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PATRIARCH PHOTIUS AND POPE NICHOLAS I AND THE COUNCIL OF 879

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Some years ago research for a series of lectures I was invited to give led me to realize that there were two councils of Constantinople that seemed to have been forgotten by the Latin Church, and another council of Constantinople that has been forgotten by the Church of Constantinople but remembered by the Latin Church. The two councils forgotten by the Latin Church are the Council *in Trullo* of 692, and the Council of Constantinople of 879–880. The council forgotten by the Church in Constantinople, but included by the Latin Church in her collections of councils, was the council held in Constantinople in 869–870.

The Oriental Institute in Rome organized a symposium to celebrate the thirteenth centenary of the Council *in Trullo* in 1992. This resulted in the publication of *The Council in Trullo Revisited*, which, together with a collection of studies by modern scholars, reissued Joannou's edition of the Greek canons of Trullo, together with a revised edition of the Latin translation and a new English translation of the canons.¹ However, much remains to be done concerning the council of 879–880. So I thought I would try to see if there was some way of reminding the Latin Church of its significance and importance. This paper is the result.

Another factor that influenced me was the approach now being taken in the West to Patriarch Photios. After centuries of denigration by western authors—Photios embodied what were seen by them as the evils of the Orthodox Greek East—the modern appreciation of Photios is almost overwhelmingly positive. According to Paul Lemerle, Photios must be 'counted among the greatest [figures] in the history of Byzantium . . . who perhaps most truly represents Byzantine civilization.'² Obolensky called him the 'greatest theologian and philosopher of his age', and 'One of the greatest Byzantine scholars of all time.'³ For Nigel Wilson, Photios was

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¹ It is interesting to note that the Council *in Trullo* is now cited as a source in the Code of Canons of the Eastern Churches promulgated by Pope John Paul II in 1990.

² Paul Lemerle, *Byzantine Humanism, the First Phase. Notes and Remarks on Education and Culture in Byzantium from its Origins to the 10th Century*. (Canberra: Australian Association for Byzantine Studies, 1986) 205.

³ Dmitri Obolensky, *The Byzantine Commonwealth* (London: Weidenfeld and Nicolson, 1971) 103; 119.

'the most important figure in the history of classical studies in Byzantium.'⁴ I was aware too that Patriarch Photios is venerated as a saint by the Greek Orthodox Church. So something had gone wrong somewhere!⁵ Photios is also a most interesting character for the student of law. What is called the 'Photian' edition of the *Nomokanon in 14 Titles*, was published in Constantinople in 882, with a preface by Patriarch Photios. Photios played an important part in the publication of the radically new collection of laws, the *eisagoge*, published around 780. It was also Photios who sent the missionaries, Cyril and Methodius, to Moravia in 863. Clearly, Photios was a dominant personality in ninth-century Constantinople.

For the Acts of the 879/880 Council, I consulted Mansi and used the Ultramontane edition of the Jesuit Jean Hardouin (1646–1729).⁶ The headings are revealing: *Pseudo-Synodus Constantinopolitana. Conciliabulum Constantinopolitanum Oecumenicum Pseudo-Octavum*. These headings show at a glance how this council was regarded in the Roman Catholic Church in the sixteenth and seventeenth centuries. The editor finds confirmation for the condemnation of Photios and this council in the writings of Cardinal Baronius and others. Photios is seen as a cunning manipulator who was capable of falsifying papal documents to suit his own purposes. Cardinal Bellarmine thought that the talk of Pope John VIII rescinding the acts of the 869–870 council was pure fabrication. The fact that the council of 879/880 was successful in restoring unity between Rome and Constantinople and within the Church in Constantinople, that its *acta* were signed by the Roman legates, and that its results were accepted by Pope John VIII seems to have been forgotten. How did this come about? How did it come about that Pope John VIII's *commonitorium*, which authorized the abrogation of the condemnation of Photios and recognized him as the legitimate patriarch of Constantinople, came to be regarded as a complete forgery? These questions have been treated in detail by Dvornik in his classic work on Photios, and his conclusions have been accepted by most modern scholars.⁷

⁴ Nigel G. Wilson, *Scholars of Byzantium*. (Baltimore: Duckworth, 1983) 89.

⁵ Leslie Brubaker, *Vision and Meaning in Ninth-Century Byzantium*. (Cambridge: Cambridge University Press, 1999) 201–202. Brubaker thinks that the best modern assessment of Photios is to be found in Cyril Mango, 'The Liquidation of Iconoclasm and the Patriarch Photios,' in *Iconoclasm*, ed. Anthony A.M. Bryer and Judith Herrin. (Birmingham: University of Birmingham Byzantine Studies, 1977). 133–140

⁶ Giovanni D. Mansi, ed. *Sacrorum Conciliorum Nova et Amplissima Collectio*, (Florence and Venice: Expensis Antonii Zatta Veneti, 1758–1798) vol XVII.

