

Ubi Petrus Ibi Ecclesia

The Council of Trullo was Ecumenical in the West

ON JUNE 20, 2020JULY 19, 2020 / BY UBIPETRUS2019

The following pages demonstrate the Quinisext Council, known more commonly as “Trullo,” was accepted by the Western Church as part of the fifth and sixth ecumenical councils and its canons carried the same weight and authority as those from other ecumenical councils in both the East and the West.

The source is Nicolae Dura, “The Ecumenicity of the Council of Trullo, Witness of the Canonical Tradition in East and West,” in George Nedungatt and Michael Featherstone, eds. *The Council of Trullo Revisited* (Rome 1995). pgs. 229-262

Nicolae Dură

The Ecumenicity of the Council in Trullo: Witnesses of the Canonical Tradition in East and West

PRELIMINARY REMARKS

It was said some time ago that in the West the Council in Trullo is of an “importance still not well recognised, having been perhaps neglected even in its own time.”¹ But our symposium in celebration of the thirteenth centenary of the Council, admirably organised by the Pontifical Oriental Institute, shows that this Council to-day enjoys wide interest among Catholic scholars. Furthermore, it must be stressed that this symposium offers us a real opportunity to re-discover the history of an ecumenical council whose canonical heritage may well constitute a canonical basis for Orthodox and Catholic canonists working for the achievement of unity between our Churches.

Obviously, in order to re-discover the history of an ecumenical council — and particularly to acquaint ourselves with its ecumenical character — we must first investigate the witnesses of the canonical tradition, expressed across the centuries by the canonical texts themselves as well as by the writings and commentaries composed by the Fathers and canonists of the Eastern and Western Churches. This paper is the fruit of such an investigation into the texts of these witnesses of the canonical tradition of East and West, which provide irrefutable proof of the Trullan Council's ecumenicity.

I. WITNESSES OF THE BYZANTINE CANONICAL TRADITION

The Council in Trullo, whose work seems to have unfolded towards the end of the year 691,² called itself “ecumenical” from its very first ses-

¹ F. X. Murphy - P. Sherwood, *Constantinople II et Constantinople III*, Orante, Paris, 1974, p. 245.

² P. -P. Joannou, *Les Canons des Conciles Oecuméniques*, CCO, *Fonti* (hereafter Joannou), Fasc. IX, I, 1, Grottaferata (Roma), 1962, p. 98; Pavlos Menevisoglu, ‘Θ β’ κανών της πενδέκτης Οίκουμενικής Συνόδου, in *Τιμητικόν αφιέρωμα εις τόν μητροπολίτην Κίτρους Βαρνάβαν επί τη 25 ετηρίδι της αρχιερατείας του*, Athens, 1980, p. 261, note 2.

sion. Indeed, in their address to Emperor Justinian II, the Fathers of the Council state explicitly that theirs is “a holy and ecumenical council” (ἁγία καὶ οἰκουμενική), and that “you [the emperor] ordained the assembly of this holy and God-chosen ecumenical council” (ταύτην καὶ θεόλεκτον οἰκουμενικὴν ἀθροισθῆναι σύνοδον ὠρισας).³ The Council Fathers declare that they have assembled in Constantinople by decree of the emperor in order to “draw up sacred canons” (κανόνες ἱεροῦς ἀνεγράψαμεν),⁴ inasmuch as the preceding “two holy ecumenical councils which assembled in this God-guarded imperial city” (αἱ ἅγιοι καὶ οἰκουμενικοὶ δύο σύνοδοι, αἱ κατὰ ταύτην τὴν βασιλίδα καὶ θεοφύλακτον πόλιν συναθροισθεῖσαι) — that is, the Fifth ecumenical Council (Constantinople, 553) and the Sixth ecumenical Council (Constantinople, 680) — “explained with the authority of the Fathers the mystery of the faith; but, unlike the other four ecumenical Councils, these drew up no sacred canons” (τὸ περὶ τῆς πίστεως πατρικῶς διατρανώσασαι μυστήριον, οὐδαμῶς ἱεροῦς κανόνας ἐνέγραψαν, καθάπερ αἱ λοιπαὶ ἅγιοι τέσσαρες οἰκουμενικοὶ σύνοδοι).⁵ Thus, for the Fathers the Council was, in the matter of canonical legislation, the completion of the two preceding ecumenical Councils and therefore a true and authentic ecumenical Council.

The “ecumenical” character of this Council is also affirmed by the very text of its canons. “Desirous of observing all that had been decreed by our holy Fathers [canon 8]” (ἐν πᾶσι τὰ ὑπὸ τῶν ἁγίων πατέρων ἡμῶν θεσπισθέντα καὶ ἡμεῖς κρατεῖν βουλόμενοι) in the preceding ecumenical Councils, the Fathers not only confirm the canons of those two Councils (cf. canon 2), but also renew, complete and even change — obliged in certain cases by the reality of their day — the decrees made by previous ecumenical Councils. An eloquent of this is the same canon 8, by which the Fathers of the Council, applying the principle of oecumeny, decree that a metropolitan synod might be held only once a year, even though canon 5 of the First ecumenical Council (Nicaea, 325) and 19 of the Fourth ecumenical Council (Chalcedon, 451) had required that they

idem, *Ἱστορικὴ Εἰσαγωγή εἰς τοὺς Κανόνας τῆς Ὀρθοδόξου Ἐκκλησίας*, Stockholm, 1990, p. 280.

³ G. A. Rhalles - M. Potles, *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων* (hereafter: Rhalles-Potles), II, Athens, 1852, pp. 295, 298; J. D. Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio* (hereafter: Mansi), XI, 933-934 et sq.

⁴ Rhalles-Potles, II, p. 299.

⁵ Ibidem, p. 298.

should be held twice a year. Undoubtedly, without a consciousness of its own ecumenicity the Council in Trullo would not have dared to change the canonical provisions of the previous ecumenical Councils.

In the text of several canons, we find the expression “holy and ecumenical Council” (cf. canons 1, 2, 3, 51, 55, etc.). The canonical decrees are made for “the Church of God and all the world” (canon 56). Moreover, the very manner in which dogmatic decrees made by previous ecumenical Councils are dealt with in the first canon, provides clear proof of the Council’s consciousness of its ecumenicity.

Emperor Justinian II, too, who convoked the Council, was conscious of the fact that he was addressing “this holy ecumenical Council [canon 3]” (τῆ ἁγία ταύτη καὶ οἰκουμενικῇ ... συνόδῳ).

The Council codified previous canonical legislation, ecumenical as well as local and conferred an ecumenical importance upon all the canons contained in the canonical corpus of the ecumenical Church of that time. The Council speaks of canons “received and confirmed by the holy and blessed Fathers before us” (canon 2), and requires that all the legislation they have enacted through their “sacred canons” (canon 40) should be observed and respected.

The ecumenicity of the Council was also recognised by the manuscript tradition of the text of the canons. For example, in old manuscripts we find the notice, in the preamble to the text of the canons, that this is “the holy and ecumenical Council” (ἡ ἁγία καὶ οἰκουμενικὴ σύνοδος).⁶

The Seventh ecumenical Council (Nicaea, 787), which always refers to the Council in Trullo as the “Sixth holy ecumenical Council.”⁷ The Fathers of the Seventh Council declare that they reaffirm and shall observe the “divine canons” (τοὺς θείου κανόνας) of the “six holy ecumenical Councils” (τῶν τε ἑξ ἁγίων οἰκουμενικῶν συνόδων). The Council in Trullo was for them quite plainly an integral part of the Sixth ecumenical Council (Constantinople, 680), that is, the continuation of the latter in the matter of canonical legislation, so that thus the two previous ecumenical Councils (Constantinople, 553 and Constantinople, 680) were completed. Likewise, in renewing and confirming the decree made by the Council in Trullo in its eighth canon, which required that provincial synods should meet at least once a year, the Seventh ecumenical Council

⁶ Ibidem, p. 295; Mansi XI, 929; Joannou, I, 2, pp. 98-100.

