

**0314-0314 – Concilium Anchiritanum – Documenta Omnia**

**The Council Of Ancyra**

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A.D. 314.

## THE COUNCIL OF ANCYRA.

*Emperors.*—CONSTANTINE AND LICINIUS.

*Elenchus.*

*Historical Note.*

*The Canons with the Ancient Epitome and Notes.*

*Excursus to Canon XIX on Digamy.*



### Historical Note.

Soon after the death of the Emperor Maximin,<sup>116</sup> a council was held at Ancyra, the capital of Galatia. Only about a dozen bishops were present, and the lists of subscriptions which are found appended to the canons are not to be depended on, being evidently in their present form of later authorship; as has been shewn by the Ballerini. If we may at all trust the lists, it would seem that nearly every part of Syria and Asia Minor was represented, and that therefore the council while small in numbers was of considerable weight. It is not certain whether Vitalis, (bishop of Antioch,) presided or Marcellus, who was at the time bishop of Ancyra. The honour is by the Libellus Synodicus assigned to the latter.

The disciplinary decrees of this council possess a singular interest as being the first enacted after the ceasing of the persecution of the Christians and as providing for the proper treatment of the lapsed. Recently two papyri have been recovered, containing the official certificates granted by the Roman government to those who had lapsed and offered sacrifice. These apostates were obliged to acknowledge in public their adhesion to the national religion of the empire, and then were provided with a document certifying to this fact to keep them from further trouble. Dr. Harnack (*Preussische Jahrbücher*) writing of the yielding of the lapsed says:

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<sup>116</sup> Not "Maximilian," as in the English translation of Hefele's *History of the Councils*, Vol. I., p. 199 (revised edition).

Maximian died in 310, Galerius in 311, Maxentius in 312, and Diocletian in 313.

“The Church condemned this as lying and denial of the faith, and after the termination of the persecution, these unhappy people were partly excommunicated, partly obliged to submit to severe discipline. Who would ever suppose that the records of their shame would come doom to our time?—and yet it has actually happened. Two of these papers have been preserved, contrary to all likelihood, by the sands of Egypt which so carefully keep what has been entrusted to them. The first was found by Krebs in a heap of papyrus, that had come to Berlin; the other was found by Wessely in the papyrus collection of Archduke Rainer. ‘I, Diogenes, have constantly sacrificed and made offerings, and have eaten in your presence the sacrificial meat, and I petition you to give me a certificate.’ Who to-day, without deep emotion, can read this paper and measure the trouble and terror of heart under which the Christians of that day collapsed?”



### The Canons of the Council of Ancyra.

*(Found in Labbe and Cossart’s Concilia, and all Collections, in the Greek text together with several Latin versions of different dates. Also in Justellus and Beveridge. There will also be found annotations by Routh, and a reprint of the notes of Christopher Justellus and of Bp. Beveridge in Vol. IV. of the Reliquiæ Sacræ, ed. altera, 1846.)*

#### Canon I.

WITH regard to those presbyters who have offered sacrifices and afterwards returned to the conflict, not with hypocrisy, but in sincerity, it has seemed good that they may retain the honour of their chair; provided they had not used management, arrangement, or persuasion, so as to appear to be subjected to the torture, when it was applied only in seeming and pretence. Nevertheless it is not lawful for them to make the oblation, nor to preach, nor in short to perform any act of sacerdotal function.

#### Notes.

##### ANCIENT EPITOME TO CANONS I. AND II.

*Presbyters and deacons who offered sacrifice and afterwards renewed the contest for the truth shall have only their seat and honour, but shall not perform any of the holy functions.*

##### ZONARAS.

Of those that yielded to the tyrants in the persecution, and offered sacrifice, some, after having been subjected to torture, being unable to withstand to the end its force and intensity, were conquered, and denied the faith; some, through effeminacy, before they experienced any suffering, gave way, and lest they should seem to sacrifice voluntarily they persuaded the executioners, either by bribes

or entreaties, to manifest perhaps a greater degree of severity against them, and seemingly to apply the torture to them, in order that sacrificing under these circumstances they might seem to have denied Christ, conquered by force, and not through effeminacy.

