with this Zonaras also agrees in his explanation of canon 17). Least of all, however, would the Synod have made such a rule for the West, i.e., have allowed that any one should set aside the Patriarch of Rome and appeal to the Patriarch of Constantinople, since they themselves, in canon 28, assigned the first place in rank to Rome.

It appears to me that neither Beveridge, etc., nor Van Espen are fully in the right, while each is partially so. With Van Espen we must assume that our Synod, in drawing up this canon, had in view only the Greek Church, and not the Latin as well, particularly as neither the papal legates nor any Latin bishop whatever was present at the drawing up of these canons. On the other hand, Beveridge is also right in maintaining that the Synod made no distinction between the patriarchs proper and the exarchs (such a distinction must otherwise have been indicated in the text), and allowed that quarrels which should arise among the bishops of other patriarchates might be tried at Constantinople. Only that Beveridge ought to have excepted the West and Rome.The strange part of our canon may be explained in the following manner. There were always many bishops at Constantinople fromthe most different places, who came there to lay their contentions and the like before the Emperor. The latter frequently referred the decision to the bishop of Constantinople, who then, in union with the then present bishops from the most different provinces, held a ”Home Synod” and gave the sentence required at this. Thus gradually the practicewas formed of controversies being decided by bishops of other patriarchates or exarchates at Constantinople, to the setting aside of the proper superior metropolitan, an example of which we have seen in that famous Synod of Constantinople, a.d. 448, at which the case of Eutyches was the first time brought forward.

This canon is found in the Corpus Juris Canonici, Gratian’s Decretum, Pars II., Causa XI., Q.I., canon xlvj.

Canon X.

IT shall not be lawful for a clergyman to be at the same time enrolled in the churches of two cities, that is, in the church in which he was at first ordained, and in another to which, because it is greater, he has removed from lust of empty honour. And those who do so shall be returned to their own church in which they were originally ordained, and there only shall they minister. But if any one has heretofore been removed from one church to another, he shall not intermeddle with the affairs of his former church, nor with the martyries, almshouses, and hostels belonging to it. And if, after the decree of this great and ecumenical Synod, any shall dare to do any of these things now forbidden, the synod decrees that he shall be degraded from his rank.

Notes.
Ancient Epitome of Canon X. No cleric shall be recorded on the clergy-list ofthe churches of two cities. But if he shall have strayed forth, let him be returned to his former place. But if he has been transferred, let him have no share in the affairs of his former church. Van Espen, following Christian Lupus, remarks that this canon is opposed to pluralities.For if a clergyman has by presentation and institution obtained two churches, he is enrolled in two churches at the same time, contrary to this canon; but surely that this be the case, the two churches must needs be in two cities, and that, in the days of Chalcedon, meant in two dioceses. Bright.

Here a new institution comes into view, of which there were many instances. Julian had directed Pagan hospices (cenodokeia) to be established on the Christian model (Epist. xlix.). The Basiliad at Caesarea was a cenodkeion as well as a ptwkeion; it contained katagwggia toij cenoij, as well as for wayfayers, and those who needed assistance on account of illness, and Basil distinguished various classes of persons engaged in charitable ministrations, including those who escorted the traveller on his way (touj parapempontaj, Epist. xciv.). Jerome writes to Pammachius: ”I hear that you have made a ‘xenodochion’ in the port of Rome,” and adds that he himself had built a ”diversorium ”for pilgrims to Bethlehem (Epist. xvi., 11, 14). Chrysostom reminds his auditors at Constantinople that ”there is a common dwelling set apart by the Church,” and ”called a xenon” (in Act. Hom., xlv. 4). His friend Olympias was munificent to ”xenotrophia” (Hint. Lausiac, 144). There was a xenodochion near the church of the monastic settlement at Nitria (ib., 7). Ischyrion, in his

memorial read in the 3d session of Chalcedon, complains of his patriarch Dioscorus for having misapplied funds bequeathed by a charitable lady cenewsi kai ptwkeioij in Egypt, and says that he himself had been confined by Dioscorus in a "xenon" for lepers (Mansi, vi. 1013, 1017). Justinian mentions xenodochia in Cod., i. 3, 49, and their wardens in Novell., 134, 16. Gregory the Great orders that the accounts of xenodochia should be audited by the bishop (Epist. iv., 27). Charles the Great provides for the restoration of decayed "senodochia" (Capitul. of 803; Pertz, Leg., i. 110); and Alcuin exhorts his pupil, archbishop Eanbald, to think where in the diocese of York he could establish "xenodochia, id est, hospitalia" (Epist. L.).

This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars II., Causa XXI., Q. L., canon jj., and again Causa XXI.,Q. II., canon iij.

Canon XI.

WE have decreed that the poor and those needing assistance shall travel, after examination, with letters merely pacifical from the church, and not with letters commendatory, inasmuch as letters commendatory ought to be given only to persons who are open to suspicion·

Notes.
Ancient Epitome of Canon XL. Let the poor who stand in need of help make their journey with letters pacificatory and not commendatory : For letters commendatory should only be given to those who are open to suspicion. Aristenus. . . . The poor who need help should journey with letters pacificatory from the bishop, so that those who have the ability to help them may be moved with pity. These need no letters commendatory, such letters should be shown, however, by presbyters and deacons, and by the rest of the clergy. See notes on canons vii., viii., and xj. of Antioch; and on canon xlij. of Laodicea. Hefele. The mediaeval commentators, Balsamon, Zonaras, and Aristenus, understand this canon to mean that letters of commendation,sustatikai, commendatitioe litteroe were given to those laymen and clerics who were previously subject to ecclesiastical censure, and therefore were suspected by other bishops, and for this reason needed a special recommendation, in order to be received in another church into the number of the faithful. The letters of peace (eirhnikai) on the contrary, were given to those who were in undisturbed communion with their bishop, and had not the least evil reputation abroad.