⁷ Francis Dvornik, *The Photian Schism*. (Cambridge: Cambridge University Press, 1948).

In this paper I will give a summary of the results of modern scholarship on the Council of Constantinople of 879–880. There is no critical edition of the *acta* of this council, but there is sufficient evidence for us to take them seriously as giving a reliable account of what went on, even if we cannot have certainty on some points. I will outline what led up to this council and what happened during it. I will then comment on its significance, and make some suggestions about the part this council might play in the ecumenical dialogue between East and West. I will discuss three questions: What was achieved at the Council of Constantinople in 879–880? Why was this council forgotten in the West and replaced by the Council of 869/870? Why should this council be remembered today?

When Patriarch Methodios died in 843, Empress Theodora, regent for Michael III, appointed the monk Ignatios as patriarch, though she did not observe the usual procedure. Ignatios seems to have been pious but 'neither wise nor tactful.' When Theodora was displaced and Michael III declared of age, her brother, Bardas, became the chief influence on the new Emperor. The pious Patriarch Ignatios brought apparently unproved charges against Bardas. This resulted in Ignatios being accused of treason and 'persuaded' to resign in 858. Photios, a layman, was elected patriarch in his place. In spite of what happened later, his lay status was not thought to be a bar to his appointment because there were precedents for such appointments in Constantinople.

A number of bishops continued to support Ignatios and refused to acknowledge Photios; and in 858 they held a meeting in the church of St Irene, at which Photios was declared deposed and Ignatios restored as patriarch. Photios retaliated by calling a synod in the church of the Holy Apostles, where in the presence of 170 bishops Ignatios was declared deposed. Photios then sent to Rome the customary letter announcing his enthronement. He sent similar letters to the patriarchs of Alexandria, Antioch, and Jerusalem. At the same time Emperor Michael III wrote to the pope asking for legates to be sent to a council to be held in Constantinople, ostensibly to clear up iconoclasm but in reality to confirm Ignatios's deposition. In his reply to the emperor Pope Nicholas I (858–867) stressed his surprise that he had not been consulted in the affair of Patriarch Ignatios whom Michael had reported as having already freely given up his see. He was therefore charging his legates, Radoald, bishop of Porto, and Zacharias, bishop of Anagni, with the task of looking into, rather than merely confirming, Ignatios's resignation. Pope Nicholas would then make his own pronouncement. Nicholas also demanded the restoration of papal jurisdiction in Illyricum.

A council was held in 861 in Constantinople attended by the pope's legates. Photios was confirmed as patriarch. The papal legates accepted this and reported back to Rome accordingly. Photios also wrote to the pope. He defended himself from the charge of having violated canonical procedure by his rapid ascent from the lay status to the episcopate, since the canons of Sardica forbidding this were not recognized by the Byzantine Church. He pointed out that it was quite legitimate for the two churches to maintain traditions that differed in discipline and rite. About Illyricum, he said this was a matter for the emperor, in accordance with Byzantine law. Photios also asked Pope Nicholas not to give credence to those who came to Rome from Constantinople without patriarchal letters of introduction.

In March 862 Pope Nicholas repudiated his legates' action at the council of 861 and declared the case of Photios still open. At the same time he wrote to the other three Eastern patriarchs, calling Photios a most wicked intruder, and claiming that the final decision in such matters was his alone. Then in 863 he held a council in Rome at which Ignatios was declared the legitimate patriarch and Photios was deprived of his title and reduced to the lay state. The pope's legate, Zacharias of Anagni, who in 861 had reported back that Photios was the legitimate patriarch, was deposed and excommunicated. Pope Nicholas had put complete trust in the allegations of the supporters of Ignatios, who were hostile to Photios. The evidence we now have shows that Ignatios had not been arbitrarily deposed. He had submitted his resignation, admittedly under imperial pressure. Photios had been legitimately elected by a local synod in accordance with Byzantine canon law and consecrated in 858 by representatives of the various factions in Constantinople.

Emperor Michael wrote to Nicholas in 865 firmly denying the pope's right to intervene in the internal affairs of the Byzantine Church and asking for the return of the pro-Ignatian monks who had given Rome such false information. Nicholas in his reply defended his version of papal primacy and claimed that only the pope could summon a council. Photios replied by defending his church's discipline and customs. He also raised the question of the *filioque* which Frankish missionaries had introduced into the Creed. All this was set out in an encyclical letter to the Eastern patriarchs, who were invited to send representatives to Constantinople to deal with the situation. A synod was held in 867 at which Pope Nicholas was deposed and excommunicated. As Professor Hussey observed, 'the deposition was an unwise move and one of Photios's few errors of judgement. It roused the enmity of Rome and made reconciliation more diffi-

cult.⁸ Nicholas, however, had died in November 867 before he could hear about the 867 synod. Photios had been appointed by Michael III and would certainly have had his support in all these troubles since all the issues had strong political overtones.