HEFELE.

It was quite justifiable, and in accordance with the ancient and severe discipline of the Church, when this Synod no longer allowed priests, even when sincerely penitent, to discharge priestly functions. It was for this same reason that the two Spanish bishops, Martial and Basilides, were deposed, and that the judgment given against them was confirmed in 254 by an African synod held under St. Cyprian.

The reader will notice how clearly the functions of a presbyter are set forth in this canon as they were understood at that time, they were “to offer” (προσφέρειν), “to preach” (ὁμιλεῖν), and “to perform any act of sacerdotal function” (λειτουργεῖν τι τῶν ἱερατικῶν λειτουργιῶν).

This canon is in the *Corpus Juris Canonici Decretum*. Pars I., Dist. I., c. xxxii.

## Canon II.

It is likewise decreed that deacons who have sacrificed and afterwards resumed the conflict, shall enjoy their other honours, but shall abstain from every sacred ministry, neither bringing forth the bread and the cup, nor making proclamations. Nevertheless, if any of the bishops shall observe in them distress of mind and meek humiliation, it shall be lawful to the bishops to grant more indulgence, or to take away [what has been granted].

For Ancient Epitome see above under Canon I.

In this canon the work and office of a deacon as then understood is set forth, viz.: “to bring forth” (whatever that may mean) “bread or wine” (ἄρτον ἢ ποτηριον ἀναφέρειν) and “to act the herald” (κηρύσσειν). There is considerable difference of opinion as to the meaning of the first of these expressions. It was always the duty of the deacon to serve the priest, especially when he ministered the Holy Communion, but this phrase may refer to one of two such ministrations, either to bringing the bread and wine to the priest at the offertory, and this is the view of Van Espen, or to the distribution of the Holy Sacrament to the people. It has been urged that the deacon had ceased to administer the species of bread before the time of this council, but Hefele shews that the custom had not entirely died out.

If I may be allowed to offer a suggestion, the use of the disjunctive ἢ seems rather to point to the administration of the sacrament than to the bringing of the oblations at the offertory.

The other diaconal function “to act the herald” refers to the reading of the Holy Gospel, and to the numerous proclamations made by the deacons at mass both according to the Greek and Latin Rite.

This canon is in the *Corpus Juris Canonici* united with the foregoing. *Decretum.*, Pars I., Dist. I., c. xxxii.

### Canon III.

THOSE who have fled and been apprehended, or have been betrayed by their servants; or those who have been otherwise despoiled of their goods, or have endured tortures, or have been imprisoned and abused, declaring themselves to be Christians; or who have been forced to receive something which their persecutors violently thrust into their hands, or meat [offered to idols], continually professing that they were Christians; and who, by their whole apparel, and demeanour, and humility of life, always give evidence of grief at what has happened; these persons, inasmuch as they are free from sin, are not to be repelled from the communion; and if, through an extreme strictness or ignorance of some things, they have been repelled, let them forthwith be re-admitted. This shall hold good alike of clergy and laity. It has also been considered whether laymen who have fallen under the same compulsion may be admitted to orders, and we have decreed that, since they have in no respect been guilty, they may be ordained; provided their past course of life be found to have been upright.

### Notes.

#### ANCIENT EPITOME OF CANON III.

*Those who have been subjected to torments and have suffered violence, and have eaten food offered to idols after being tyrannized over, shall not be deprived of communion. And laymen who have endured the same sufferings, since they have in no way transgressed, if they wish to be ordained, they may be, if otherwise they be blameless.*

In the translation the word “abused” is given as the equivalent of περισχισθέντας, which Zonaras translated, “if their clothes have been torn from their bodies,” and this is quite accurate if the reading is correct, but Routh has found in the Bodleian several mss. which had περισχεθέντας. Hefele adopts this reading and translates “declaring themselves to be Christians but who have subsequently been vanquished, whether their oppressors have by force put incense into their hands or have compelled them, etc.” Hammond translates “and have been harassed by their persecutors forcibly putting something into their hands or who have been compelled, etc.” The phrase is obscure at best with either reading.