Our canon was understood quite differently by the old Latin writers, Dionysius Exiguus and Isidore, who translate the words en upolhyeiby personoe honoratiores and clariores, and the learned Bishop Gabriel Aubespine of Orleans has endeavored to prove, in his notes to our canon, that the litteroe pacificoe were given to ordinary believers, and the commendatitioe (sutatikai) on the contrary, only to clerics and to distinguished laymen; and in favour of this view is the xiii. canon of Chalcedon. With regard to this much-vexed point, authorities are so divided that no absolute judgment can be arrived at. The interpretation I have followed is that of the Greeks and of Hervetus, which seems to be supported by Apostolic Canon XIII., and was that adopted by Johnson and Hammond. On the other hand are the Prisca, Dionysius, Isidore, Tillemont, Routh, and to these Bright seems to unite himself by sating that this ”sense is the more natural.”

Canon XII.

IT has come to our knowledge that certain persons, contrary to the laws of the Church, having had recourse to secular powers, have by means of imperial rescripts divided one Province into two, so that there are consequently two metropolitans in one province; therefore the holy Synod has decreed that for the future no such thing shall be at- tempted by a bishop, since he who shall undertake it shall be degraded from his rank. But the cities which have already been honoured by means of imperial letters with the name of metropolis, and the bishops in charge of them, shall take the bare title, all metropolitan rights being preserved to the true Metropolis.

Notes.

Ancient Epitome of Canon XII. One province shall not be cut into two. Whoever shall do this shall be cast out of the episcopate. Such cities as are cut off by imperial rescript shall enjoy only the honour of having a bishop settled in them: but all the rights pertaining to the true metropolis shall be preserved. Bright.

We learn from this canon, there were cases in which an ambitious prelate, "by making application to the government" ("secular powers") had obtained what are called "pragmatic letters," and employed them for the purpose of "dividing one province into two," and exalting himself as a metropolitan. The name of a "pragmatic sanction" is more familiar in regard to medieval and modern history; it recalls the name of St. Louis, and, still more, that of the Emperor Charles VI. the father of Maria Theresa. Properly a "pragmatic" was a deliberate order promulgated by the Emperor after full hearing of advice, on some public affair. We find "pragmatici nostri statuta" in a law of a.d. 431. (Cod. Theod., xi. 1, 36); and pragmatici prioris,""sub hac pragmatica jussione," in ordinances in Append. to Cod. Theod., pp. 95, 162; and the empress Pulcheria, about a year before the Council, had informed Leo that her husband Marcian had recalled some exiled orthodox bishops "robore pragmatici sui" (Leon., Epist. lxxvij.). Justinian speaks of "pragmaticas nostras formas" and "pragmaticum typum" (Novel., 7, 9, etc.). The phrase was adopted from his legislation by Louis the Pious and his colleague-son Lothar (compare Novel. 7, 2 with Pertz, Mon. Germ, Hist. Leg., i., 254), and hence it came to be used both by later German emperors (see, e.g., Bryce's Holy Roman Empire, p. 212), and by the French kings (Kitchin, Hist. France, i. 343, 544). Augustine

explains it by "praeceptum imperatoris" (Brev. Collat. cum Donatist. iii., 2), and Balsamon in his comment uses an equivalent phrase;

and so in the record of the fourth session of Chalcedon we have qei=a gra/mmata ("divine" being practically, equivalent to "imperial") explained by pragmatikou\j tu/pouj (Mansi, vii., 89). We must observe that the imperial order, in the cases contemplated by the canon, had only conferred the title of "metropolis" on the city, and had not professed to divide the province for civil, much less for ecclesiastical, purposes. Valens, indeed, had divided the province of Cappadocia, when in 371 he made Tyana a metropolis: and therefore Anthimus, bishop of Tyana, when he claimed the position of a metropolitan, with authority over suffragans, was making a not unnatural inference in regard to ecclesiastical limits from political rearrangements of territory, as Gregory of Nazianzus says (Orat. xliii., 58), whereas Basil "held to the old custom," i.e., to the traditional unity of his provincial church, although after a while he submitted to what he could not hinder (see Tillemont, ix., 175, 182, 670). But in the case of Eustathius of Berytus, which was clearly in the Council's mind, the Phoenician province had not been divided; it was in reliance on a mere title bestowed upon his city, and also on an alleged synodical ordinance which issued in fact from the so-called "Home Synod" that he declared himself independent of his metropolitan, Photius of Tyre, and brought six bishoprics under his assumed jurisdiction. Thus while the province remained politically one, he had de facto divided it ecclesiastically into two.

Photius petitioned Marcian, who referred the case to the Council of Chalcedon, and it was taken up in the fourth session. The imperial commissioners announced that it was to be settled not according to "pragmatic forms," but according to those which had been enacted by the Fathers (Mansi, vii., 89). This encouraged the Council to say, "A pragmatic can have no force against the canons. The commissioners asked whether it was lawful for bishops, on the ground of a pragmatic, to steal away the rights of other churches? The answer was explicit: "No, it is against the canon. The Council proceeded to cancel the resolution of the Home Synod in favour of the elevation of Berytus, ordered the 4th Nicene canon to be read, and upheld the metropolitical rights of Tyre. The commissioners alsopronounced against Eustathius. Cecropius, bishop of Sebastopolis, requested them to put an end to the issue of pragmatics made to the detriment of the canons; the Council echoed this request; and the commissioners granted it by declaring that the canons should everywhere stand good (Mansi, vii., 89-97). We may connect with this incident a law of Martian dated in 454, by which "all pragmatic sanctions, obtained by means of favour or ambition in opposition to the canon of the Church, are declared to be deprived of effect" (Cod. Justin, i., 2, 12).