⁷ Mansi XIII, 40-41 and 417.

reproduced *expressis verbis* everything which “the holy Fathers of the Sixth Council have decreed [canon 6]” (ὠρίσαν οἱ τῆς ἑκτῆς συνόδου ὄσιοι πατέρες). And the Fathers of the Seventh Council add: “we therefore renew also this canon [Seventh Council, canon 6]” (τοῦτον οὖν τὸν κανόνα καὶ ἡμεῖς ἀνανεοῦμεν). Thus, though former ecumenical and local councils had required the assembly of provincial (eparchial) synods twice a year,⁸ the Fathers of the Seventh ecumenical Council renewed and confirmed the provision made by the Council in Trullo in its eighth canon. Clearly, by such a decision, they implicitly attested the ecumenical authority of the Council in Trullo. They cite canon 82 of the Trullan Council and refer to it as a canon of the Sixth ecumenical Council.⁹

Patriarch Tarasius of Constantinople (786-806), who presided over the Seventh Council, refers to the canons of the Council in Trullo as the canonical work of the Sixth ecumenical Council. For example, he reproduces the text of canon 22 of the Council in Trullo in his second letter to Pope Hadrian I saying that it is “canon 22 of the canons of the Sixth holy Council” (ἐκ τῶν κανόνων τῆς ἁγίας ἑκτῆς συνόδου, κανὼν ΚΒ΄).¹⁰ Likewise, the patriarch wrote in his Epistle (encyclical) to the Eastern Patriarchs that he received both the “doctrines” as well as the “canons” which had been formulated and enacted by “the Sixth holy Council” (τῆς δὲ αὐτῆς ἁγίας ἑκτῆς συνόδου).¹¹ Moreover, Tarasius affirmed that it was the same Council Fathers who had assembled in Constantinople in 680 who drew up and enacted the canons of the Council in Trullo.¹² He adds that a council cannot call itself ecumenical if it does not draw up canons. “Since they called their Council “ecumenical,” it was necessary,” he declares, “that they should also enact canons.”¹³ Interestingly enough,

⁸ Cf. Apostolic canon 37, canons 5 of the First ecumenical Council, 9 of the Fourth ecumenical Council, 20 of the Council of Antioch, and 95 of the Council of Carthage

⁹ G. Dumeige, *Histoire des Conciles Oecuméniques. Nicée II*, Orante, Paris, 1978, pp. 112, 118-119, 239, 242.

¹⁰ *Contra Simoniam*, PG 98, 1452.

¹¹ PG 98, 1465.

¹² N. Milas, *The Canons of the Orthodox Church with Commentaries*, (in Romanian), I, 1, Arad, 1930, p. 59.; Joannou, II, p. 330.

¹³ Mansi XIII, 41.

Melkite historiographers in tenth-century Alexandria reaffirmed declarations Patriarch Tarasius.¹⁴

The Council in Trullo was regarded as the second session of the Sixth ecumenical Council or a “continuation”¹⁵ of it. For example, Patriarch Nicephorus of Constantinople (806-815), in his work suggestively entitled “Concerning the first six ecumenical Councils,”¹⁶ attributed the canons of the Council in Trullo to the Sixth ecumenical Council.

Referring to the Council in Trullo, the council which assembled in Constantinople in 861, the so-called “Protodeutera” Council (πρωτο-δευτέρα σύνοδος), also speaks of the “holy ecumenical Sixth Council” (canon 12). Mentioning the provision of canon 59 of the Trullan Council, which forbids baptism in an oratory in a private house, the Fathers of Protodeutera Council declare that this canonical provision was made by “the Sixth holy ecumenical Council [canon 12]” (τῆς ἁγίας καὶ οἰκουμενικῆς ἕκτης συνόδου) and add: “and we also approve this” (καὶ ἡμεῖς τούτῳ συμψηφίζομεθα). “And for this reason, the present holy Council,” they declare, “is in agreement with the Sixth holy ecumenical Council” (τῇ οἰκουμενικῇ καὶ ἁγίᾳ ἕκτῃ συνόδῳ συμφωνοῦσα).¹⁷ The Protodeutera Council was presided over by Rodoald de Porto and Zacharias d’Anagni, in the capacity of legates *a latere*, and the Acts of the Council were taken to Rome, where they were deposited and conserved in the chancellery of St John in Lateran.¹⁸ Thus, by way of the Protodeutera Council, the Church of Rome also received the canons of the Council in Trullo.

The council which assembled in Constantinople in 869, which “octava oecumenica dicta est,”¹⁹ confirmed both the doctrinal decrees (ἄρθροι) and the canonical decrees (κανόνες) of the “seven ecumenical Councils, including the 102 canons of the Council in Trullo. Indeed, the

¹⁴ H. Stern, “Les Représentations des Conciles dans l’Église de la Nativité à Bethléem,” *Byzantion*, 13 (1938), 448-449.

¹⁵ J. M. Hussey, *The Orthodox Church in the Byzantine Empire*, New York, 1986, p. 26; I. N. Floca, *The Canons of the Orthodox Church. Notes and Commentaries*, (in Romanian), Sibiu, 1991, p. 94.

¹⁶ J. B. Pitra, *Juris ecclesiastici graecorum historia et monumenta*, II, Rome, 1864, pp. 317-320.

¹⁷ Joannou, I, 1, p. 294.

¹⁸ *Epistula* 10 of Pope Nicholas I, in Mansi XV, 243.

¹⁹ *Marci Eugenicī Metropolitanā Ephesi, Opera anti-unionistica*, ed. L. Petit, in *Concilium Florentinum. Series A, X, Fasc. II*, Rome, 1977, p. 132

first canon of this Council confirms all the canons “transmitted to the holy catholic and apostolic Church” by “the holy and orthodox ecumenical Councils” (τῶν ἁγίων καὶ ὀρθοδόξων συνόδων οἰκουμενικῶν),²⁰ including the canons of the Council in Trullo, which were attributed without reservation to the Sixth ecumenical Council. The condemnations and anathematisations made at the Council of 869 were based on canons of the ecumenical Councils, including those of the Council in Trullo. Clearly, for the Fathers of the Council of Constantinople of 869, the canons of the Council in Trullo were the work of the Sixth ecumenical Council.

In conclusion, it may be stated that the ecumenicity of the Council in Trullo was recognised and acknowledged outright by all the councils held in Constantinople after the year 691, in which legates of the pope took part.

The appellation “ecumenical” is found in the text of the Prologue of the Nomocanon in 16 Titles, which was drawn up in 883.²¹ The canons of the Council in Trullo, invested with the force of law for all the subjects of the *oikoumene* by Emperor Justinian II, were also cited and reproduced in the Novels of Emperor Leo VI.²²

This is also due to the fact that the Council in Trullo had canonised imperial laws, particularly laws enacted by Emperor Justinian (527-565).²³ Certain laws or provisions of imperial laws — concerning, for example, the meeting of eparchial synods (provincial or metropolitan), marriage, the number of clerics in each Church, impediments to marriage, juridical statutes for monks etc. — had in their entirety been enacted as canons by the Fathers of the Council in Trullo.²⁴ Now, this sanctioning by the Council in Trullo of laws enacted by Emperor Justinian was not due to the fact that many eparchies were to be found outside the territory of the Byzantine Empire where this imperial legislation could not have otherwise been known or applied;²⁵ rather, the Fathers of the Council in Trullo appropriated all the laws enacted by Emperor Jus-

²⁰ Joannou, I, 1, p. 294.

²¹ Rhalles-Potles, I, p. 8.

²² Sp. N. Troianou, *Ἡ Πενθέκτη οἰκουμενική σύνοδος καὶ τὸ νομοθετικὸ τῆς ἔργου*, Athens, 1992, p. 42. See also his paper presented at this seminar.

²³ Novels 5, 6, 76, 79, 123, 133, 137.

²⁴ Canons 8, 12, 16, 40, 48, etc.

²⁵ Cf. Sp. N. Troianou, *op. cit.*, p. 45.

tinian which concerned various aspects of ecclesial life. In canonising this imperial legislation, the Fathers of the Council in Trullo were conscious that their decree had the force of universal or ecumenical law, for the Christian East as well as West of the time, and that therefore their Council was ecumenical.

The Byzantine canonists of the 12th century, Zonaras, Balsamon and Aristenos, affirm the ecumenicity of the Council in Trullo. They speak of the “Fathers of the Sixth Council” or of the “holy Fathers of the Council”²⁶ when making reference to the Council in Trullo. According to John Zonaras, for example, the Council in Trullo is “also called the Sixth, though at this Council there were no debates concerning the faith and doctrines, that it might at any rate be called a council; <nevertheless,> it supplied what was lacking in the Sixth <Council> and, inasmuch as it was closest <in time> to the latter, it was counted together with it.”²⁷ Elsewhere the same Byzantine canonist points out that the Council in Trullo “supplied what was lacking in previous councils” (τὸ ὑστέρημα τῶν εἰρημένων συνόδων ἀναπληροῦντες)²⁸ in the matter of canonical legislation.