But just at this moment the political situation in Constantinople changed dramatically. Bardas, a supporter of Photios, was murdered in 866; then in September 867, Michael III himself was assassinated. The new emperor, Basil I, who had gained the throne possibly through these murders, now needed the support of the pro-Ignatians and of Rome,⁹ was ready to sacrifice Photios. Basil wrote to Rome. He deplored the state of the Byzantine Church and stated that this was all due to the iniquities of Photios. He asked the pope to set matters right. Basil knew that, if he were to get papal support, he had no option but to replace Photios as patriarch. By then Nicholas had been succeeded by the 75-year old Hadrian II.¹⁰ He held a synod in Rome in June 869 which condemned the Photian council of 867. It deposed clergy ordained by Photios and would recognize only Ignatian bishops, who had supported Photios, if they signed a *Libellus satisfactionis* anathematizing all heresies, as well as Photios and his activities, and specifically recognizing the authority of the apostolic see.¹¹

In the autumn of 869 the papal decisions and the *Libellus satisfactionis* were taken to Constantinople by three Roman delegates. The council met in Hagia Sophia and was presided over by the patrician Baanes and not by the papal legates as the pope had intended. The condemnation of Photios and his supporters was presented as a *fait accompli*. Many bishops found this unacceptable and boycotted the council. Only seven metropolitans and five bishops came to the first session and by the last session there were 103 present. Basil insisted that Photios be heard before he was condemned. Photios reluctantly came on two occasions, but refused to defend himself. He and his followers were excommunicated in the seventh session and the offending Photian *acta* were burnt at the eighth session on November 5, 869. Apart from the imposition of penal-

⁸ Joan M. Hussey, *The Orthodox Church in the Byzantine Empire* (Oxford: Oxford University Press, 1948) 78.

⁹ He was at war with the Arabs both in the East and in Southern Italy and Sicily.

¹⁰ Pope Hadrian II (867-872). The Arab threat to southern Italy made him want an alliance with Louis II and the new emperor at Constantinople, Basil I. This suited Basil who deposed Photios both to please Rome and to have the support of the Ignatians. Hadrian shared his predecessors's views on the supremacy of papal jurisdiction.

¹¹ Mansi, XVI: 28.

ties in the Ignatian-Photian controversy, a number of other canons were drawn up and approved at the last session in February 870. Throughout the council the growing antagonism between Rome and Constantinople was very near the surface: as can be seen in the contents of the *Libellus satisfactionis*, the unpalatable demands of the legates, and their high-handed behavior.

Basil I went along with the council of 869–870, because he needed papal support as well as that of the followers of Patriarch Ignatios. As subsequent events would show, both Basil and Ignatios went their own way after the council. The pro-Photian party remained very strong and a *modus vivendi* soon had to be devised in Constantinople. In the Catholic Church the council of 869/870 has long been accepted as the Fourth Council of Constantinople, and, since the eleventh century, it has been listed as the eighth ecumenical council.¹² Of this council there are twenty seven canons in the Latin version,¹³ but only fourteen in the Greek text.¹⁴

During Ignatios's second patriarchate (867–877) relations between Rome and Constantinople were not much more harmonious than under Photios. The patriarch was in difficulties through lack of clergy, since so many pro-Photian bishops had been put out of action by the 869 council and Hadrian II refused to grant any relaxation of the penalties imposed. Rivalry over the Bulgarian Church proved a constant irritant, with Greek and Latin missionaries chasing each other out of the country. Soon Photios was recalled to Constantinople and appointed tutor to the emperor's sons. He was reconciled with Patriarch Ignatios; and when Ignatios died, Photios was reinstated as patriarch. To remove the continued opposition of a number of dissident Ignatians, Basil wrote to Rome in 877 to ask for Roman delegates for a new council that would confirm Photios as patriarch and formally revoke the conciliar condemnations of 869. This time it was the pope who needed imperial help against the Saracens who were attacking south Italy. Pope John VIII interpreted the emperor's letter as an appeal, recognizing papal jurisdiction, and agreed to send two legates.

¹² See Dvornik *The Photian Schism*, 159–201. Also idem, *Byzantium and the Roman Primacy*. (New York: Fordham University Press, 1966) 101–123; John L. Boojamra, "The Photian Synod of 878–879 and the Papal Commonitorium (879)," *Byzantine Studies* 9 (1982) 1–23; Johan Meijer, *A Successful Council of Union: A Theological Analysis of the Photian Synod of 879–880*. *Analecta Vlatadon* 23 (Thessaloniki: Patristics Institute, 1975).

¹³ Mansi, XVI: 16–207.

¹⁴ Ibid., 308–420. See also *Decrees of the Ecumenical Councils* 2 vols. (Washington/London: Georgetown/Sheed & Ward, 1990) I: 157–159.