To this decision the present canon looks back, when it forbids any bishop, on pain of deposition, to presume to do as Eustathius had done, since it decrees that "he who attempts to do so shall fall from his own rank (baqmou) in the Church. And cities which have already obtained the honorary title of a metropolis from the emperor are to enjoy the honour only, and their bishops to be but honorary metropolitans, so that all the rights of the real metropolis are to be reserved to it." So, at the end of the 6th session the emperor had announced

that Chalcedon was to be a titular metropolis, saving all the rights of Nicemedia; and the Council had expressed its assent (Mansi, xii., 177; cf. Le Quien, i., 602). Another case was discussed in the 13th session of the Council. Anastasius of Nicaea had claimed to be independent of his metropolitan Eunomius of Nicemedia, on the ground of an ordinance of Valens, recognising the city of Nicaea as by old custom a "metropolis." Eunomius, who complained of Anastasius's encroachments, appealed to a later ordinance, guaranteeing to the capital of Bithynia its rights as unaffected by the honour conferred on Nicaea: the Council expressed its mind in favour of Eunomius, and the dispute was settled by a decision "that the bishop of Nicomedia should have metropolitical authority over the Bithynian churches, while the bishop of Nicaea should have merely the honour of a metropolitan, being subjected, like the other comprovincials, to the bishop of Nicomedia (Mansi, vii., 313). Zonaras says that this canon was in his time no longer observed; and Balsamon says that when the primates of Heraclea and Ancyra cited it as upholding their claim to perform the consecration of two "honorary metropolitans," they were overruled by a decree of Alexius Comnenus, "in presence and with consent" of a synod (on Trullan, canon xxxviij.).

The first part of this canon is found in the Corpus Juris Canonici, Grat Decretum, Pars I., Dist. ci., canon j.

Canon XIII.

Strange and unknown clergymen without letters commendatory from their own Bishop, are absolutely prohibited from officiating in another city.

Notes.

Ancient Epitome of Canon XIII. No cleric shall be received to communion in another city without a letter commendatory. ”Unknown clergymen.” I have here followed the reading of the Greek commentators. But the translators of the Prisca, and Dionysius, and Isidore must have all read anagnwstaj (i.e., Readers) instead of agnwstouj. Justellus, Hervetus, and Beveridge, as also Johnson and Hammond, follow the reading of the text. Hefele suggests that if ”Readers” is the correct reading perhaps it means, ”all clergymen even readers.”

Canon XIV.

Since in certain provinces it is permitted to the readers and singers to marry, the holy Synod has decreed that it shall not be lawful for any of them to take a wife that is heterodox. But those who have already begotten children of such a marriage, if they have already had their children baptized among the heretics, must bring them into the communion of the Catholic Church; but if they have not had them baptized, they may not hereafter baptize them among heretics, nor give them in marriage to a heretic, or a Jew, or a heathen, unless the person marrying the orthodox child shall promise to come over to the orthodox faith. And if any one shah transgress this decree of the holy synod, let him be subjected to canonical censure.

Notes.

Ancient Epitome of Canon XIV. A Cantor or Lector alien to the sound faith, if being then married, he shall have begotten children let him bring them to communion, if they had there been baptized. But if they had not yet been baptized they shall not be baptized afterwards by the heretics. Aristenus. The tenth and thirty-first canons of the Synod of Laodicea and the second of the Sixth Synod in Trullo, and this present canon forbid one of the orthodox to be joined in marriage with a woman who is a heretic, or vice versa. But if any of the Cantors or Lectors had taken a wife of another sect before these canons were set forth, and had had children by her, and had had them baptized while yet he remained among the heretics, l these he should bring to the communion of the Catholic Church. But if they had not yet been baptized, he must not turn back and have them baptized among heretics. But departing thence let him lead them to the Catholic Church and enrich them with divine baptism.

Hefele. According to the Latin translation of Dionysius Exiguus, who speaks only of the daughters of the lectors, etc., the meaning may be understood, with Christian Lupus, as being that only their daughters must not be married to heretics or Jews or heathen, but that the sons of readers may take wives who are heretics, etc., because that men are less easily led to fall away from the faith than women. But the Greek text makes here no distinction between sons and daughters. Bright.

It is to Victor that we owe the most striking of all anecdotes about readers. During the former persecution under Genseric (or Gaiseric), the Arians attacked a Catholic congregation on Easter Sunday; and while a reader was standing alone in the pulpit, and chanting the

”Alleluia melody” (cf. Hammond, Liturgies, p. 95), an arrow pierced his throat, the ”codex” dropped from his hands, and he fell down dead (De Persec. Vand., i., 13). Five years before the Council, a boy of eight named Epiphanius was made a reader in the church of Pavia, and in process of time became famous as its bishop. Justinian forbade readers to be appointed under eighteen (Novel., 134, 13). The office is described in the Greek Euchologion as ”the first step to the priesthood,” and is conferred with delivery of the book containing the Epistles. Isidore of Seville, in the seventh century, tells us that the bishop ordained a reader by delivering to him ”coram plebe,” the ”codex” of Scripture: and after giving precise directions as to pronunciation and accentuation, says that the readers were of old called ”heralds” (De Eccl. Offic., ii., 11). (b) The Singers are placed by the xliijrd. Apostolic canon between subdeacons and readers, but they rank below readers in Laodic., c. 23, in the Liturgy of St. Mark (Hammond, p. 173), and in the canons wrongly ascribed to a IV Council of Carthage, which permit a presbyter to appoint a ”psalmist” without the bishop’s knowledge, and rank him even below the doorkeepers (Mansi, iii., 952). The chief passage respecting the ancient ”singers” is Laodic., xv.

The first part of this canon is found in the Corpus Juris Canonici, Gratian’s Decretum, Pars I, Dist. xxxii. c. xv.

Canon XV.

A Woman shall not receive the laying on of hands as a deaconess under forty years of age, and then only after searching examination. And if, after she has had hands laid on her and has continued for a time to minister, she shall despise the grace of God and give herself in marriage, she shall be anathematized and the man united to her.

Notes.

Ancient Epitome of Canon XV. No person shall be ordained deaconess except she be forty years of age. If she shall dishonour her ministry by contracting a marriage, let her be anathema. This canon should be read carefully in connexion with what is said in the Excursus on deaconesses to canon Nix. of Nice. This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars II., Causa XXVII, Quaest. I., Canon xxiij.