This canon is in the *Corpus Juris Canonici* united to the two previous canons, *Decretum*, Pars I., Dist. 1., c. xxxii.

### Canon IV.

CONCERNING those who have been forced to sacrifice, and who, in addition, have partaken of feasts in honour of the idols; as many as were haled away, but afterwards went up with a cheerful countenance, and wore their costliest apparel, and partook with indifference of the feast provided; it is decreed that all such be hearers for one year, and prostrators for three years, and that they communicate in prayers only for two years, and then return to full communion.



### Notes.

ANCIENT EPITOME OF CANON IV.

*Such as have been led away and have with joy gone up and eaten are to be in subjection for six years.*

In the Greek the word for “full communion” is τὸ τέλειον (“the perfection”), an expression frequently used by early writers to denote the Holy Communion. *Vide Suicer, Thesaurus ad h. v.*

BINGHAM.

[The Holy Communion was so called as being] that sacred mystery which unites us to Christ, and gives us the most consummate perfection that we are capable of in this world.

### Canon V.

As many, however, as went up in mourning attire and sat down and ate, weeping throughout the whole entertainment, if they have fulfilled the three years as prostrators, let them be received without oblation; and if they did not eat, let them be prostrators two years, and in the third year let them communicate without oblation, so that in the fourth year they may be received into full communion. But the bishops have the right, after considering the character of their conversion, either to deal with them more leniently, or to extend the time. But, first of all, let their life before and since be thoroughly examined, and let the indulgence be determined accordingly.

### Notes.

## ANCIENT EPITOME OF CANON V.

*Those who have gone up in mourning weeds, and have eaten with tears, shall be prostrators for three years; but if they have not eaten, then for two years. And according to their former and after life, whether good or evil, they shall find the bishop gentle or severe.*

Herbst and Routh have been followed by many in supposing that “oblation” (προσφορά) in this canon refers to the sacrament of the altar. But this seems to be a mistake, as the word while often used to denote the whole act of the celebration of the Holy Eucharist, is not used to mean the receiving alone of that sacrament.

Suicer (*Thesaurus* s.v. προσφορά) translates “They may take part in divine worship, but not actively,” that is, “they may not mingle their offerings with those of the faithful.”

## HEFELE.

But as those who cannot present their offerings during the sacrifice are excluded from the communion, the complete meaning of the canon is: “They may be present at divine service, but may neither offer nor communicate with the faithful.”

## Canon VI.

CONCERNING those who have yielded merely upon threat of penalties and of the confiscation of their goods, or of banishment, and have sacrificed, and who till this present time have not repented nor been converted, but who now, at the time of this synod, have approached with a purpose of conversion, it is decreed that they be received as hearers till the Great Day, and that after the Great Day they be prostrators for three years, and for two years more communicate without oblation, and then come to full communion, so as to complete the period of six full years. And if any have been admitted to penance before this synod, let the beginning of the six years be reckoned to them from that time. Nevertheless, if there should be any danger or prospect of death whether from disease or any other cause, let them be received, but under limitation.

## Notes.

## ANCIENT EPITOME OF CANON VI.

*A man who yielded to threats alone, and has sacrificed, and then repented let him for five years be a prostrator.*

## ZONARAS.



But should any of those debarred from communion as penitents be seized with illness or in any other way be brought nigh to death, they may be received to communion; but in accordance with this law or distinction, that if they escape death and recover their health, they shall be altogether deprived again of communion until they have finished their six years penance.

HAMMOND.

“The Great Day,” that is, Easter Day. The great reverence which the Primitive Church from the earliest ages felt for the holy festival of Easter is manifested by the application of the epithet Great, to everything connected with it. The preceding Friday, i.e., Good Friday, was called the Great Preparation, the Saturday, the Great Sabbath, and the whole week, the Great Week.

## Canon VII.

CONCERNING those who have partaken at a heathen feast in a place appointed for heathens, but who have brought and eaten their own meats, it is decreed that they be received after they have been prostrators two years; but whether with oblation, every bishop must determine after he has made examination into the rest of their life.