Balsamon writes that the Council in Trullo was a “holy and ecumenical Council,” that it was “also ecumenical;”²⁹ that “the divine and holy ecumenical Council which assembled in the great Domed Hall of the Palace is likewise called Penthekte” (ἡ καὶ πενθέκτη λεγομένη), and that it is “not principally called the Sixth, but Penthekte, because it supplied what was lacking in the Fifth and Sixth Councils.”³⁰ Thus, according to Balsamon, the Council in Trullo was an “ecumenical” Council, and it was called “Penthekte” (πενθέκτη), because it was the “supplement of the two preceding Councils” (ἀναπλήρωσιν τῶν δύο).³¹

As regards the appellation “Penthekte,” it may be noted that it was put in circulation for the first time by Balsamon (12th century). From the time of Patriarch Tarasius of Constantinople, that is from the Seventh ecumenical Council, “the Quinisext Council was considered as an

²⁶ Rhalles-Potles, II, pp. 367-375, 427-428, 434-435.

²⁷ Ibidem, p. 294.

²⁸ Ibidem, p. 300.

²⁹ Ibidem. See also Theodore Balsamon, *Responses*, PG 119, 1165 and 1200.

³⁰ Rhalles-Potles, II, p. 300; IV, pp. 543 and 554. See also Theodore Balsamon, *Responses*, PG 119, 1163.

³¹ Rhalles-Potles, II, p. 300.

appendix,³² in the matter of canonical legislation, to the Councils which assembled in Constantinople in 553 and 680.

After Balsamon, the appellation “Penthekte” or “Quinisext” Council was to become the preferred usage in the East³³ and, in consequence, the canons of the Council in Trullo were cited under the double authority of the Fifth and Sixth ecumenical Councils.³⁴ Orthodox canonists of our own day also speak of “canons of the ecumenical Penthekte Council which assembled in Constantinople” (κανόνες τῆς ἐν Κωνσταντινουπόλει Πενθέκτης Οἰκουμενικῆς Συνόδου).³⁵ Now, by using this appellation “Penthekte,” Orthodox canonists of old and of to-day bear out the fact that the Council in Trullo was a supplement, in the matter of canonical legislation, of the Fifth and Sixth ecumenical Councils, and that it was an integral part of the Sixth ecumenical Council.

Until the twelfth century the Council in Trullo was designated in Byzantine canonical sources and Nomocanons by the appellation “Sixth Council” (ἕκτη σύνοδος), and the Byzantine canonists of the twelfth century speak “of the so-called Sixth Council” (περὶ τῆς λεγομένης ἕκτης συνόδου).³⁶ However, since Balsamon the appellation “Penthekte” (πενθέκτη)³⁷ has been in use, for better or worse, to the present day.

Also that about the time of Balsamon (12th century) the appellation “Penthekte” (Quinisext) was also used in the West, among others by Gratian. But Gratian speaks of the Council in Trullo more as a second session of the Sixth ecumenical Council than as a supplement to it. Gratian notes: “sexta sinodus bis congregata est: primo, sub Constantino et nullos canones constituit; secundo, sub Justiniano filio eius, et praefatos canones promulgavit” (Dist. XVI, c. 6).³⁸ Now, Gratian rightly perceived that in fact it was a question of two sessions of the same ecumenical

³² G. Fritz, “Quinisexte (Concile) ou in Trullo,” *Dictionnaire de Théologie Catholique*, XIII, 2, 1937, 1597.

³³ C. Ducange, *Glossarium ad scriptores mediae et infimae Graecitatis*, Lyons, 1688, 1145-1146.

³⁴ Pierre L’Huillier, “Le Concile Œcuménique comme autorité suprême dans l’Église,” *Kanon*, 2 (1974), Vienna, 139.

³⁵ P. J. Akanthopoulou, *Κώδικες Τερῶν Κανόνων καὶ Ἐκκλησιαστικῶν Νόμων*, Salonica, 1991, p. 98.

³⁶ Rhalles-Potles, II, p. 294.

³⁷ *Ibidem*, II, p. 300; IV, pp. 543-544.

³⁸ *Corpus Juris Canonici*, ed. A. Friedberg, Leipzig, 1879, p. 44.

Council, first in 680, and a second time in 691, in the same hall in the imperial palace in Constantinople, that is, “ἐν τῷ τρούλλῳ τοῦ βασιλικοῦ παλατίου” The first session of the Sixth Council has left “Definitio fidei” (Ἐκθεσις πίστεως),³⁹ whilst the second session has made one of the richest canonical productions of the first millennium, that is, the 102 canons, by which it supplied that which was lacking, in the matter of canonical legislation, in the preceding two Councils.⁴⁰

Finally, as regards the appellations of the Council and the affirmation of its ecumenical character, the same canonical tradition asserted by Zonaras, Balsamon and Aristenos was faithfully expounded in the post-Byzantine epoch. For example, in their “Responses” (Ἀποκρίσεις) to the Anglicans, the Orthodox Patriarchs (1716-1725) speak of the sacred canons of “the Seven holy Councils” (τῶν ἁγίων ἑπτὰ συνόδων), and they refer to the second canon of “the Sixth ecumenical Council” (τῆς 5’ ἁγίας καὶ οἰκουμενικῆς συνόδου),⁴¹ that is, the Council in Trullo.

The hieromonk Agapius and the monk Nikodemus, the authors of the *Pedalion*, first published in 1800, speak also “of the holy and ecumenical Penthekte, or rather, Sixth Council” (περὶ τῆς ἁγίας καὶ οἰκουμενικῆς πενθέκτης ἢ μᾶλλον εἰπεῖν ἕκτης συνόδου).⁴² Indeed, they explain that it is a question “more properly” (κυριώτερον)⁴³ of the “Sixth Council” (ἕκτη σύνοδος), since the same, “hierarchs” (ἁρχιερεῖς) took part in both the Councils of 680 and of 691. More precisely, it is a question, according to the Byzantine tradition taken up by the *Pedalion* (Πηδάλιον), of the “forty-three bishops” (τεσσαράκοντα τρεῖς ἐπισκόπους) who signed the Acts both of the Council of 680 as well as those of the Council of 691.⁴⁴

In the canonical collections used by the Orthodox Church of the present day the Council in Trullo continues to be designated by the ap-

³⁹ *Conciliorum Oecumenicorum Decreta*, ed. J. Alberigo et al., Editio Tertia, Bologna, 1973, pp. 124-130.

⁴⁰ I Th. Panagoroulou, *Περὶ τῶν Οἰκουμενικῶν Συνόδων καὶ τῶν ἐπὶ τῆς ἐποχῆς τῶν σχέσεων Ἐκκλησίας καὶ πολιτείας*, Athens, 1939, p. 85; Π. Ῥοδοπούλου, *Μαθήματα Κανονικοῦ Δικαίου*, Salonica, 1973, p. 62.

⁴¹ J. Karimiris, *Τὰ δογματικά καὶ συμβολικά μνημεῖα τῆς Ὀρθοδόξου Καθολικῆς Ἐκκλησίας*, II, Graz, 1986, p. 808.

⁴² *Πηδάλιον*, Athens, 1990, p. 215.

⁴³ *Ibidem*.

⁴⁴ *Ibidem*, pp. 215, n. 2 and 217.

pellation “Sixth ecumenical Council,”⁴⁵ just as this appellation was employed in Byzantine canonical sources and Nomocanons. But, as has already been remarked, in the East, both the canonical collections and specialised literature employ also the other two appellations hallowed by Eastern canonical tradition, that is, “Council in Trullo” and “Penthekte” (Quinisext) Council.⁴⁶ Some authors speak also of “the Penthekte, or the Second ecumenical Council in Trullo” (πενθέκτη ἡ δευτέρα ἐν τρούλλῳ οἰκουμενικὴ σύνοδος).⁴⁷ The canonical legislation of this Council has, down through the centuries, been considered by the Orthodox Churches (Greek, Romanian, Slavic etc.) “as emanating from an ecumenical Council” and “as applicable” — so concluded V. Laurent with good reason — “to the Universal Church.”⁴⁸

II. WITNESSES OF THE CANONICAL TRADITION OF THE ANCIENT ORIENTAL CHURCHES (SO-CALLED NON-CHALCEDONIAN)

The ancient Oriental Churches known generally by the name “non-Chalcedonian Churches” share, to a greater or lesser extent, the same patrimony of ancient Christianity which, as Fr. X. Funk affirmed, “is concluded by the Sixth ecumenical Council, of which the Council in Trullo is a supplement.”⁴⁹ Unfortunately, to the present day, there has been not much interest among Orthodox canonists to understand the canonical tradition of the non-Chalcedonian Churches; rather, we still remain bound to intransigent opinions of former times, as those of the Patriarch Germanus of Constantinople (715/730), according to whom the Fourth and Sixth ecumenical Councils and, in consequence, also their canonical legislation had been rejected by the ancient Oriental Churches.⁵⁰ It would appear that we are still affected by Byzantine ideology, according to which the Christian *oikoumene* was bounded by the geographical borders of the Byzantine Empire and, outside of these lat-

⁴⁵ Rhalles-Potles, II, p. 8; Milas (as in n. 12), I, 1, pp. 35 and 37, I, 2, p. 301.