Canon XVI.

It is not lawful for a virgin who has dedicated herself to the Lord God, nor for monks, to marry; and if they are found to have done this, let them be excommunicated. But we decree that in every place the bishop shall have the power of indulgence towards them.

Notes.
Ancient Epitome of Canon XVI. Monks or nuns shall not contract marriage, and if they do so let them be excommunicated. Van Espen. Since this canon says nothing at all of separation in connexion with a marriage made contrary to a vow, but only orders separation from communion, it seems very likely that vows of this kind at the time of the synod were not considered diriment but only impedient impediments from which the bishop of the diocese could dispense at least as far as the canonical punishment was concerned. Hefele. The last part of the canon gives the bishop authority in certain circumstances not to inflict the excommunication which is threatened in the first part, or again to remove it. Thus all the old Latin translators understood our text; but Dionysius Exiguus and the Prisca added confitentibus, meaning, "if such a virgin or monk confess and repent their fault, then the bishop may be kind to them." That the marriage of a monk is invalid, as was ruled by later ecclesiastical law, our canon does not say; on the contrary, it assumes its validity, as also the marriages contracted by priests until the beginning of the twelfth century were regarded as valid.

This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars II., Causa xxvii., Quaest. I., canon xxii., from Isidore's version; it is also found in Dionysius's version as canon xij. of the same Quaestio, Causa, and Part, where it is said to be taken "ex Concilio Triburiensi."

Canon XVII.

Outlying or rural parishes shall in every province remain subject to the bishops who now have jurisdiction over them, particularly if the bishops have peaceably and continuously governed them for the space of thirty years. But if within thirty years there has been, or is, any dispute concerning them, it is lawful for those who hold themselves aggrieved to bring their cause before the synod of the province. And if any one be wronged by his metropolitan, let the matter be decided by the exarch of the diocese or by the throne of Constantinople, as aforesaid. And if any city has been, or shall hereafter be newly erected by imperial authority, let the order of the ecclesiastical parishes follow the political and municipal example.

Notes.

Ancient Epitome of Canon XVII. Village and rural parishes if they have been possessed f or thirty years, they shall so continue. But if within that time, the matter shall be subject to adjudication. But if by the command of the Emperor a city be renewed, the order of ecclesiastical parishes shall follow the civil and public forms. Bright.

The adjective egkwriouj is probably synonymous with agroikikaj (" rusticas," Prisca), although Dionysius and Isidorian take in as "situated on estates," cf. Routh, Scr. Opusc., ii., 109. It was conceivable that some such outlying districts might form, ecclesiastically, a border-land, it might not be easy to assign them definitively to this or that bishopric. In such a case, says the Council, if the bishop who is now in possession of these rural churches can show a prescription of thirty years in favour of his see, let them remain undisturbed in his obedience. (Here abiastwj may be illustrated from biasamenoj in Eph. viii. and for the use of oikonomein see I. Const., ij.) But the border-land might be the "debate-able" land: the two neighbour bishops might dispute as to the right to tend these "sheep in the wilderness ;" as we read in Cod. Afric., 117, "multae controversiae postea inter episcopos de dioecesibus ortae aunt, et oriuntur" (see on I. Const., ij.); as archbishop Thomas of York, and Remigius of Dorchester, were at issue for years "with reference to Lindsey" (Raine, Fasti Eborac., i. 150). Accordingly, the canon provides that if such a contest had arisen within the thirty years, or should thereafter arise, the prelate who considered himself wronged might appeal to the provincial synod. If he should be aggrieved at the decision of his metropolitan in synod, he might apply for redress to the eparch (or prefect, a substitute for exarch) of the "diocese," or to the see of Constantinople (in the manner provided by canon ix.). It is curious

”that in Russia all the sees are divided into eparchies of the first, second, and third class” (Neale, Essays on Liturgiology, p. 302).

This canon is found in the Corpus Juris Canonici, Gratian’s Decretum, Pars II., Causa XVI., Quaest. iii., can. j., in Isidore Mercator’s version.

Canon XVIII.

The crime of conspiracy or banding together is utterly prohibited even by the secular law, and much more ought it to be forbidden in the Church of God. Therefore, if any, whether clergymen or monks, should be detected in conspiring or banding together, or hatching plots against their bishops or fellow-clergy, they shall by all means be deposed from their own rank.

Notes.
Ancient Epitome of Canon XVIII. Clerics and Monks, if they shall have dared to hold conventicles and to conspire against the bishop, shall be cast out of their rank. Bright.

In order to appreciate this canon, we must consider the case of Ibas bishop of Edessa. He had been attached to the Nestorians, but after the reunion between Cyril and John of Antioch had re-entered into communion with Cyril on the ground that Cyril had explained his anathemas (Mansi, vii., 240), or, as he wrote to Maria (in a letter famous as one of the "Three Chapters") that God had "softened the Egyptian's heart" (ib., 248). Four of his priests (Samuel, Cyrus, Maras, and Eulegius), stimulated, says Fleury (xxvij. 19) by Uranius bishop of Himeria, accused Ibas of Nestorianism before his patriarch Domnus of Antioch, who held a synod, but, as Samuel and Cyrus failed to appear, pronounced them defaulters and set aside the case (Mansi, vii. 217). They went up to Constantinople, and persuaded Theodosius and archbishop Flavian to appoint a commission for inquiring into the matter. Two sessions, so to speak were held by the three prelates thus appointed, one at Berytus the other at Tyre. At Berytus, according to the extant minutes (Mansi, vii., 212 ff.), five new accusers joined the original four, and charges were brought which affected the moral character of Ibas as well as his orthodoxy. The charge of having used a "blasphemous" speech implying that Christ was but a man deified, was rebutted by a statement signed by some sixty clerics of Edessa, who according to the accusers, had been present when Ibas uttered it.