## Notes.

ANCIENT EPITOME OF CANON VII.

*If anyone having his own food, shall eat it with heathen at their feasts, let him be a prostrator for two years.*

HEFELE.

Several Christians tried with worldly prudence, to take a middle course. On the one hand, hoping to escape persecution, they were present at the feasts of the heathen sacrifices, which were held in the buildings adjoining the temples; and on the other, in order to appease their consciences, they took their own food, and touched nothing that had been offered to the gods. These Christians forgot that St. Paul had ordered that meats sacrificed to the gods should be avoided, not because they were tainted in themselves, as the idols were nothing, but from another, and in fact a twofold reason: 1st, Because, in partaking of them, some had still the idols in their hearts, that is to say, were still attached to the worship of idols, and thereby sinned; and 2dly, Because others scandalized their brethren, and sinned in that way. To these two reasons a third may be added, namely, the hypocrisy and the duplicity of those Christians who wished to appear heathens, and nevertheless to remain Christians. The Synod punished them with two years of penance in the third degree, and



gave to each bishop the right, at the expiration of this time, either to admit them to communion, or to make them remain some time longer in the fourth degree.

### Canon VIII.

LET those who have twice or thrice sacrificed under compulsion, be prostrators four years, and communicate without oblation two years, and the seventh year they shall be received to full communion.

#### Notes.

ANCIENT EPITOME OF CANON VIII.

*Whoever has sacrificed a second or third time, but has been led thereto by force, shall be a prostrator for seven years.*

VAN ESPEN.

This canon shews how in the Church it was a received principle that greater penances ought to be imposed for the frequent commission of the same crime, and consequently it was then believed that the number of times the sin had been committed should be expressed in confession, that the penance might correspond to the sin, greater or less as the case may be, and the time of probation be accordingly protracted or remitted.

### Canon IX.

AS many as have not merely apostatized, but have risen against their brethren and forced them [to apostatize], and have been guilty of their being forced, let these for three years take the place of hearers, and for another term of six years that of prostrators, and for another year let them communicate without oblation, in order that, when they have fulfilled the space of ten years, they may partake of the communion; but during this time the rest of their life must also be enquired into.

#### Notes.

ANCIENT EPITOME OF CANON IX.

*Whoever has not only sacrificed voluntarily but also has forced another to sacrifice, shall be a prostrator for ten years.*

[It will be noticed that this epitome does not agree with the canon, although Aristenus does not note the discrepancy.]

VAN ESPEN.

From this canon we are taught that the circumstances of the sin that has been committed are to be taken into account in assigning the penance.

ARISTENUS.

When the ten years are past, he is worthy of perfection, and fit to receive the divine sacraments. Unless perchance an examination of the rest of his life demands his exclusion from the divine communion.

### Canon X.

THEY who have been made deacons, declaring when they were ordained that they must marry, because they were not able to abide so, and who afterwards have married, shall continue in their ministry, because it was conceded to them by the bishop. But if any were silent on this matter, undertaking at their ordination to abide as they were, and afterwards proceeded to marriage, these shall cease from the diaconate.

### Notes.

ANCIENT EPITOME OF CANON X.

*Whoso is to be ordained deacon, if he has before announced to the bishop that he cannot persevere unmarried, let him marry and let him be a deacon; but if he shall have kept silence, should he take a wife afterwards let him be cast out.*

VAN ESPEN.

The case proposed to the synod and decided in this canon was as follows: When the bishop was willing to ordain two to the diaconate, one of them declared that he did not intend to bind himself to preserving perpetual continence, but intended to get married, because he had not the power to remain continent. The other said nothing. The bishop laid his hands on each and conferred the diaconate.

After the ordination it fell out that both got married, the question propounded is, What must be done in each case? The synod ruled that he who had made protestation at his ordination should remain in his ministry, "because of the license of the bishop," that is that he might contract

matrimony after the reception of the diaconate. With regard to him who kept silence the synod declares that he should cease from his ministry.