⁴⁶ Akanthopoulou (as in n. 35), p. 98; Menevisoglu, *Ιστορική εισαγωγή* (as in n. 2), p. 283.

⁴⁷ Panagopoulou (as in n. 40), p. 85.

⁴⁸ “L’oeuvre canonique du Concile in Trullo [691-692] comme source primaire du Droit de l’Église Orientale,” *Revue des Études Byzantines*, 23 (1965), 25.

⁴⁹ *Histoire de l’Église*, I, Paris, 1891, p. 4.

⁵⁰ Germanus, *Περὶ τῶν ἁγίων οἰκουμενικῶν συνόδων*, PG 98, 81.

III. WITNESSES OF THE CANONICAL TRADITION IN THE ROMAN CHURCH

According to data supplied by Roman historiography, repeated also by some Catholic canonists of the present day, “il papa di Roma Sergio (687-701) non è stato rappresentato a questo Concilio, ma i legati romani ivi presenti, ne hanno firmato ‘per errore’ gli atti. Di conseguenza, la Chiesa d’Occidente ne ha contestato l’oecumenicità ed i suoi canoni non sono stati accetati sempre e da tutti.”⁶⁰ But what is the historical truth? According to the information given by the *Liber Pontificalis*, the text of which has been altered in the course of centuries, Pope Sergius refused to sign “the Acts” (τὰ πρακτικά)⁶¹ of the Council in Trullo. Catholic historians, however affirm that the pope was represented at the Council in Trullo by his apocrisarii at Constantinople, who were none other than those who had figured “at the Sixth ecumenical Council (680-681) apart from the legates.”⁶² Moreover, Catholic historians of former times and of the present day note that the regular apocrisarii of the pope at Constantinople signed the Acts of the Council,⁶³ but that the canons of the Council were very reluctantly accepted by Pope Constantine I (708-715), who had himself been a member of the Roman delegation at the Sixth ecumenical Council and was later the apocrisarius of Pope Leo II to Emperor Constantine IV during the former’s visit to Constantinople.⁶⁴ In fact, in the Acts of the Council in Trullo, we find the signature of Metropolitan Basil, of “Gortinae [Gortyne, the island of Crete]” (τῆς Γορτυνέων), in the capacity of “locum tenens totius sinodi Sanctae Romanae Ecclesiae” (τὸν τόπον ἐπέχων πάσης τῆς συνόδου τῆς ἁγίας ἐκκλησίας τῆς Ῥώμης).⁶⁵ This was the same metropolitan who had taken part in the Council assembled in Constantinople in 680, in the

⁶⁰ D. Salachas, “La Normativa del Concilio Trullano commentata dai canonisti bizantini del XII secolo: Zonaras, Balsamone, Aristenos,” *Oriente Cristiano*, no. 2-3, Palermo, 1991, p. 30.

⁶¹ L. Duchesne, ed., *Liber Pontificalis*, I, Rome, 1886, p. 373.

⁶² Laurent (as in n. 48), 39.

⁶³ Murphy-Sherwood (as in n. 1), p. 246; Ch. J. Hefele - H. Leclercq, *Histoire des Conciles*, III, 1, Paris, 1909, p. 577.

⁶⁴ Murphy-Sherwood (as in n. 1), p. 246.

⁶⁵ Mansi XI, 989B; Heinz Ohme, *Das Concilium Quinisextum und seine Bischofsliste. Studium zum Konstantinopoler Konzil von 692* [Arbeiten zur Kirchengeschichte, 56], Berlin-New York, 1990, p. 146.

these same two metropolitans, the emperor also sent to Rome “six copies of the canons of the Quinisext, bearing the imperial signature as well as those of the Patriarchs of Constantinople, Alexandria and Antioch.”⁷⁰ Now, it is the opinion of Catholic canonists that Pope John VII would have accepted all the canons of the Council in Trullo, “but the Roman clergy took it amiss.”⁷¹ In any event, we learn from witnesses of the time that Pope Constantine I, summoned in 710 by the emperor to Constantinople, accepted all the canons of the Council in Trullo.⁷² Among other things, Constantine I is remembered as the first Pope who required that ecumenical Councils, “*quae gesta conciliorum retinent*,” should be represented on the walls of churches in Rome.⁷³ Now, we know that it was the Council in Trullo which made particular reference to icons and also decreed the manner in which religious painting was to be executed (canons 82 and 100). But in spite of this fact, in the opinion of P. -P. Joannou, there was only a “compromise” between Pope Constantine I and the emperor and, as it were, “approval with reservation” of the canons of the Council in Trullo by Rome.⁷⁴ And an Orthodox canonist affirms that there was only a “partial reception” of the canons of the Council by Pope Constantine I.⁷⁵ At all events, whatever it was, a total acceptance of the canons, “approval with reservation,” or “partial reception,” it is to be noted that Pope Constantine I did not cast doubt on the ecumenicity of the Council in Trullo.

As for Pope Hadrian I (772-795), he declared that he received “the six Councils with all the canons which had been enacted by them [the Fathers] in conformity with ecclesiastical and divine laws.”⁷⁶ The canons of the council in Trullo were thus attributed by him to the Sixth ecumenical Council. Elsewhere, in referring to canon 82 of the Council in Trullo,⁷⁷ Pope Hadrian I wrote that the Seventh ecumenical Council

⁷⁰ Fritz (as in n. 32), 1594.

⁷¹ *Ibidem*, 1595.

⁷² *Liber Pontificalis* (as in n. 61), I, pp. 385-386.

⁷³ Anastasius Bibliothecarius, *Liber Pontificalis*, PG 128, 953; S. Salaville, “L’iconographie des ‘Sept Conciles Oecuméniques’,” *Échos d’Orient*, 29 (1926), 146; Stern (as in n. 14), 11 (1936), 144.

⁷⁴ Joannou, I, 1, pp. 99-100.

⁷⁵ L’Huillier (as in n. 34), 141.

⁷⁶ Mansi XIII, 1078.

⁷⁷ Hefele-Leclercq (as in n. 63), III, 1, p. 347.

(787) had given “testimonium de sexta sancta Synodo” when it made obligatory the veneration of “sacras imagines,” and that “ipsa sancta Synodus fideliter per canones orthodoxe statuens, ita constituit dicens.”⁷⁸ As further proof that Pope Hadrian I received the canonical legislation of the Council in Trullo, one might also add the fact that Patriarch Tarasius reproduced for him, in his second letter to him, the text of canon 22 of the Council in Trullo. This also proves that the interlocutor of Patriarch Tarasius, Pope Hadrian I, knew and accepted this canonical legislation, or at least, that the pope had the text of the canons in Rome.

During the sessions of the Seventh ecumenical Council, when the Patriarch Tarasius declared publicly that the Fathers of the Sixth ecumenical Council had assembled several years earlier in order to decree its canons,⁷⁹ his declaration met with no protest on the part of the Roman envoys, who undoubtedly would have known whether or not Rome had reservations about the Council in Trullo.⁸⁰

In his Decretals, Gratian cites Pope Hadrian’s letter to Patriarch Tarasius “sextam sinodum sanctam cum omnibus canonibus suis recipio” (Dist. XVI, c. 5), and he comments “sexta sinodus auctoritate Adriani corroboratur.”⁸¹

Present day Catholic scholars point out that the attitude of Pope Hadrian I towards Charles the Great, in 794, shows that the Roman Pontiff had accepted the decisions of the Seventh ecumenical Council.⁸² Now, we know that the Seventh ecumenical Council had also received and confirmed the 102 canons of the Council in Trullo, codifying the canonical legislation up to that time. Thus we can state that it was not Patriarch Tarasius “who induced the pope to attribute the canons of Quinisext to the Sixth ecumenical Council,” as G. Fritz has argued,⁸³ but on the contrary; the Patriarch repeated and reaffirmed all that the pope had already affirmed concerning the ecumenicity of the Council in Trullo and its canons. Without any doubt, the attribution of the canons of the Council in Trullo to the Sixth ecumenical Council by Pope

⁷⁸ *Epistula ad Beatum Carolum Regem*, cap. XXXV, PL 98, 1264AB.