At Tyre the episcopal judges succeeded in making peace, and accusers and accused partook of the communion together (ib., vii., 209). The sequence of these proceedings cannot be thoroughly ascertained, but Hefele (sect. 169) agrees with Tillemont (xv., 474 et seqq. in dating the trial at Berytus slightly earlier than that at Tyre, and assigning both to the February of 448 or 449. Fleury inverts this order, and thinks that, "notwithstanding the

reconciliation" at Tyre, the four accusers renewed their prosecution of Ibas (xxvij. 20); but he has to suppose two applications on their part to Theodosius and Flavian, which seems improbable. "The Council is believed," says Tillemont (xv., 698), "to have had this case in mind when drawing up the present canon: and one can hardly help thinking that, on a spot within sight of Constantinople, they must have recalled the protracted sufferings which malignant plotters had inflicted on St. Chrysostom.

This canon is found in part in the CorpusJuris Canonici, Gratian's Decretum, Pars II., I Causa XI., Quaest. I., canons xxj. and xxiij.

Canon XIX.

Whereas it has come to our ears that in the provinces the Canonical Synods of Bishops are not held, and that on this account many ecclesiastical matters which need reformation are neglected; therefore, according to the canons of the holy Fathers, the holy Synod decrees that the bishops of every province shall twice in the year assemble together where the bishop of the Metropolis shall approve, and shall then settle whatever matters may have arisen. And bishops, who do not attend, but remain in their own cities, though they are in good health and free from any unavoidable and necessary business, shall receive a brotherly admonition.

Notes.

Ancient Epitome of Canon XIX. Twice each year the Synod shall be held where-ever the bishop of the Metropolis shall designate, and all matters of pressing interest shall be determined. See notes on Canon V. of Nice, and on Canon XX. of Antioch, and compare canon VIII. of the council in Trullo. Bright. Hilary of Arles and his suffragans, assembled at Riez, had already, in 439 qualified the provision for two by adding significantly ”if the times are quiet” (Mansi, v., 1194). The words were written at the close of ten years’ war, during which the Visigoths of Septimania ”were endeavouring to take Arles and Narbonne” (Hodgkin, Italy and her Invaders, ii., 121). This canon is found in the Corpus Juris Canonici, Gratian’s Decretum, Pars I., Dist. XVIII., canon vj.

Canon XX.

It shall not be lawful, as we have already decreed, for clergymen officiating in one church to be appointed to the church of another city, but they shall cleave to that in which they were first thought worthy to minister; those, however, being excepted, who have been driven by necessity from their own country, and have therefore removed to another church. And if, after this decree, any bishop shall receive a clergyman belonging to another bishop, it is decreed that both the received and the receiver shall be excommunicated until such time as the clergyman who has removed shall have returned to his own church.

Notes.
Ancient Epitome of Canon XX. A clergyman of one city shall not be given a cure in another. But if he has been driven from his native place and shall go into another he shall be without blame. If any bishop receives clergymen from without his diocese he shall be excommunicated as well as the cleric he receives. It is quite doubtful as to what ”excommunication” means in this canon, probably not anathematism (so think the commentators) but separation from the communion of the other bishops, and suspension from the performance of clerical functions. Bright.

This canon is the third of those which were originally proposed by Marcian in the end of the sixth session, as certain articles for which synodical sanction was desirable (see above Canons iij. and iv.). It was after they had been delivered by the Emperor’s own hand to Anatolius of Constantinople that the Council broke out into plaudits, one of which is sufficiently startling, tw ierei, tw basilei (Mansi, vii., 177). The imperial draft is in this case very slightly altered. A reference is made to a previous determination (i.e., canon x. against clerical pluralities, and it is ordered that ”clerics registered as belonging to one church shall not be ranked as belonging to the church of another city, but must be content with the one in which they were originally admitted to minister, excepting those who, having lost their own country, have been compelled to migrate to another church,”-an exception intelligible enough at such a period. Eleven years before, the Vandal Gaiseric had expelled the Catholic bishops and priests of Western Africa from their churches: Quodvultdeus, bishop of Carthage with many of his clergy, had been ”placed on board some unseaworthy vessels,” and yet, ”by the Divine mercy, had been carried safe to Naples” (Vict. Vitens., De Persec. Vandal., i., 5: he mentions other bishops as driven into exile).

Somewhat later, the surge of the Hunnish invasion had frightened the bishop of Sirmium into sending his church vessels to Attila's Gaulish secretary and had swept onward in 447 to within a short distance of the "New Rome" (Hodgkin, Italy and her Invaders, ii., 54-56). And the very year of the Council was the most momentous in the whole history of the "Barbaric" movement. The bishops who assembled in October at Chalcedon must have heard by that time of the massacre of the Metz clergy on Easter Eve, of a bishop of Rheims slain at his own altar, of the deliverance of Orleans at the prayer of St. Anianus, of "the supreme battle" in the plain of Chalons, which turned back Attila and rescued Christian Gaul (Hodgkin, ii., 129-152; Kitchin, Hist. France, i. 61).

This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars I., Dist. lxxi, c. iv.

Canon XXI.

Clergymen and laymen bringing charges against bishops or clergymen are not to be received loosely and without examination, as accusers, but their own character shall first be investigated.

Notes.
Ancient Epitome of Canon XXI. A cleric or layman making charges rashly against his bishop shall not be received. Compare with this canon the VI Canon of those credited to the First Synod at Constantinople, the second ecumenical. This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars II., Causa II., Quest. VII., canon xlix., in Isidore's first version.

Canon XXII.

IT is not lawful for clergymen, after the death of their bishop, to seize what belongs to him, as has been forbidden also by the ancient canons; and those who do so shall be in danger of degradation from their own rank.

Notes.
Ancient Epitome of Canon XXII. Whoever seizes the goods of his deceased bishop shall be cast forth from his rank. It is curious that the Greek text which Zonaras and Balsamon produce, and which Hervetus translated, had instead of toij palai kanosi, toij paralambanousin. Van Espen thinks that the Greek commentators have tried without success to attach any meaning to these words, accepting the arguments of Bp. Beveridge (which see). The reading adopted in the text does not lack ms. authority, and is the one printed by Justellus in his "Codex of the Canons of the Universal Church." This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars II., Causa XII., Quest. II., canon xliii., in Isidore's version.