When the papal legates arrived in Constantinople they found that Ignatios had died and Photios had been reinstated as patriarch. Fresh letters were then sent to Pope John VIII. For political reasons the pope did not want to antagonize the emperor; he would also have recognized the strength of the support for Photios among the clergy. Having discussed the matter with his clergy, he sent a third delegate, Cardinal Peter, with his terms. This brings us to the council of 879–880.

Cardinal Peter brought five letters from the pope and the *Commonitorium*, all of which were dated August 16, 879. The letters have come down to us in two versions, the first found in Rome in the register of Pope John VIII, and the second the Greek translations (or rather versions) that were actually read during the sessions of the council. The Greek version is much longer than the Roman, partly because of the more elaborate language of the Byzantine adaptation and partly because it comments on, explains, or even alters statements made in the original. It is this difference between the versions that has caused all the trouble about the Council of 879/880 and must be explained.

Pope John addressed a letter to Basil and his son, Leo, which outlined the pope's views on the Photian affair. It is a clear claim to universal papal jurisdiction in east and west. In the Roman original the emperor is praised for his wisdom and mildness. This is changed in the Greek version into wisdom and right faith, whereas the Roman version lays more stress on devotion to the Holy See! Photios would have thought that after the crisis of iconoclasm, the emperor's orthodox faith was something that should be commended by the bishop of Rome. Other references to the Roman primacy are adapted to mean reverence for St Peter. The adaptations reveal two different mentalities: the pope is thinking in terms of devotion to the Holy See, to hierarchy and order; whereas the Greek version pays more attention to the purity of faith, unity and the bond of love. Concerning the pro-Ignatian bishops who in 869 had signed the *Libellus satisfactionis*, the Photian version makes the pope say that they had transgressed the law in adding their signatures in 869; whereas now they must recognise Photios as their patriarch. In his letter the emperor had asked only that Photios be recognized as patriarch. Pope John accepted the emperor's request, but he expressed his disappointment that Photios had already taken possession of his office, despite the fact that this was forbidden until Rome was consulted. This was modified in the Greek version. The strong references to Rome's authority were left in the Latin text, but modifications were added to make the letter more acceptable in the aula. Pope John in his letter intended to revoke the sentence

against Photios of the Council of 869, but Photios changed this to an annulment of the synod itself. This displays a different attitude to councils. From the Roman point of view, decisions of a synod can be annulled without the synod itself losing its validity. In Byzantine thinking the annulment of its decisions makes the synod itself null. So the Greek version of the letter to the emperor makes the pope say that both the council of 869 and the Roman synod of 869 had been annulled and repudiated. They are called unjust synods.

I cannot go through all the adaptations that were made in this letter to the emperor before it was read in the aula. Did Photios change the essence of the papal letter in this matter? Meijer thinks that 'It would be more correct to say that Photios translated the ideas of Pope John into a language which could be understood in the East.'¹⁵ Meijer goes through all the pope's letters and analyses them according to their Roman originals and their Greek adaptations for reading to the bishops assembled in Constantinople. Here I will discuss only the *Commonitorium*. This contained the instructions that the pope gave to his delegates. It is preserved only in the Greek version which was read in the third session of the synod. It must be assumed that this text also was an adaptation of a Roman original which has been lost. Why the Latin text has not come down to us has never been explained satisfactorily. Was it removed? As a recent Orthodox writer has observed, the *Commonitorium* of Pope John 'reflected not only a ninth-century thrust for papal supremacy in the Byzantine east, but more specifically, the differing perception of ecclesiastical order between the Churches of Rome and Constantinople.'¹⁶

The *commonitorium* contains eleven chapters, with instructions to the legates on how they were to approach the authorities in Constantinople. Here I will discuss only the fourth chapter and the tenth. The fourth chapter is a revision of the Latin version which would have contained the order to the legates to have Photios appear before the synod. Then, if he made an apology for past misconduct and asked for pardon, the Roman legates were to declare him accepted by the Roman Church. This was changed into an exhortation to the bishops to accept Photios as patriarch, and a statement that Photios would welcome the help which he had received from the Roman Church. It is clear that the papal injunction for an

¹⁵ Meijer, 85.

¹⁶ Boojamra, 2. Boojamra gives the Greek text and an English translation. Meier gives the Greek text. Boojamra thinks that we are able to construct the original Latin version from the unaltered versions of the five papal letters.

apology that is to be found in the Latin originals of the letters has been deleted in the Greek version and in its place is the request that Photios be received by the synod and offer thanks to the Roman Church. Photios had no intention of making an apology since he felt that he had done nothing for which he need offer an apology. In the course of the discussion at the council it became clear that the Eastern bishops did not admit the right of the bishop of Rome to intervene in an internal issue of the Church at Constantinople. Photios had been legitimately reinstated as patriarch. All the other patriarchs simply had to recognize this fact. Elias of Jerusalem makes this point clearly in his speech.¹⁷ 'Zachary of Chalcedon, who represented the general feeling of the Eastern bishops, went as far as to blame a good deal of the ecclesiastical turmoil on the interference of Pope John's predecessors (Nicholas I and Hadrian II) who had acted without being informed about both sides in the conflict.'¹⁸

