

0325-0325 – Concilium Nicaenum I – Excursus on The Number Of The Canons

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HEFELE.

All the churches did not, however, adopt this practice; for we see in the Acts of the Apostles (xx. 36 and xxi. 5) that St. Paul prayed kneeling during the time between Pentecost and Easter.

This canon is found in the *Corpus Juris Canonici. Decretum*, Pars III, *De Conc.* Dist. III. c. x.



Excursus on the Number of the Nicene Canons.

There has come down to us a Latin letter purporting to have been written by St. Athanasius to Pope Marcus. This letter is found in the Benedictine edition of St. Athanasius's works (ed. Patav. ii. 599) but rejected as spurious by Montfaucon the learned editor. In this letter is contained the marvellous assertion that the Council of Nice at first adopted forty canons, which were in Greek, that it subsequently added twenty Latin canons, and that afterwards the council reassembled and set forth seventy altogether. A tradition that something of the kind had taken place was prevalent in parts of the East, and some collections did contain seventy canons.

In the Vatican Library is a MS. which was bought for it by the famous Asseman, from the Coptic Patriarch, John, and which contains not only seventy, but eighty canons attributed to the council of Nice. The MS. is in Arabic, and was discovered by J. B. Romanus, S. J., who first made its contents known, and translated into Latin a copy he had made of it. Another Jesuit, Pisanus, was writing a history of the Nicene Council at the time and he received the eighty newly found canons into his book; but, out of respect to the pseudo-Athanasian letter, he at first cut down the number to seventy; but in later editions he followed the MS. All this was in the latter half of the sixteenth century; and in 1578 Turrianus, who had had Father Romanus's translation revised before it was first published, now issued an entirely new translation with a *Proëmium*¹⁰⁴ containing a vast amount of information upon the whole subject, and setting up an attempted proof that the number of the Nicene Canons exceeded twenty. His argument for the time being carried the day.

Hefele says, "it is certain that the Orientals¹⁰⁵ believed the Council of Nice to have promulgated more than twenty canons: the learned Anglican, Beveridge,¹⁰⁶ has proved this, reproducing an ancient Arabic paraphrase of the canons of the first four Ecumenical Councils. According to this Arabic paraphrase, found in a MS. in the Bodleian Library, the Council of Nice must have put forth

¹⁰⁴ Vide Labbe, *Conc.* ii. 287.

¹⁰⁵ Who exactly these *Orientalis* were Hefele does not specify, but Ffoulkes well points out (*Dict. Christ. Antiq. sub voce* Councils of Nicæa) that it is an entire mistake to suppose that the Greek Church "ever quoted other canons [than the xx] as Nicene 'by mistake,' which were not Nicene, as popes Zosimus, Innocent and Leo did."

¹⁰⁶ Beveridge, *Synod. sive Pand.* i. 686.

three books of canons....The Arabic paraphrase of which we are speaking gives a paraphrase of all these canons, but Beveridge took only the part referring to the second book—that is to say, the paraphrase of the twenty genuine canons; for, according to his view, which was perfectly correct, it was only these twenty canons which were really the work of the Council of Nice, and all the others were falsely attributed to it.”¹⁰⁷

Hefele goes on to prove that the canons he rejects must be of much later origin, some being laws of the times of Theodosius and Justinian according to the opinion of Renaudot.¹⁰⁸

Before leaving this point I should notice the profound research on these Arabic canons of the Maronite, Abraham Echellensis. He gives eighty-four canons in his Latin translation of 1645, and was of opinion that they had been collected from different Oriental sources, and sects; but that originally they had all been translated from the Greek, and were collected by James, the celebrated bishop of Nisibis, who was present at Nice. But this last supposition is utterly untenable.

Among the learned there have not been wanting some who have held that the Council of Nice passed more canons than the twenty we possess, and have arrived at the conclusion independently of the Arabic discovery, such are Baronius and Card. d’Aguirre, but their arguments have been sufficiently answered, and they cannot present anything able to weaken the conclusion that flows from the consideration of the following facts.

(Hefele: *History of the Councils*, Vol. I. pp. 355 *et seqq.* [2d ed.])



Let us see first what is the testimony of those Greek and Latin authors who lived about the time of the Council, concerning the number.

a. The first to be consulted among the Greek authors is the learned Theodoret, who lived about a century after the Council of Nicæa. He says, in his *History of the Church*: “After the condemnation of the Arians, the bishops assembled once more, and decreed twenty canons on ecclesiastical discipline.”

b. Twenty years later, Gelasius, Bishop of Cyzicus, after much research into the most ancient documents, wrote a history of the Nicene Council. Gelasius also says expressly that the Council decreed twenty canons; and, what is more important, he gives the original text of these canons exactly in the same order, and according to the tenor which we find elsewhere.

c. Rufinus is more ancient than these two historians. He was born near the period when the Council of Nicæa was held, and about half a century after he wrote his celebrated history of the Church, in which he inserted a Latin translation of the Nicene canons. Rufinus also knew only of these twenty canons; but as he has divided the sixth and the eighth into two parts, he has given twenty-two canons, which are exactly the same as the twenty furnished by the other historians.

d. The famous discussion between the African bishops and the Bishop of Rome, on the subject of appeals to Rome, gives us a very important testimony on the true number of the Nicene canons.

¹⁰⁷ Hefele: *Hist. Councils*, I. 362.

¹⁰⁸ Renaudot: *Hist. Patriarcharum Alexandrianorum Jacobitarum*. Paris, 1713, p. 75.