Canon XXIII.

IT has come to the hearing of the holy Synod that certain clergymen and monks, having no authority from their own bishop, and sometimes, indeed, while under sentence of excommunication by him, betake themselves to the imperial Constantinople, and remain there for a long time, raising disturbances and troubling the ecclesiastical state, and turning men's houses upside down. Therefore the holy Synod has determined that such persons be first notified by the Advocate of the most holy Church of Constantinople to depart from the imperial city; and if they shall shamelessly continue in the same practices, that they shall be expelled by the same Advocate even against their will, and return to their own places.

Notes.

Ancient Epitome of Canon XXIII. Clerics or monks who spend much time at Constantinople contrary to the will of their bishop, and stir up seditions, shall be cast out of the city. This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars II., Causa XVI, Quaest. I., canon xvij. but with the last part epitomized, as the Roman correctors point out.

Canon XXIV.

Monasteries, which have once been consecrated with the consent of the bishop, shall remain monasteries for ever, and the property belonging to them shall be preserved, and they shall never again become secular dwellings.And they who shall permit this to be done shall be liable to ecclesiastical penalties.

Notes.
Ancient Epitome of Canon XXIV. A monastery erected with the consent of the bishop shall be immovable. And whatever pertains to it shall not be alienated. Whoever shall take upon him to do otherwise, shall not be held guiltless. Joseph Aegyptius, in turning this into Arabic, reads: "And whoever shall turn any monastery into a dwelling house for himself ... let him be cursed and anathema." The curious reader is referred on this whole subject to Sir Henry Spelman's History and Fate of Sacrilege, or to the more handy book on the subject by James Wayland Joyce, The Doom of Sacrilege. Bright.

The secularization of monasteries was an evil which grew with their wealth and influence. At a Council held by the patriarch Photius in the Apostles' church at Constantinople, it is complained that some persons attach the name of "monastery" to property of their own, and while professing to dedicate it to God, write themselves down as lords of what has been thus consecrated, and are not ashamed to claim after such consecration the same power over it which they had before. In the West, we find this abuse attracting the attention of Gregory the Great, who writes to a bishop that "rationalis ordo" would not allow a layman to pervert a monastic foundation at will to his own uses (Epist. viii., 31). In ancient Scotland, the occasional dispersion of religious communities, and, still more, the clan-principle which assigned chieftain-rights over monasteries to the descendants of the founder, left at Dunkeld, Brechin, Abernethy, and elsewhere, "nothing but the mere name of abbacy applied to the lands, and of abbot borne by the secular lord for the time" (Skene's Celtic Scotland, ii., 365; cf. Anderson's Scotland in Early Christian Times, p. 235). So, after the great Irish monastery of Bangor in Down was destroyed by the Northmen, "non defuit,"says St. Bernard, "qui illud teneret cure possessionibus suis; ham et constituebantur per electionem etiam, et abbates appellabantur, servantes nomine, etsi non re, quod olim exstiterat" (De Vita S. Malachioe, vj.). So in 1188 Giraldus Cambrensis found a lay abbot in possession of the venerable church of Llanbadarn Vawr;

a "bad custom," he says, "had grown up, whereby powerful laymen, at first chosen by the clergy to be "oeconomi" or "patroni et defensores," had usurped "forum jus," appropriated the lands, and left to the clergy nothing but the altars, with tithes and offerings (Itin. Camb. ii., 4). This abuse must be distinguished from the corrupt device whereby, in Bede's later years, Northumbrian nobles contrived to gain for their estates the immunities of abbey-lands by professing to found monasteries, which they filled with disorderly monks, who lived there in contempt of all rule (Bede, Ep. to Egbert, vij.). In the year of his birth, the first English synod had forbidden bishops to despoil consecrated monasteries (Bede, iv., 5).

This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars II., Causa XIX., Quaest. III., canon iv.

Canon XXV.

Forasmuch as certain of the metropolitans, as we have heard, neglect the flocks committed to them, and delay the ordinations of bishops the holy Synod has decided that the ordinations of bishops shall take place within three months, unless an inevitable necessity should some time require the term of delay to be prolonged. And if he shall not do this, he shall be liable to ecclesiastical penalties, and the income of the widowed church shall be kept safe by the steward of the same Church.Notes Ancient Epitome of Canon XXV. Let the ordination of bishops be within three months: necessity however may make the time longer. But if anyone shall ordain counter to this decree, he shall be liable to punishment. The revenue shall remain with the oeconomus. Bright. The ”Steward of the Church” was to ”take care of the revenues of the church widowed” by the death of its bishop, who was regarded as representing Him to whom the whole Church was espoused (see Eph. v. 23 ff.). So in the ”order of the holy and great church” of St. Sophia, the” Great Steward is described as ”taking the oversight of the widowed church” (Goar, Eucholog., p. 269); so Hincmar says: ”Si fuerit defunctus episcopus, ego ... visitaterem ipsi viduatae designabo ecclesiae; ”and the phrase, ”viduata per mortem N. nuper episcopi” became common in the West (F. G. Lee, Validity of English Orders, p. 373). The episcopal ring was a symbol of the same idea. So at St. Chrysostom’s restoration Eudoxia claimed to have ”given back the bridegroom” (Serm. post redit., iv.). So Bishop Wilson told Queen Caroline that he ”would not leave his wife in his old age because she was poor” (Keble’s Life of Wilson, ii., 767); and Peter Mongus, having invaded the Alexandrian see while its legitimate occupant, Timothy Salophaciolus, was alive, was expelled as an ”adulterer” (Liberatus, Breviar., xviij.).

This canon is found in the Corpus Juris Canonici, Gratian’s Decretum, Pars I., Dist. LXXV., C. ij.

Canon XXVI.