In the tenth chapter the pope writes: 'We wish that, before the standing synod, you [the papal delegates] proclaim that the synods which had taken place against Photios, the aforementioned patriarch, in the time of Hadrian, the most holy pope, in Rome and in Constantinople, from now on (*apo tou parontos*) be ostracized, and invalid and without authority, and not numbered among the other holy synods.' For many scholars it is this tenth chapter that has been the reason for disregarding the *commonitorium* all together.¹⁹ It makes two statements Firstly, the synod of 869 is to be rejected from now on (*apo tou parontos*). So it had originally been valid but now it ceased have any importance. It was not, therefore, condemning Pope Nicholas I or Pope Hadrian II. Secondly, the synod of 869 will not be numbered among the other holy synods. So it would seem that care had been taken to formulate this delicate matter in a way that would safeguard both the Roman and the Byzantine points of view. (The dialogue which interrupted the reading of the *commonitorium* at this point gives a good example of the views about synods that was prevalent among the Greek fathers.)²⁰ From the speeches of Elias of Jerusalem and others in the aula, it is clear that the Greek Fathers regarded the anti-Photian synods as unjust because they were based on misinformation

¹⁷ Mansi XVII: 484-487.

¹⁸ Boojamra, 15.

¹⁹ Cardinal Bellarmine thought that the idea that Pope John would have abrogated a council is simply incredible, and so he thought the whole thing was a fabrication by Photios.

²⁰ See Mansi, XVII: 472B, Meijer, 263-264.

and were guilty of condemning an innocent man without fully investigating the whole case.²¹

The papal legates accepted the situation as it in fact was. Bishop Paul of Ancona, the first delegate to sign the *Acta* at the close of the fifth session on January 26, 880, wrote the following passage:

'I am in communion with [Photios] in accordance with the terms and principles of the *commonitorium*. I reject and anathematise the synod that was summoned against [Photios] in the Holy Church of Constantinople. Whatever, in any way, was done against him in the time of Hadrian of holy memory, the Roman pope, I declare abrogated, anathematized, and rejected in accordance with the *commonitorium* and that assembly I do not count among the holy synods.'²²

The council published a statement of faith (*horos*) which condemned all additions to the creed.²³ It declared that no one could put forward another creed, that no one could add 'unauthentic or falsified expressions' to the ancient creed. The wording was in general terms, though its meaning was clear; and it said nothing about the theological implications of the *filioque*. The *filioque* had been introduced into the creed towards the beginning of the ninth century by the Frankish church; but it was only much later, in the eleventh century, that this Frankish influence made itself felt in Rome.

The Council of 879–880 promulgated three disciplinary canons. The second of these concerns problems that could arise if a bishop becomes a monk, while the third stipulates the penalty for striking a bishop. It is the first canon that is particularly interesting insofar as it concerns the relationship that should exist between Rome and Constantinople and between the patriarchates generally. In this canon the council decreed that there should be mutual respect between the patriarchates in disciplinary matters.²⁴ While this mutuality was formulated as a canon, the council affirmed at the same time that the privileges of the bishop of Rome would

²¹ Mansi., XVII: 472.

²² Ibid., 508.

²³ This was done at the sixth session which, unlike the previous sessions, met in the imperial palace, because the Emperor was in mourning after the death of his son.

²⁴ The canon explicitly mentions only Pope John VIII and Patriarch Photios; but, as Balsamon was to comment later, it was considered to apply to the relationship that should obtain between the five patriarchates. *Patrologia Graeca* 137, col. 1037.

be maintained 'both now and for the future'.²⁵ Just what these privileges were was not a matter on which everyone was agreed.

What was the pope's reaction to the council of 879? 'John VIII did not react altogether favorably to the proceedings of the 879/880 council. In his reply to the emperor he certainly expressed gratitude for the concession over the Bulgarian diocese and hoped for continuing help in the defense of the Holy Roman Church. He did, however, add that though supporting Photios's reinstatement he could approve his legates' actions only so long as they were not against 'apostolic instructions.' He expressed astonishment to Photios that so much that he had expressly laid down had been altered and changed. But John VIII was sufficient a diplomat and a realist to understand that Photios was firmly established with the Byzantine Church behind him. He may also have become aware of the misleading nature of the information fed to the papacy by dissidents such as Theognostos. In any case he did genuinely desire to promote church unity.'²⁶

There is, therefore, persuasive evidence to show that Pope John VIII accepted the decisions of the 879/880 Council: *certainly* with regard to the lifting of the condemnation of Photios, and *probably* also with regard to the 879 Council repudiating that of 869/870. So the council of 879/880, when peace was established again between Rome and Constantinople, should be the council that is remembered as official, as it is in the ninth-century Greek *Nomokanon*.²⁷ It is a most interesting council from an ecclesiological and canonical point of view, a council of reconciliation which should be seen as an important ecclesiastical event. It both rehabilitated Patriarch Photios and restored unity between Rome and Constantinople.²⁸ Dvornik could find no trace of references to an *eighth* ecumenical council in Rome; none of the documents of the tenth and the eleventh centuries speaks of more than *seven* ecumenical coun-

²⁵ Ibid., col. 1036-1037.