⁷⁹ Mansi XIII, 40E-41D, 417A-420A.

⁸⁰ Dumeige (as in n. 9), p. 119.

⁸¹ *Corpus Juris Canonici* (as in n. 38), pp. 42-43.

⁸² *Conciliorum Oecumenicorum Decreta*, ed. J. Alberigo et al., Editio quarta, Bologna 1991, p. 132.

⁸³ Fritz (as in n. 32), 1596.

Hadrian I contributed to a general recognition, in the East as well as the West, of the very nature of the Council, that is of its ecumenicity. Indeed, from this time on, the canons of the Council in Trullo were unanimously attributed to the Sixth ecumenical Council and “the Quinisext Council itself was considered,” writes G. Fritz, “as an appendix to the latter,”⁸⁴ or as a second session of the Sixth Council, according to Gratian’s felicitous turn of expression noted above.

Western criticism to-day holds that Anastasius Bibliothecarius’s (800-879) translations from the Greek of the Acts of the Councils, the Lives of Saints etc. were not always faithful.⁸⁵ But in spite of this (more or less objective) criticism, it is clear that Anastasius speaks in general of “*sextae universalis synodi canones*,”⁸⁶ that is in the same terms as the Fathers of the Seventh ecumenical Council (cf. canon 1). But in his Preface to the translation of the Acts of the Seventh ecumenical Council, Anastasius writes that during a Western council, held probably at Troyers (878),⁸⁷ Pope John VIII (872-882) declared that “*regulas, quae Graeci a sexta Synodo perhibent editas*” (the canons which the Greeks claim to be of the Sixth Council) were received by the Apostolic See of Rome on condition that they “were not contrary to previous canons or decrees of the holy pontiffs of this see or to good morals” (*prioribus canonibus vel decretis Sanctorum Sedis hujus pontificum, aut certe bonis moribus inveniuntur adversae*).⁸⁸ Now, in the first place, it should be noted that Anastasius asserts that the canons of the Council in Trullo were attributed by the East, where they were drawn up, to the Sixth ecumenical Council. Secondly, these canons had been received also by Rome. The attitude of Pope John VIII, then, must be understood in the context of the time. It is well known that this pope had to respond to accusations made by the Church of Constantinople which, during the conflict over jurisdiction in Bulgaria, had again condemned certain practices of the Roman Church already decreed by the Council in Trullo.⁸⁹

⁸⁴ *Ibidem*, 1597.

⁸⁵ *Dictionnaire des auteurs grecs et latins de l'antiquité et du Moyen Âge*, comp. W. Buchwald - A. Hohlweg - O. Prinz, Brepols-Turnhout, 1991, p. 44.

⁸⁶ Mansi VI, 982C.

⁸⁷ Joannou, I, 1, p. 100, n. 16.

⁸⁸ *Praefatio in septimam Synodum*, Mansi XII, 982D.

⁸⁹ Karmiris (as in n. 41), I, Athens, 1960, pp. 316-330.

by the council which assembled at Pavia in 850, but also by the Tridentine Council (Session XXIV, c. 6).⁹⁶

The witnesses of the written canonical tradition of the Roman Church provide evidence that the canons of the Council in Trullo were also observed and applied even after the Great Schism of 1054. In spite of the asseveration of Cardinal Humbert (11th century), one of the architects of the Schism between the Eastern and the Western Churches, that the canons of the Council in Trullo had neither been accepted nor observed by the “prima et apostolica sedes,”⁹⁷ nevertheless, a good number of the canons of the Council in Trullo were used and even cited by canonists of the West,⁹⁸ an indication of the reception, if only partial, of the canonical legislation of the Council in Trullo by the Western Church. From the 12th century on, the reception of the Council’s canonical legislation, particularly of its canonical principles, by the Roman Church — including therefore the Catholic Churches of the West — is to a great extent due to Gratian. In fact, it is thanks to Gratian that the Western Church, and in particular the Pontifical chancellery of Rome, put the canons of the Council in Trullo in general use and application in the Latin Church.⁹⁹ Gratian, of whom it has been said (more or less justly) that he codified “the falsifications of Pseudo-Isidore, of the Gregoriana, and of Burkard of Worms, adding new ones to them (49-54),”¹⁰⁰ cites or reproduces, partially or in their entirety, canons of the Council in Trullo. For example, he makes use of the following canons: 2 (Dist. XVI, c. 4), 4 (Causa XXVII, 9, q. I, c. 6), 6 (Dist. XXXII, c. 7), 7 (Dist. XCIII, c. 25), 9 (Dist. XLIV, c. 3), 11 (Causa XXVIII, q. I, c. 13), 13 (Dist. XXXI, c. 13), 15 (Dist. LXXVII, c. 4), 17 (Causa XXI, q. II, c. 1), 23 (Causa I, q. I, c. 100), 25 (Causa XVI, q. III, c. 1), 26 (Dist. XXVIII, c. 16), 27 (XXI, q. IV, c. 2), 28 (Dist. II, De Cons., c. 6); 31 (Dist. I, De Cons., c. 34), 32 (Dist. I, De Cons., c. 47), where Gratian also reproduces the last phrase of the canon), 35 (Causa XII, q. II, c. 48); and remarkably also canon 36 about the precedence of the five patriarchal sees (Dist. XXII). It is striking that Gratian cites even canons

⁹⁶ J. Praeder, *Il matrimonio in Oriente e Occidente*, (= *Kanonika* 1) Roma 1982, 109.

⁹⁷ PG 120, 1030A.

⁹⁸ Joannou, I, 1, p. 100.

⁹⁹ Laurent (as in n. 48), 37.

¹⁰⁰ I. de Doellinger - J. Friedrich, *La Papauté. Son origine au Moyen Âge et son développement jusqu'en 1870*, Paris, 1904, p. 457.

in which the usages and practices of the Church of Rome are condemned. For example, the Roman usage of offering grapes at the altar with the oblation and distributing them to the faithful with Holy Communion is prohibited by canon 28 of the Council in Trullo, and this is one of the canons cited by Gratian.¹⁰¹ It should also be noted that Gratian uses only the appellation of “VI Sinodus” when he cites or reproduces the text of the canons of the Council in Trullo.¹⁰² We must also remark the fact that certain of the canons reproduced by Gratian, as for example 27, 31 and 32,¹⁰³ appear in paraphrased form, which somewhat differs from the text in the edition of Joannou.¹⁰⁴

Emmanuel Lanne states that “l’opera legislativa dei Concilii ecumenici — ed anche una parte dei canoni del Trullano — è stata raccolta nel Decreto di Graziano.”¹⁰⁵ Indeed, for both Pope Hadrian I, who on two occasions used the term “ecumenical” to designate the Council in Trullo, as well as for Gratian, who cites and reproduces the text of the canons, attributing them to the “Sixth Council” (Dist. 22, c. 6), the Council in Trullo was ecumenical and identical with the Sixth ecumenical Council itself.

The canons of the Council in Trullo were also cited and reproduced by the ecumenical Councils of the Catholic Church, beginning with Lateran I (1123) up to Vatican II (1962-1965). And even when they are not cited or reproduced word-for-word, nevertheless, the canonical principles of the legislation of the Trullan Council are affirmed. The Second Lateran Council (1139) may serve as an example. Although no explicit mention is made of the Council in Trullo, a reference to it may be found in the impediment to marriage among relatives (canon 54). Canon 17 of the Second Lateran Council prohibits “unions between relatives,” declaring that “as for this sort of incest, the decrees of the holy Fathers and the very holy Church of God hold it as an abomination.”¹⁰⁶

¹⁰¹ Fritz (as in n. 32), 1587.

¹⁰² Cf. Dist. XXX, I Pars.; Dist. XXXI, c. XIV, VI Pars; Dist. XLIV, c. III; Dist. LXXVII, c. IV etc., in *Corpus Juris Canonici* (as in n. 38), I, pp. 107, 115, 157 and 273.

¹⁰³ Ibidem, pp. 858, 1302 and 1306.

¹⁰⁴ Joannou, I, 1, pp. 158, 162 and 165.

¹⁰⁵ “Il vescovo locale nei canoni dei primi sette concili ecumenici,” *Nicolaus*, 18 (1991), Fasc. 1-2, 15.

¹⁰⁶ *Conciliorum Oecumenicorum Decreta*, Fribourg-Rome, 1962, p. 176. See also R. Foreville, *Latran I, II, II, et Latran IV, Textes XVIII*, Paris, 1965, p. 191.