Forasmuch as we have heard that in certain churches the bishops managed the church-business without stewards, it has seemed good that every church having a bishop shall have also a steward from among its own clergy, who shall manage the church business under the sanction of his own bishop; that so the administration of the church may not be without a witness; and that thus the goods of the church may not be squandered, nor reproach be brought upon the priesthood; and if he [i.e., the Bishop] will not do this, he shall be subjected to the divine canons.

Notes.
Ancient Epitome of Canon XXVI. The (Economus in all churches must be chosen from the clergy. And the bishop who neglects to do this is not without blame. Bright.

As the stream of offerings became fuller, the work of dispensing them became more complex, until the archdeacons could no longer find time for it, and it was committed to a special officer called ”oeconomus” or steward (Bingham, iii, 12, 1; Transl. of Fleury, iii., 120). So the Council of Gangra, in the middle of the fourth century, forbids the church offerings to be disposed of without consent of the bishop or of the person appointed, eij oikonomian eupoiiaj (canon viij.); and St Basil mentions the oeconomi of his own church (Epist., xxiij. 1), and the ”tamiai of the sacred goods” of his brother’s at Nyssa (ib., 225). And although Gregory Nazianzen took credit to himself for declining to appoint a ”stranger” to make an estimate of the property which of right belonged to the church of Constantinople, and in fact, with a strange confusion between personal and official obligations, gave the go-by to the whole question (Carm. de Vita sua, 1479 ff.), his successor, Nectarius, being a man of business, took care to appoint a ”church-steward”; and Chrysostom, on coming to the see, examined his accounts, and found much superfluous expenditure (Palladius, Dial, p. 19). Theophilus of Alexandria compelled two of the Tall Brothers to undertake the oikonomia of the Alexandrian church (Soc., vi. 7); and in one of his extant directions observes that the clergy of Lyco wish for another ”oeconomus,” and that the bishop has consented, in order that the church-funds may be properly spent (Mansi, iii., 1257). At Hippo St.

Augustine had a ”praepositus domus” who acted as Church-steward (Possidius, Vit. August., xxiv.). Isidore of Pelusium denounces Martinianus as a fraudulent ”oeconomus,” and requests Cyril to appoint an upright one (Epist. ii., 127), and in another letter urges him

to put a stop to the dishonest greed of those who acted as stewards of the same church (ib., v. 79). The records of the Council of Ephesus mention the "oeconomus" of Constantinople, the "oeconomus" of Ephesus (Mansi, iv., 1228-1398), and, the "oeconomus" of Philadelphia. According to an extant letter of Cyril, the "oeconomi" of Perrha in Syria were mistrusted by the clergy, who wished to get rid of them "and appoint others by their own authority" (ib., vii., 321). Ibas of Edessa had been complained of for his administration of church property; he was accused, e.g., of secreting a jewelled chalice, and bestowing the church revenues, and gold and silver crosses, on his brother and cousins; he ultimately undertook to appoint "oeconomi" after the model of Antioch (Mansi, vii., 201). Proterius, afterwards patriarch of Alexandria and a martyr for Chalcedonian orthodoxy, was "oeconomus" under Dioscorus (ib., iv., 1017), as was John Talaia, a man accused of bribery, under his successor (Evag., iii., 12). There may have been many cases in which there was no "oeconomus," or in which the management was in the hands of private agents of the bishop, in whom the Church could put no confidence; and the Council, having alluded to the office of "oeconomus" in canons ij.

and xxv., now observes that some bishops had been managing their church property without "oeconomi," and thereupon resolves "that every church which has a bishop shall also have an oeconomus" from among its own clergy, to administer the property of the church under the direction of its own bishop; so that the administration of the church property may not be unattested, and thereby waste ensue, and the episcopate incur reproach. Any bishop who should neglect to appoint such an officer should be punishable under "the divine" (or sacred) "canons."

Nearly three years after the Council, Leo saw reason for requesting Marcian not to allow civil judges, "novo exemplo," to audit the accounts of "the oeconomi of the church of Constantinople," which ought, "secundumtraditum morem," to be examined by the bishop alone (Epist. cxxxvij. 2). In after days the "great steward" of St. Sophia was always a deacon; he was a conspicuous figure at the Patriarch's celebrations, standing on the right of the altar, vested in alb and stole, and holding the sacred fan (ripidion); his duty was to enter all incomings and outgoings of the church's revenue in a charterlary, and exhibit it quarterly, or half yearly, to the patriarchs; and he governed the church during a vacancy of the see (Eucholog., pp. 268, 275). In the West, Isidore of Seville describes the duties of the "oeconomus"; he has to see to the repair and building of churches, the care of church lands, the cultivation of vineyards, the payment of clerical stipends, of doles to the widows and the poor, and of food and clothing to church servants, and even the carrying on of church law suits,-all "cure jussu et arbitrio sui episcopi" (Ep. to Leudefred, Op. ii., 520); and before Isidore's death the IV Council of Toledo refers to this canon, and orders the bishops to appoint "from their own clergy those whom the Greeks call oeconomi, hoc est, qui vici episcoporum res ecclesiasticas tractant (canon xlviij., Mansi, x, 631). There was an officer named "oeconomus" in the old Irish monasteries; see Reeves' edition of Adamnan, p. 47.

This Canon is found twice in the Corpus Juris Canonici, Gratian's Decretum, Pars II., Causa XVI., Q. VII, Canon xxi., and again in Pars I., Dist. LXXXIX., c. iv.

Canon XXVII.

The holy Synod has decreed that those who forcibly carry off women under pretence of marriage, and the alders or abettors of such ravishers, shall be degraded if clergymen, and if laymen be anathematized.

Notes.
Ancient Epitome of Canon XXVII. If a clergyman elope with a woman, let him be expelled from the Church. If a layman, let him be anathema. The same shall be the lot of any that assist him. This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars II., Causa XXXVI., Q. II., canon j. In many old collections this is the last canon of this Council, e.g., Dionysius Exiguus, Isidore, the Prisca, the Greek by John of Antioch, and the Arabic by Joseph Aegyptius. The reader familiar with the subject will have but little difficulty in explaining to his own satisfaction the omission of canon xxviij. in these instances.