²⁶ Hussey, 85-86.

²⁷ Ivo of Chartres (1040-1115) explicitly affirmed that 'The Synod of Constantinople which was held against Photios should not be recognized. John VIII wrote to the patriarch, Photios (in 879): 'We make void that synod which was held against Photios at Constantinople and we have completely blotted it out for various reasons as well as for the fact that Hadrian did not sign its acts.' Ivo of Chartres, *Decretum*, IV, 76 and 77 (*Patrologia Latina*, vol. 161, col. 285), quoted in Tanner, I:158.

²⁸ There is a well-documented discussion of Patriarch Photios and his relations with Rome by Hans-Georg Beck in *Handbook of Church History*. Volume III, *The Church in the Age of Feudalism*, 'The Byzantine Church in the Age of Photios.' (London: Burns and Oates, 1969) 184-193.

cils. Only one explanation is possible for this, argues Dvornik: 'In the eleventh century, John VIII's verdict on the so-called Eighth Council and on Photios' rehabilitation was still in force and that council was not numbered among the ecumenical synods.'²⁹

How then did the council of 869 come to be regarded as an ecumenical council by the Latin Church? Dvornik argues persuasively that this change of attitude in the West occurred at the end of the eleventh century and was brought about by canonists and reformists of the period. It was they who 'discovered' this council, since it contained canons that were very useful for their reforming purposes. Canon 22, for example, prohibiting interference by lay powers in episcopal elections was very useful in the struggle against lay investiture.³⁰ It was one of the great canonists of the Gregorian Reform, Anselm of Lucca (d.1086), who introduced a number of the canons of the 869 council into canonical collections: canon 22, forbidding laymen to install bishops, canon 18, which prohibits all violation of ecclesiastical privileges, and canon 21 on honors due to the pope and patriarchs. (Anselm, in quoting this canon, gives the Council of 869 the title *universalis octava synodus*!)

Other Gregorian reformers follow the example of Anselm, e.g. Bonizo of Sutri, in his *Liber de Vita Christiana* (c.1089–95). Cardinal Deusdedit makes frequent use of the acts of the 'Eighth Council' in his Collection (c.1087) though he is hesitant about calling it an ecumenical council. Pope Gregory VII also referred to this council as '*octava synodus*' when quoting canon 22 against lay investiture. Later canonists in their defense of the rights of the papacy made use of the canons of 869–870 and began to give that council the ecumenical title which it had claimed for itself.

'Thus it happened that the Council of 869–70 made its semi-official appearance among the ecumenical synods at the end of the eleventh century and the beginning of the twelfth' – due to an extraordinary error committed by the canonists. Gratian included canons from this council in his *Decretum*.³¹

The council of 869/870 came back into circulation in the Latin Church for a number of reasons. There was the growing estrangement between Rome and Constantinople, of which the Photian difficulties were a sign in the ninth century, but which had increased greatly by the eleventh cen-

²⁹ Dvornik, *The Photian Schism*, 319.

³⁰ *Ibid.*, 319–320.

³¹ Dvornik, *The Photian Schism*, 340–342.

tury, and came to be symbolized by the affair of Patriarch Caerularius and Cardinal Humbert of Silva Candida in 1054. In this atmosphere, the criticisms that Photios had made about the insertion of the *filioque* into the Nicene Creed were taken as a clear example of the errors of the Greek Church. Also the pathetic condition of the Roman papacy from the end of the ninth century until well into the eleventh century did not help matters. When the reform of the papacy did come in the eleventh century, there was a rapid development of the highly centralized government of the Roman Church in which the bishop of Rome made increasing claims to universal jurisdiction over the whole Church every where. The Gregorian reform developed this centralizing approach greatly in the eleventh and twelfth centuries. In the search for canons that would support this view, the 'papalist' Council of 869 provided more suitable texts than that of 879. So the 'Council of Unity' was forgotten and the canons of 869 were remembered, along with their condemnation of Photios.

However, the council of 879/80 should be restored to its rightful position. All should accept the evidence showing that the canons condemning Photios were in fact abrogated by this council. This was accepted by Pope John VIII, and full communion was restored with the bishop of Rome and the patriarch of Constantinople. The Latin Church should make clear that it acknowledges the greatness of Photios as one of the outstanding leaders of the ninth-century Church. It should admit that Pope Nicholas I and Pope Hadrian II had received only very biased information from anti-Photian informants in Rome and the pro-Ignatius parties when they felt compelled to treat Photios so harshly. It should acknowledge the *political influences* that lay behind the affair: the desire of Emperor Basil to have Roman support in 869, the pope's interest in having control over the church in Bulgaria as well as having imperial support against Arab forces in Southern Italy.