Clearly, this refers to the decrees made in canon 54 by the Fathers of the Council in Trullo, who confirmed in their turn the canonical tradition of the early Church, such as canons 78 and 88 of St Basil [† 379] and canon 11 of St Timothy of Alexandria [† 385] etc.

The ecumenicity of the Council in Trullo was implied at the Council of Trent (1547-1565). In his report on the Protestant Articles concerning the Eucharist, presented to the Council on the 8th and 9th of September 1551, Alphonse Salmeron, invoked “tradition: the Sixth Council, canons 102 and 52.”¹⁰⁷

Among the canonists of the High Middle Ages at the beginning of the 14th century Bernard Gui († 1331), author of a “Treatise on the epoch of the celebration of the Councils,” found in the Cathedral of Verona “an ancient collection of canons,” which contained among other things the canons of the ecumenical Councils, including the Council in Trullo, designated as the canons of the Sixth ecumenical Council, as well as the Acts of the ecumenical Councils, including the “Gesta istius sexte sinodi.”¹⁰⁸ In the “editio princeps,” published in Paris in 1540 by Joannes Tilius, the canons of the Council in Trullo figure among the “Sanctorum Conciliorum Decreta.” St. E. Assemani also makes reference, at the beginning of the 18th century, to canon 67 of the “Quinisext” Council, or Trullanum.¹⁰⁹

But regrettably, the canons of the Council in Trullo are not to be found in the collection of the *Conciliorum oecumenicorum Decreta* edited in Bologna by J. Alberigo. Nevertheless, in the edition of 1973, mention is made of the Council in Trullo among “maximi historici ponderis concilia,”¹¹⁰ and it is noted that “de eorum a Romano episcopo adprobatione adhuc disputatur.”¹¹¹

On the other hand, canonical provisions, and in particular canonical principles, of the legislation of the Council in Trullo are to be found in both the new Latin canonical Code as well as in the first Code of the

¹⁰⁷ J. Lecler, H. Holstein, P. Adnès, Ch. Lefebvre, *Trente*, II, *Textes* II, Paris, 1981, p. 626.

¹⁰⁸ M. Léopold Delisle, *Notice sur les manuscrits de Bernard Gui*, Paris, 1879, p. 302.

¹⁰⁹ *Acta Sanctorum Martyrum*, I, Rome, 1748 [reprint 1970], p. 121.

¹¹⁰ *Conciliorum Oecumenicorum Decreta* (as in n. 39), p. XVII.

¹¹¹ *ibid.*, p. 123, n. 3.

Eastern Catholic Churches.¹¹² For example, the provision of canon 54 of the Trullan Council, concerning the impediments to marriage for reasons of consanguinity has been taken over by canons 108 and 1091 of the Latin Code as well as by canon 808 of the Code of the Eastern Catholic Churches. Furthermore, the canons “enumerated in the second canon of Trullo” were used as a source for the Code of the Eastern Catholic Churches.¹¹³ And the same Code not only makes reference to canons codified by the Trullan Council (in canon 2), but also to canons drawn up by the same Council. Among the canons of the new Eastern Code of 1990, “in quibus plerumque jus antiquum Ecclesiarum Orientalium recipitur vel accommodatur,”¹¹⁴ we also find reference to the institution of the patriarchate (cf. canon 55), which was also sanctioned by canon 36 of the Council in Trullo.

The ecumenicity of the Council in Trullo was also implicitly recognised by Pope John Paul II in the Apostolic Constitution *Sacri Canones* of 18 October 1990, by which the *Codex Canonum Ecclesiarum Orientalium* was promulgated. The pope recalled that the Fathers assembled at Nicaea “in concilio oecumenico septimo” confirmed the “sacri canones” enacted by the “sex sanctis et universalibus synodis,”¹¹⁵ and codified them in “unum corpus legum ecclesiasticarum,” or in a “Codicem,” “as had already been done by the Quinisext Council, assembled in the Domed Hall in Constantinople in the year of our Lord 691” (*ut itam pridem Quinisexta Synodus, in Trullano conclavi Constantinopolitanae urbis anno Domini DCXCI coadunata*). Thus, the pope made express reference to the second canon of the Council in Trullo, seeing the canons of this Council as the work of the Sixth ecumenical Council. Indeed, does he not speak of “sacri canones” of the “six holy and universal councils” confirmed by the Seventh ecumenical Council? Note also that the pope states that the Council in Trullo assembled “in the year of our Lord

¹¹² Latin Code: cf. Salachas (as in n. 60), 30. First Eastern Catholic Code: cf. I. Žužek, “The Ancient Oriental Sources of Canon Law and the Modern Legislation for Oriental Catholics,” *Kanon*, I, Vienna, 1973, 153-158.

¹¹³ I. Žužek, *Ibidem*.

¹¹⁴ *Codex Canonum Ecclesiarum Orientalium 1990. Testo ufficiale e versione italiana*, in *Enchiridion Vaticanum 12. Documenti Ufficiali della Santa Sede*, Bologna, 1992, canon 2, p. 5.

¹¹⁵ Ioannes Paulus II, *Constitutio apostolica “Sacri canones” qua Codex Canonum ecclesiarum orientalium promulgatur*, 18 octobris 1990: AAS, 82 (1990), pp. 1033-1044.

691,” the year attested by the manuscript tradition of canon 3 of the Council in Trullo¹¹⁶ and taken for the exact date of the Council’s assembly.¹¹⁷ Finally, whilst promulgating the Eastern Code, the pope also made express reference to “one and the same fundamental patrimony of canonical discipline” (eodem et fundamentaliter uno disciplinae canonicae patrimonio), that is, to “the holy canons ... of the first centuries of the Church” (sacris canonibus ... primorum ecclesiae saeculorum) which have not been abrogated by “the supreme authority of the Church” (suprema ecclesiae autoritate).¹¹⁸ The canonical unity of our Churches, Orthodox and Catholic, is assured by the same canonical patrimony, codified for the second time¹¹⁹ by the Council in Trullo, in its canon 2.

Pope John Paul II refers to the “legates sent by our predecessor Hadrian I” (*legatis a decessore nostro Hadriano I missis*) to Second Council of Nicaea (787).¹²⁰ In fact, we know that these legates of Hadrian I, the Archpriest Peter and the Abbot Peter of the Greek Monastery of St Saba in Rome,¹²¹ were present when the Fathers of the Seventh Council drew up both the “ῥρος” and the “κανόνες,” thus also during the Council’s last session, assembled by Imperial will in the Palace of the Magnaura in Constantinople, where the proclamation of dogma was reiterated and the twenty-two canons were read out.¹²²

Now, in the text of both the “Definition” (ῥρος) and of the canons of the Seventh Council, we find express mention that the Fathers received all that the Council in Trullo had decreed in the matter of doctrine and canons. Indeed, the text of the “ῥρος” states that “the holy ecumenical Council” (ἡ ἁγία μεγάλη καὶ οἰκουμενικὴ σύνοδος) takes over all that was decreed by “the Sixth Council in Constantinople” (ἡ ἐν Κωνσταντινου-

¹¹⁶ Hefele-Leclercq (as in n. 63), III, p. 561.

¹¹⁷ Joannou, I, 1, p. 98.

¹¹⁸ *Constitutio apostolica “Sacri canones”* (as in n. 115), pp. 1033-1044.

¹¹⁹ The first level or phase of the process of canonical codification in the ecumenical Church took place at the Fourth ecumenical Council (canon 1), and the third was achieved at the Seventh ecumenical Council (canon 1).

¹²⁰ *Constitutio apostolica “Sacri canones”* (as in n. 115), pp. 1033-1044).

¹²¹ Mansi XIII, 460; V. Grumel, *Les Regestes des Actes du Patriarcat de Constantinople*, I, Fasc. II, *Les Regestes de 715 à 1043*, Istanbul, 1936, p. 359.

¹²² *Conciliorum Oecumenicorum Decreta* (as in n. 82), p. 131.

But in the case of the Council in Trullo, it has been argued that it did not formulate dogmas, as had done the Second ecumenical Council, and therefore it can not be called “ecumenical.” For example, for Patriarch Tarasius, who presided over the Seventh ecumenical Council (787), a council may receive this qualification only if it has issued dogmas as well as canons. Now, the criterion of Tarasius has imposed itself in Eastern doctrine. It is for this reason that Byzantine canonists of the 12th century (Balsamon, Zonaras and Aristenos) take care to specify that the Council in Trullo was a continuation and supplement to the Sixth ecumenical Council and therefore was “ecumenical,” as the Council Fathers had themselves called it.