Canon XXVIII.

Following in all things the decisions of the holy Fathers, and acknowledging the canon, which has been just read, of the One Hundred and Fifty Bishops beloved-of-God (who assembled in the imperial city of Constantinople, which is New Rome, in the time of the Emperor Theodosius of happy memory), we also do enact and decree the same things concerning the privileges of the most holy Church of Constantinople, which is New Rome. For the Fathers rightly granted privileges to the throne of old Rome, because it was the royal city. And the One Hundred and Fifty most religious Bishops, actuated by the same consideration, gave equal privileges (isa presbeia) to the most holy throne of New Rome, justly judging that the city which is honoured with the Sovereignty and the Senate, and enjoys equal privileges with the old imperial Rome, should in ecclesiastical matters also be magnified as she is, and rank next after her; so that, in the Pontic, the Asian, and the Thracian dioceses, the metropolitans only and such bishops also of the Dioceses aforesaid as are among the barbarians, should be ordained by the aforesaid most holy throne of the most holy Church of Constantinople; every metropolitan of the aforesaid dioceses, together with the bishops of his province, ordaining his own provincial bishops, as has been declared by the divine canons; but that, as has been above said, the metropolitans of the aforesaid Dioceses should be ordained by the archbishop of Constantinople, after the proper elections have been held according to custom and have been reported to him.

Note.
Ancient Epitome of Canon XXVIII. The bishop of New Rome shall enjoy the same honour as the bishop of Old Rome, on account of the removal of the Empire. For this reason the [metropolitans] of Pontus, of Asia, and of Thrace, as well as the Barbarian bishops shall be ordained by the bishop of Constantinople. Van Espen. It is certain that this canon was expressly renewed by canon xxxvi. of the Council of Trullo and from that time has been numbered by the Greeks among the canons; and at last it was acknowledged by some Latin collectors also, and was placed by Gratian in his Decretum, although clearly with a different sense. (Pars I., Dist. xxii., C. vj.) Bright.

Here is a great addition to the canon of 381, so ingeniously linked on to it as to seem at first sight a part of it. The words kai wste are meant to suggest that what follows is in fact involved in what has preceded: whereas a new point of departure is here taken, and

instead of a mere ”honorary pre-eminence” the bishop of Constantinople acquires a vast jurisdiction, the independent authority of three exarchs being annulled in order to make him patriarch. Previously he had proedria now he gains prostasia. As we have seen, a series of aggrandizements in fact had prepared for this aggrandizement in law; and various metropolitans of Asia Minor expressed their contentment at seeing it effected. ”It is, indeed, more than probable that the self-assertion of Rome excited the jealousy of her rival of the East,” and thus ”Eastern bishops secretly felt that the cause of Constantinople was theirs” (Gore’s Leo the Great. p. 120); but the gratification of Constantinople ambition was not the less, in a canonical sense, a novelty, and the attempt to enfold it in the authority of the Council of 381 was rather astute than candid. The true plea, whatever might be its value, was that the Council had to deal with a fait accompli, which it was wise at once to legalize and to regulate; that the ”boundaries of the respective exarchates ...

were ecclesiastical arrangements made with a view to the general good and peace of the Church, and liable to vary with the dispensations to which the Church was providentially subjected,” so that ”by confirming the ek pollou krathsan eqoj” in regard to the ordination of certain metropolitans (see Ep. of Council to Leo, Leon. Epist. xcviij., 4), ”they were acting in the spirit, while violating the letter, of the ever-famous rule of Nicaea, ta arkeia eqh krateito (cp. Newman, Transl. of Fleury, iii., 407). It is observable that Aristenus and Symeon, Logothetes reckon this decree as a XXIX canon (Justellus, ii., 694, 720).

After the renewal of this canon by the Council of Trullo, Gratian adds ”The VIII Synod held under Pope Hadrian II., canon xxj.” (Decretum Pars I., Diet. xxij., C. vii.) ”We define that no secular power shall hereafter dishonour anyone of these who rule our patriarchal sees, or attempt to move them from their proper throne, but shall judge them worthy of all reverence and honour; chiefly the most holy Pope of Old Rome, and then the Patriarch of Constantinople, and then those of Alexandria, and Antioch, and Jerusalem.” Some Greek codices have the following heading to this canon. ”Decree of the same holy Synod published on account of the privileges of the throne of the most holy Church of Constantinople.” Tillemont. This canon seems to recognise no particular authority in the Church of Rome, save what the Fathers had granted it, as the seat of the empire. And it attributes in plain words as much to Constantinople as to Rome, with the exception of the first place. Nevertheless I do not observe that the Popes took up a thing so injurious to their dignity, and of so dangerous a consequence to the whole Church. For what Lupus quotes of St. Leo’s lxxviij. (civ) letter, refers rather to Alexandria and to Antioch, than to Rome. St. Leo is contented to destroy the foundation on which they built the elevation of Constantinople, maintaining that a thing so entirely ecclesiastical as the episcopate ought not to be regulated by the temporal dignity of cities, which, nevertheless, has been almost always followed in the establishment of the metropolis, according to the Council of Nicea.

St. Leo also complains that the Council of Chalcedon broke the decrees of the Council of Nice, the practice of antiquity, and the rights of Metropolitans. Certainly it was an odious innovation to see a Bishop made the chief, not of one department but of three; for which no

example could be found save in the authority which the Popes took over Illyricum, where, however, they did not claim the power to ordain any Bishop.

Source. English translation: an older public-domain translation as collected in the Writings-Database (HistoricalChristianFaith), mostly from the Ante-Nicene, Nicene and Post-Nicene Fathers and similar nineteenth-century editions. SermonIndex has only divided it into chapters and short sections; the wording is the translator's own. Square brackets, Greek or Latin words and footnote-free text are as the source file prints them, and a transcription error may remain. No Greek or Latin text is shown beside it yet, and no modern English version has been made.