The council of 869/870, with its highly offensive language about Photios, should be removed from the official list of general councils. This would be a symbolic gesture of great significance. The acts of the council of 869 include expressions of severe criticism of Photios—'miser namque Photios,' 'In supremam quippe arrogantiam elatus est,' and so on, as well as the canons condemning Photios. This 869 council also refers to Basil, who had assassinated his predecessor, Michael III, as 'our most devout and serene emperor, who is a friend of divine justice and an enemy of injustice.' It goes on to condemn 'the evil machinations of the wretched Photios. He entered the sheepfold not through the door but through a window, and, like a thief or a robber, a destroyer of souls, as the

Lord's words indicate, has tried on every occasion and by every means, to steal, slaughter and destroy the right-thinking sheep of Christ and by engineering all manner of persecution, he has not ceased from contriving numerous arrests and imprisonments, confiscations of property . . .³² There are many similar expressions in the canons. All this is still included among the most authoritative conciliar documents and has been read in the Latin Church for almost a thousand years. We now know that these charges were without foundation.³³ What Dvornik has called the *Legend of Photios* has done great harm to the relations between Latins and Greeks. These canons have perpetuated an injustice. Not only have they been unjust to Photios. They have also made more difficult the dialogue between the Greek Church and the Latin Church. Photios was the greatest scholar of his time. He is held in high honour as a saint in the Byzantine church. He was reconciled with Rome and it is now agreed that there was no second Photian schism.³⁴

We should be encouraged to reflect on the ecclesiology that is embodied in the discussions, declarations, and canons of the Council of 879/870, an ecclesiology that fosters diversity in unity, an ecclesiology that respects different usages and customs in different parts of the One Church, and positively encourages the practical exercise of collegiality. The Council of 879 was a synod of union. Yet the ecclesiology of Patriarch Photios (and that of the other Eastern patriarchs) was quite different from the ecclesiology of the legates of Pope John VIII. These were potentially divisive issues about authority in the Church. They can be clearly seen in the discussions that took place during the council. They did not divide the Church then. Should they divide the Church now?

The first seven ecumenical councils—from Nicaea I (325) to Nicaea II (787)—were, and are still, accepted as authoritative by both Rome and Constantinople. Wilhelm de Vries made a study of these councils with a view to finding out how the structures of the Church were understood in these first eight centuries of Christianity. His research has shown that there were divergent views about the exercise of authority in the Church right from the time of the Chalcedon in 451. The Eastern bishops stressed

³² Tanner, I: 163.

³³ For a discussion of the different ideas of the Church that are mirrored in each of these two councils, see Pelopidas Stephanou, "Deux conciles, deux ecclésiologies? Les conciles de Constantinople en 869 et en 879," *Orientalia Christiana Periodica* 39 (1973) 363–407.

³⁴ See Dvornik, *The Photian Schism*, 175ff; Hussey, 83–86.

the collegial nature of church authority, while Pope Leo the Great stressed the monarchical. De Vries maintains, for example, that the bishops at the Council of Chalcedon did not simply accept as decisive the *Tomus Leonis*, on its own. Otherwise there would have been no need for a debate on it in the council. He argues persuasively that the study of the first seven councils shows that the Greek East and the Latin West differed profoundly on the way of conceiving the Church as an institution. As Congar points out in his presentation of De Vries's book, we already knew that there were divergent views in the East and in the West with regard to the exercise of the power of jurisdiction. De Vries has demonstrated this with precise historical documentation. He has encouraged us to re-read the history of these centuries with a more critical eye.³⁵

The Decree on Ecumenism of the Second Vatican Council urged all who are interested in the restoration of full communion between the churches of the East and the Catholic Church to give due consideration to 'The origin and growth of the eastern churches, and to the character of the relations which obtained between them and the Roman see before separation.'³⁶ When discussing the Eastern Catholic Churches, the same council, decreed that 'in keeping with the church's very ancient tradition, the patriarchs of the eastern churches are to be attended with special honour' and 'their rights and privileges be restored in accordance with the ancient traditions of each church and the decrees of ecumenical synods.' The decree went on immediately to clarify what was meant by the rights and privileges it had mentioned. They were the rights and privileges that were in force when the churches were still in communion with each other.³⁷ Just what were these ancient rights and privileges 'which were in force at the time of the union between east and west'? The council of 879/880 sheds some light on how these rights and privileges were exercised in the united Church; it helps us to see how the Eastern patriarchs led their respective churches and how the collegiality of the bishops was exercised in practice.