2. The absence of the pope or of his legates at ecumenical Councils has never prejudiced or affected the ecumenical character of a council.

In this matter, the most eloquent example remains that of the Second ecumenical Council, which was recognised as ecumenical also by the popes, although the Roman Church had not taken part in it and the Council had accorded to the bishop of Constantinople “honorary precedence after the bishop of Rome [canon 3]” (τὰ πρεσβεία τῆς τιμῆς μετὰ τὸν Ῥώμης ἐπίσκοπον). We know that Pope Gregory the Great declared that the Church of Rome revered all the ecumenical Councils which had assembled up to that time, that is, all of the first five Councils.¹²⁶ Pope Agatho and his successors declared solemnly that they recognised the ecumenicity of the Sixth ecumenical Council and its decrees, despite the fact that this Council had been condemned by Pope Honorius. Now the case of the Council in Trullo is similar, since it condemned and anathematised certain practices and usages of the Church of Rome. Why, then, did the Roman Church adopt a different attitude towards the Council in Trullo?

According to the testimony of Balsamon († 1125), the Church of Rome refused to recognise the ecumenicity of the Council in Trullo because “legates of the pope of Rome” (τοποτηρητὰς τοῦ πάπα Ῥώμης)¹²⁷ were not present at the Council. Nicetas Chartophylax Nicaenus, expressing the Roman Church’s point of view, wrote that the decrees of the Sixth ecumenical Council (680) were signed by the legates of Pope Agatho, but not the canons “of the Sixth Council [*sic*]” (τῆς ζ’ συνόδου),

¹²⁶ *Epistularum Liber Primus. Epistula XXV*, PL 77, 478.

¹²⁷ Rhalles-Potles, II, p. 300.

because they were drawn up some time later, “in the Romans’ absence” (ἀπόντων δὲ τῶν Ῥωμαίων).¹²⁸

Indeed, this absence of delegates from the pope at the Council in Trullo has been invoked by canonists and theologians of the West as one of the principal objections to the Council’s ecumenicity. Balsamon replies to this objection by stating that the ecumenicity of the Council had been declared by the Council Fathers themselves, and also by their canons; and in consequence “this Council is also ecumenical” (οἰκουμενικὴ καὶ αὕτη σύνοδος ἐστὶ), as was “the other which was properly the Sixth Council, which assembled in the Domed Hall of the imperial palace” (ἕκτη κυρίως σύνοδος ἢ ἐν τῷ Τρούλλῳ τοῦ βασιλικοῦ παλατίου συστάσα), that is, the Council which assembled in 680. Moreover, Balsamon states that he had found in the Acts of the Council in Trullo, preserved in “ancient Nomocanons” (παλαιότερους νομοκάνονας),¹²⁹ the signatures of legates and bishops who represented the pope and the Western Church. Among these Balsamon mentions the following: “Basil, bishop of Gortyne, metropolitan of the island of Crete; the bishop of Ravenna, representative of the Synod of the Church of Rome; and not only these latter, but also other legates of the pope, the bishops of Salonica, of Sardinia, of Heraclea, of Thrace, and of Corinth”.¹³⁰ In the Acts of the Sixth ecumenical Council (680) we find the signatures of the papal legates, in the first place, and of the representatives of the Synod of Rome (after the representatives of the other sees, Constantinople, Alexandria, Antioch and Jerusalem).¹³¹ Likewise, we find the name of the priest Theodore “representative of the archbishop of Ravenna most beloved of God” (τοποτηρητοῦ τοῦ θεοφιλεστάτου ἀρχιεπισκόπου Ῥαβέννης)¹³² or “legatum Sanctae Ravennatis ecclesiae,”¹³³ of Basil, bishop of Gortyne, and of “ceteris episcopis concilii sanctissimi papae antiquae Romae Aga-

¹²⁸ *De schismate Graecorum*, PG 120, 717.

¹²⁹ Rhalles-Potles, II, pp. 300-301.

¹³⁰ Βασίλειός τις, ἐπίσκοπος τῆς Γορτυνίων μητροπόλεως τῆς νήσου Κρήτης, καὶ τις ἐπίσκοπος Ῥαβέννης, τὸν τόπον ἐπέχοντες πάσης τῆς συνόδου τῆς ἐκκλησίας Ῥώμης, καὶ οὐ μόνον αὐτοί, ἀλλὰ καὶ οἱ τότε ὄντες λεγάτι τοῦ πάπα, ὁ Θεσσαλονίκης, ὁ Σαρδηνίας, ὁ Ἡρακλείας, ὁ Θράκης, καὶ ὁ Κορίνθου Ibidem, p. 301.

¹³¹ *Concilium Universale Constantinopolitanum tertium. Concilii Actiones I-XI*, ed. L. Riedinger, Berlin, 1990, pp. 16-17, 29 and 179.

¹³² Ibidem, pp. 16-17.

¹³³ Ibidem, pp. 56-57.

Furthermore, the authors of the *Pedalion*, first published in 1800, wrote that the Council in Trullo was truly “ecumenical” because, first of all, its canons were in agreement with “the holy Scriptures” (τάς θείας γραφάς) and “the Apostolic and conciliar traditions and regulations” (τάς ἀποστολικὰς καὶ συνοδικὰς παραδόσεις καὶ διαταγὰς).¹⁴² In addition, the ecumenicity of the Council is attributed to the fact that “in it took part the four patriarchs of the *oikoumene* as well as the representatives of the bishop of Rome” (οἱ δὲ πατριάρχαι τῆς οἰκουμένης ἦσαν παρόντες ἐν αὐτῇ καὶ ὁ Ῥώμης διὰ τοποτηρητῶν).¹⁴³

4. *During the first millennium there was never any express recognition of the decrees of an ecumenical Council by the pope.*

Recalling the ecclesiological reality of the first millennium, W. de Vries has rightly noted that there “was never any express recognition of the decrees of a council by the pope. His representatives had signed in his name and that was sufficient.”¹⁴⁴ In effect, the signature of the representatives of the pope sufficed for the reception by the Roman Church of the decrees made by an ecumenical Council and, in consequence, the ecumenicity of such a Council was never bound up or dependent on any ratification of its decrees (dogmatic or canonical) by the bishop of Rome. Moreover, the supposed right of the bishop of Rome to confirm or ratify the decrees of the ecumenical Councils was always regarded by the Easterners as “erroneous” (πεπλανημένη) and alien to synodal practice and to canonical doctrine of the first millennium.¹⁴⁵ The condemnation by the popes of certain canons of the ecumenical Councils, as is the case with several canons of the Council in Trullo regarding liturgical or disciplinary usages and practices of the Roman Church, by no means prevented them from “counting these among the ecumenical Councils and considering the whole of their canonical work as valid.”¹⁴⁶ Conscious of this ecclesiological fact, Catholic scholars of the present day point out that Pope Hadrian I did not write any reply to confirm the decrees made

¹⁴² Ibidem, p. 211, n. 1.

¹⁴³ Ibidem, p. 214, n. 1.

¹⁴⁴ *Orient et Occident. Les structures ecclésiales vues dans l'histoire des sept premiers Conciles Œcuméniques*, Paris, 1974, p. 34.

¹⁴⁵ Panagopoulou (as in n. 40), p. 35.

¹⁴⁶ Laurent (as in n. 48), 40.

by the Seventh ecumenical Council.¹⁴⁷ Now, if the pope did not send any “confirmation” to ecumenical Councils in which the legates of the pope had taken part, how can one use this as an argument in the case of Councils at which the Roman Church was absent, namely at the Second ecumenical Council (381) and the ecumenical Council of 691?

5. Canonical legislation of the ecumenical Councils had the force of universal law, in the East as well as the West, as a result of the imperial signature.

By his Novels (6, of 16 March 535, and 131, of 18 March 545), Emperor Justinian (527-565) confirmed all “the canons enacted or approved” by “the holy Councils” and put them on the same footing as his own laws.

In order better to demonstrate this fact, let us recall first of all that the ecumenical Councils were convoked by the emperors, who also gave the force of universal law to the conciliar decrees through their imperial signatures. The same is true of the Council in Trullo, whose canons were invested with the force of universal law through the signature of Emperor Justinian II. Furthermore, the Council Fathers declare that they “have assembled in this imperial God-guarded city, by decree of the most pious emperor.”¹⁴⁸ Zonaras (12th century) stresses that the Council in Trullo was assembled “by imperial command” (κελεύσει βασιλικῆ).¹⁴⁹ And he also explains that the Council’s 102 canons, drawn up in the imperial palace, acquired the force of universal law through “the personal signature of the emperor” (τὸν βασιλέα δι’ οἰκειίας ὑπογραφῆς).¹⁵⁰ Thus they became obligatory also in the West.