The presbyter Apiarius of Sicca in Africa, having been deposed for many crimes, appealed to Rome. Pope Zosimus (417–418) took the appeal into consideration, sent legates to Africa; and to prove that he had the right to act thus, he quoted a canon of the Council of Nicæa, containing these words: “When a bishop thinks he has been unjustly deposed by his colleagues he may appeal to Rome, and the Roman bishop shall have the business decided by *judices in partibus*.” The canon quoted by the Pope does not belong to the Council of Nicæa, as he affirmed; it was the fifth canon of the Council of Sardica (the seventh in the Latin version). What explains the error of Zosimus is that in the ancient copies the canons of Nicæa and Sardica are written consecutively, with the same figures, and under the common title of canons of the Council of Nicæa; and Zosimus might *optima fide* fall into an error—which he shared with Greek authors, his contemporaries, who also mixed the canons of Nicæa with those of Sardica. The African bishops, not finding the canon quoted by the Pope either in their Greek or in their Latin copies, in vain consulted also the copy which Bishop Cecilian, who had himself been present at the Council of Nicæa, had brought to Carthage. The legates of the Pope then declared that they did not rely upon these copies, and they agreed to send to Alexandria and to Constantinople to ask the patriarchs of these two cities for authentic copies of the canons of the Council of Nicæa. The African bishops desired in their turn that Pope Boniface should take the same step (Pope Zosimus had died meanwhile in 418)—that he should ask for copies from the Archbishops of Constantinople, Alexandria, and Antioch. Cyril of Alexandria and Atticus of Constantinople, indeed, sent exact and faithful copies of the Creed and canons of Nicæa; and two learned men of Constantinople, Theilo and Thearistus, even translated these canons into Latin. Their translation has been preserved to us in the acts of the sixth Council of Carthage, and it contains only the twenty ordinary canons. It might be thought at first sight that it contained twenty-one canons; but on closer consideration we see, as Hardouin has proved, that this twenty-first article is nothing but an historical notice appended to the Nicene canons by the Fathers of Carthage. It is conceived in these terms: “After the bishops had decreed these rules at Nicæa, and after the holy Council had decided what was the ancient rule for the celebration of Easter, peace and unity of faith were re-established between the East and the West. This is what we (the African bishops) have thought it right to add according to the history of the Church.”

The bishops of Africa despatched to Pope Boniface the copies which had been sent to them from Alexandria and Constantinople, in the month of November 419; and subsequently in their letters to Celestine I. (423–432), successor to Boniface, they appealed to the text of these documents.

e. All the ancient collections of canons, either in Latin or Greek, composed in the fourth, or quite certainly at least in the fifth century, agree in giving only these twenty canons to Nicæa. The most ancient of these collections were made in the Greek Church, and in the course of time a very great number of copies of them were written. Many of these copies have descended to us; many libraries possess copies; thus Montfaucon enumerates several in his *Bibliotheca Coisliniana*. Fabricius makes a similar catalogue of the copies in his *Bibliotheca Græca* to those found in the libraries of Turin, Florence, Venice, Oxford, Moscow, etc.; and he adds that these copies also contain the so-called apostolic canons, and those of the most ancient councils. The French bishop

John Tilius presented to Paris, in 1540, a ms. of one of these Greek collections as it existed in the ninth century. It contains exactly our twenty canons of Nicæa, besides the so-called apostolic canons, those of Ancyra, etc. Elias Ehmger published a new edition at Wittemberg in 1614, using a second ms. which was found at Augsburg; but the Roman collection of the Councils had before given in 1608, the Greek text of the twenty canons of Nicæa. This text of the Roman editors, with the exception of some insignificant variations, was exactly the same as that of the edition of Tilius. Neither the learned Jesuit Sirmond nor his coadjutors have mentioned what manuscripts were consulted in preparing this edition; probably they were manuscripts drawn from several libraries, and particularly from that of the Vatican. The text of this Roman edition passed into all the following collections, even into those of Hardouin and Mansi; while Justell in his *Bibliotheca juris Canonici* and Beveridge in his *Synodicon* (both of the eighteenth century), give a somewhat different text, also collated from MSS., and very similar to the text given by Tilius. Bruns, in his recent *Bibliotheca Ecclesiastica*, compares the two texts. Now all these Greek MSS., consulted at such different times, and by all these editors, acknowledge only twenty canons of Nicæa, and always the same twenty which we possess.

The Latin collections of the canons of the Councils also give the same result—for example, the most ancient and the most remarkable of all, the *Prisca*, and that of Dionysius the Less, which was collected about the year 500. The testimony of this latter collection is the more important for the number twenty, as Dionysius refers to the *Græca auctoritas*.

f. Among the later Eastern witnesses we may further mention Photius, Zonaras and Balsamon. Photius, in his *Collection of the Canons*, and in his *Nomocanon*, as well as the two other writers in their commentaries upon the canons of the ancient Councils, quote only and know only twenty canons of Nicæa, and always those which we possess.

g. The Latin canonists of the Middle Ages also acknowledge only these twenty canons of Nicæa. We have proof of this in the celebrated Spanish collection, which is generally but erroneously attributed to St. Isidore (it was composed at the commencement of the seventh century), and in that of Adrian (so called because it was offered to Charles the Great by Pope Adrian I). The celebrated Hincmar, Archbishop of Rheims, the first canonist of the ninth century, in his turn attributes only twenty canons to the Council of Nicæa, and even the pseudo-Isidore assigns it no more.

I add for the convenience of the reader the captions of the Eighty Canons as given by Turrianus, translating them from the reprint in Labbe and Cossart, *Concilia*, Tom. II. col. 291. The Eighty-four Canons as given by Echellensis together with numerous Constitutions and Decrees attributed to the Nicene Council are likewise to be found in Labbe (*ut supra*, col. 318).



The Captions of the Arabic Canons Attributed to the Council of Nice.