³⁵ See Wilhelm De Vries, *Orient et Occident. Les structures ecclésiales vues dans l'histoire des sept premiers conciles oecuméniques*. (Paris: Editions du Cerf, 1974). See also Yves Congar, *L'Ecclésiologie du haut Moyen Age*, (Paris: Editions du Cerf, 1968) 324-393.

³⁶ *Unitatis redintegratio* 14.

³⁷ *Orientalium Ecclesiarum* 9. The sources cited for this paragraph are the following: canon 6 of the First Council of Nicaea (325); canons 2 and 3 of the First Council of Constantinople (381); canons 9 and 28 of the Council of Chalcedon (451); canons 17 and 21 of the Fourth Council of Constantinople (869); canons 5 and 30 of the Fourth Lateran Council, and the *Decretum pro Graecis* of the Council of Florence (1439).

In his encyclical of May 1995, *Ut unum sint*, on the importance of the ecumenical dialogue, Pope John Paul II invited all who call themselves disciples of Christ to redouble their commitment to achieving the full unity of all Christians; and he made the following statement: 'Whatever relates to the unity of all Christian communities clearly forms part of the concerns of the primacy . . . I am convinced that I have a particular responsibility in this regard, above all in acknowledging the ecumenical aspirations of the majority of Christian communities and in heeding the request made to me to find a way of exercising the primacy which, while in no way renouncing what is essential to its mission, is nonetheless open to a new situation.'³⁸

An examination of the canonical collections that were used throughout the first millennium illustrates how the Roman primacy was exercised in the first millennium. It shows clearly that unity in the faith did not entail uniformity in discipline. Perhaps such a study of earlier canonical practice could throw light on the direction in which the Church could move in the third millennium and provide some help in answering Pope John Paul's desire to heed the request made to him to exercise the primacy in a way that is open to the new situation that now presents itself.

In the same encyclical, *Ut unum sint*, the pope declared that 'legitimate diversity is in no way opposed to the Church's unity but rather enhances her splendour and contributes greatly to the fulfilment of her mission.'³⁹ In 1976 Cardinal Ratzinger, now Pope Benedict XVI, made the following statement: 'Rome must not require more from the East with respect to the doctrine of primacy than had been formulated and was lived during the first millennium. When, on July 25, 1967, Patriarch Athenagoras addressed the pope, visiting in the Phanar, as Peter's successor, the first in honour among us who presides in charity, this great church leader was expressing the essential content of the declarations of the first millennium on the primacy; and Rome need not require more.'⁴⁰ To quote Meijer:

'Christians must return to the spirit which inspired the fathers of 879/80. In such a return to the *common road* lies the challenge of

³⁸ Encyclical letter, *Ut unum sint*, May 25, 1995, par. 95.

³⁹ *Ibid.*, par. 50.

⁴⁰ Joseph Ratzinger, 'Die ökumenische Situation—Orthodoxie, Katholizismus und Reformation,' in *Theologische Prinzipienlehre Bausteine zur Fundamental Theologie* (Munich: Erich Wewel, 1982) 209; quoted in John P. Galvin, 'Papal Primacy in Contemporary Roman Catholic Theology,' *Theological Studies* 47 (1986) 664.

the synod of Photios. Sincere desire for unity calls upon the Church in freedom, unity and obedience to the Word of God to confront the discussion which remained open in 880. The ecclesiological questions which were not solved in the ninth century, and which were finally going to divide the Christian Church, are still acute today. They are the questions about the *criterion of truth* within the Church. The Roman Catholic Church believes it is obedient to the Word of God when it points to the vocation of the successor of Peter, as the voice of unity, the God-willed guarantee of the right proclamation of the Word of his truth. What exactly does this conviction mean? The Orthodox Church is convinced that this is not the right belief. Her objections are not uniform. Some point to the ecumenical councils as this infallible guarantee, others to the *consensus fidelium* which accepts or rejects a council.⁴¹

All this raises questions that should be faced. To quote a recent writer on the council of 879–880: 'Beyond its immediate decisions regarding Photios and the restoration of peace within the Byzantine Church and between the Churches of Rome and Constantinople, the affirmation of mutuality and equality in customary and disciplinary procedures may prove to be an ecumenical reference point from which to begin a serious ecumenical dialogue.'⁴² We should therefore restore to the list of the councils the council of 879/880 as the council accepted by Pope John VIII in 880.

The Council in Trullo can be viewed as an attempt to impose Byzantine customs on the whole Christian community, and the council of 869 was an attempt to force Rome's views on Eastern patriarchates. The council of 879/880 can be seen as a reasoned answer to both these previous councils. My final suggestion is that we should promote the production of a critical edition of the *acta* of the Council of 879/880, with a translation and commentary. This could become a focal point for reconsideration in the ecumenical dialogue between Rome and Constantinople.

⁴¹ Meijer, 210.

⁴² Boomjara, 23.