If the arguments from the absence of papal legates at the Council, and the necessity of express recognition of its canons by the pope etc., are invalidated ecclesiologically and canonically as well as by witnesses of the canonical tradition of the first millennium, why is the ecumenicity of the Council in Trullo put in doubt in the Roman Church?

¹⁴⁷ *Conciliorum Oecumenicorum Decreta* (as in n. 82), p. 132.

¹⁴⁸ Rhalles-Potles, II, p. 229.

¹⁴⁹ *Ibidem*.

¹⁵⁰ *Ibidem*, p. 300.

lan canons by the Roman Church. It has been noted that not only canon 36, which confirms the patriarch of Constantinople's privilege of precedence "immediately after that of the Roman Pontiff," but also canon 2 of the Trullan Council, which "in its enumeration of canonical authorities ... passes over the decretals of the popes and the majority of the Latin councils in silence," could not but "displease Rome."¹⁶⁶ As a consequence, Gratian (12th century) even falsified the text of canon 36 with two little words: "non tamen" (Dist. 22, c.6). Later Roman correctors restored "nec non" in the place of Gratian's falsification,¹⁶⁷ though only after it had figured peacefully in the text for 400 years.¹⁶⁸

But, nevertheless, the fact that Rome was displeased with canon 36 did not entail the rejection of the ecumenicity of the Council in Trullo. This canon 36 only "rinova e riconforma alla lettera il canone 28 di Calcedonia,"¹⁶⁹ to which Pope Leo I "finally granted his approval."¹⁷⁰ Now, inasmuch as this canon 36 did not decree anything new, but only renewed that which had been decreed by canon 28 of the Fourth ecumenical Council,¹⁷¹ it may be presumed that it had been accepted or received by the Roman Church. Indeed, the Church of Rome has always contested "ostinatamenté questo canone, tuttavia lo ha sempre riconosciuto come parte dell'ordine dell'instituzione patriarcale."¹⁷² And in recognising this canon as the source and basis for the institution of the Pentarchy, the "Cathedra S. Petri" thereby has recognised or accepted the ecumenicity of the Council in Trullo.¹⁷³ This fact is also attested by Pope Innocent IV, who designated the Council in Trullo as the "Sixth ecumenical Council," making express reference to canon 36.¹⁷⁴ It is therefore not in the least surprising that Vatican II refers to the canons

¹⁶⁶ Fritz (as in n. 32), 1594.

¹⁶⁷ Mansi XI, 959.

¹⁶⁸ de Doellinger-Friedrich (as in n. 100), p. 305, n. 188.

¹⁶⁹ Salachas (as in n. 60), 20.

¹⁷⁰ Joannou, I, 2, p. 547.

¹⁷¹ *Conciliorum Oecumenicorum Decreta* (as in n. 82), pp. 99-100.

¹⁷² Salachas (as in n. 60), 21.

¹⁷³ G. Belvederi, *Le Tombe Apostoliche nell'età paleocristiana*, Città del Vaticano, 1948, p. 249.

¹⁷⁴ Melchior Canus, *Loci Theol., lib. V de auct. concil.*, p. 348.

of the Trullan Council, including canon 36,¹⁷⁵ thereby implicitly recognising also its ecumenicity.

However, terms like “approval with reserve” and “partial reception,” used by some Roman Catholic theologians and canonists, express contrary attitude toward certain canons of the Council in Trullo, like canons 2 and 36. But despite disagreements concerning the reception of particular canons by the Roman Church, in former times and to-day, it must be stressed that the ecumenicity of the Trullan Council has been recognised by the popes, including the present one, John Paul II, as well as by the ecumenical Councils of the Catholic Church (e.g. Lateran II [1139], Trent [1545-1565] and Vatican II).

CONCLUSION

“Assembled by divine assent” (κατὰ θεῖον νεῦμα συναθροισθεῖσα),¹⁷⁶ the Council in Trullo, which has bequeathed to us the canonical patrimony of Christian antiquity, was a continuation, or rather a second session, of the Sixth ecumenical Council and, therefore, an integral part of the same ecumenical Council. Clearly, “if the Council in Trullo called itself ecumenical,” as V. Laurent rightly remarked, “it did so only because it considered itself as an integral part of the Sixth Council, whose work it set about to finish. It would be wrong,” continues the same Catholic theologian and historian, “to consider it as separate, which it did not want to be and which is not supported by tradition.”¹⁷⁷ Indeed as we have attempted to demonstrate in this paper, the canonical tradition of both the East and the West bears witness to the ecumenicity of the Trullan Council. The celebration of the 13th centenary of the Council in Trullo, has brought together canonists of the East and the West, who consider this Council the common canonical patrimony, a fact which augurs well for the ecumenical unity of our Churches Orthodox and Catholic.

¹⁷⁵ *Décret sur les Églises Orientales Catholiques “Orientalium ecclesiarum”*, no. 7, n. 8, in *Concile oecuménique Vatican II. Constitutions, Décrets, Déclarations, Messages*, Paris, 1967 p. 641.

¹⁷⁶ Joannou, I, 1, p. 101, ll. 19-21.

¹⁷⁷ “L’oeuvre canonique” (as in n. 48), 39.

[\(https://erickybarra.org/2019/08/03/review-of-east-west-debate-part-1/\)](https://erickybarra.org/2019/08/03/review-of-east-west-debate-part-1/)

◀ [APOLOGETICS](#) ◀ [CANONS](#) ◀ [CATHOLIC](#) ◀ [ECUMENICAL COUNCIL](#) ◀ [LATIN](#)
 ◀ [ORTHODOX](#) ◀ [PAPACY](#) ◀ [QUINISEXT COUNCIL](#) ◀ [ROMAN CATHOLIC](#) ◀
 ◀ [TRULLO](#) ◀ [WEST](#)

8 thoughts on “The Council of Trullo was Ecumenical in the West”

1. Theophan

Sorry, the problem must come from my computer, I can read the scans fine from my phone. Don't bother replying!

🕒 [OCTOBER 16, 2022 AT 6:07 PM](#) ↩️ [REPLY](#)

2. Theophan

Please forgive me, but I find the scans of Dura's article quite illegible : they seem to be small scans that blur quickly when enlarged. Is there any link to the article? Many thanks!

🕒 [OCTOBER 16, 2022 AT 2:32 PM](#) ↩️ [REPLY](#)

3. Pingback: [Did Rome Accept the Canons of Trullo? – Orthodox Christian Theology](#)

4. Pingback: [A Note On Ecumenical Councils And Modern Orthodoxy – Ancient Insights](#)

ubipetrus2019

Hi Craig, “accepted” is a vague term because it lacks the precision of what it was *accepted as.* As far as I know, it was only accepted as a local council of the East by the West until the 6th century with the notable exception Chalcedon. In other words, they were not using the Creed supposedly written at said council as an official Creed of the Church and they did not rank Constantinople on par with Nicea or Ephesus. If you can provide primary source evidence from official statements out of Rome, I would be interested to see them.

🕒 [JUNE 21, 2020 AT 8:59 AM](#) ↩️ [REPLY](#)

5. **Craig Truglia**

I disagree with the citation to Met. Kallistos Ware that it took to 517 AD for Constantinople I to be accepted by the West as we have abundant primary source proof predating the completion of Chalcedon that its canons were accepted by the Pope and Western Bishops.

Usually, citing Ware is a bad idea. His tale is indeed a cautionary one.

🕒 [JUNE 20, 2020 AT 2:29 PM](#) ↩️ [REPLY](#)
ubipetrus2019

Acceptance of canon does not necessarily entail acceptance of the dogmatic decrees of a council as binding upon the faithful (i.e. the Council of Antioch and several of the councils of Carthage are prime examples).

🕒 JUNE 20, 2020 AT 2:46 PM ↩️ REPLY

1. **Craig Truglia**

But this would be seat from the pants guessing from historians. Are we seriously going to assert that the doctrines of Constantinople I were not accepted? The synodical letter makes clear that these were the consensus western doctrines.

So, I don't quite get your point here and without actually defending Ware's argument, whatever it even is, we have enough evidence that Rome accepted Constan I pre Chalcedon and in Chalcedon itself had no objection to its creed and etcetera.

🕒 JUNE 21, 2020 AT 8:17 AM