The resolution of the synod to the first question shews that there was a general law which bound the deacons to continence; but this synod judged it meet that the bishops for just cause might dispense with this law, and this license or dispensation was deemed to have been given by the bishop if he ordained him after his protestation at the time of his ordination that he intended to be married, because he could not remain as he was; giving by the act of ordination his tacit approbation. Moreover from this decision it is also evident that not only was the ordained deacon allowed to enter but also to use matrimony after his ordination....Moreover the deacon who after this protestation entered and used matrimony, not only remained a deacon, but continued in the exercise of his ministry.

On the whole subject of Clerical Celibacy in the Early Church see the Excursus devoted to that matter.

This canon is found in the *Corpus Juris Canonici. Decretum Pars I., Dist. xxviii, c. viii.*



## Canon XI.

It is decreed that virgins who have been betrothed, and who have afterwards been carried off by others, shall be restored to those to whom they had formerly been betrothed, even though they may have suffered violence from the ravisher.

### Notes.

#### ANCIENT EPITOME OF CANON XI.

*If a young girl who is engaged be stolen away by force by another man, let her be restored to the former.*

#### HEFELE.

This canon treats only of betrothed women (of the *sponsalia de futuro*) not of those who are married (of the *sponsalia de præsenti*). In the case of the latter there could be no doubt as to the duty of restitution. The man who was betrothed was, moreover, at liberty to receive his affianced bride who had been carried off or not.

#### JOHNSON.

Here Balsamon puts in a very proper *cave*, viz.: If he to whom she was espoused demand her to be his wife.

Compare St. Basil's twenty-second canon in his letter to Amphilochius, where it is so ruled.

### Canon XII.

It is decreed that they who have offered sacrifice before their baptism, and were afterwards baptized, may be promoted to orders, inasmuch as they have been cleansed.

#### Notes.

ANCIENT EPITOME OF CANON XII.

*Whoso has sacrificed before his baptism, after it shall be guiltless.*

HEFELE.

This canon does not speak generally of all those who sacrificed before baptism; for if a heathen sacrificed before having embraced Christianity, he certainly could not be reproached for it after his admission. It was quite a different case with a catechumen, who had already declared for Christianity, but who, during the persecution had lost courage, and sacrificed. In this case it might be asked whether he could still be admitted to the priesthood. The Council decided that a baptized catechumen could afterwards be promoted to holy orders.

### Canon XIII.

It is not lawful for Chorepiscopi to ordain presbyters or deacons, and most assuredly not presbyters of a city, without the commission of the bishop given in writing, in another parish.

#### Notes.

ANCIENT EPITOME OF CANON XIII.

*A chorepiscopus is not to ordain without the consent of the bishop.*

HEFELE.

If the first part of the thirteenth canon is easy to understand, the second, on the contrary, presents a great difficulty; for a priest of a town could not in any case have the power of consecrating priests and deacons, least of all in a strange diocese. Many of the most learned men have, for this reason, supposed that the Greek text of the second half of the canon, as we have read it, is incorrect or



defective. It wants, say they, ποιῆν τι, or *aliquid agere, i.e., to complete a religious function*. To confirm this supposition, they have appealed to several ancient versions, especially to that of Isidore: *sed nec presbyteris civitatis sine episcopi præcepto amplius aliquid imperare, vel sine auctoritate literarum ejus in unaquaque* (some read ἐν ἐκάστη instead of ἐν ἑτέρῳ) *parochia aliquid agere*. The ancient Roman MS. of the canons, *Codex Canonum*, has the same reading, only that it has *provincia* instead of *parochia*. Fulgentius Ferrandus, deacon of Carthage, who long ago made a collection of canons, translates in the same way in his *Breviatio Canonum: Ut presbyteri civitatis sine jussu episcopi nihil jubeant, nec in unaquaque parochia aliquid agant*. Van Espen has explained this canon in the same way.

Routh has given another interpretation. He maintained that there was not a word missing in this canon, but that at the commencement one ought to read, according to several MSS. χωρεπισκόποις in the dative, and further down ἀλλὰ μὴν μηδὲ instead of ἄλλα μηδὲ then πρεσβυτέρους (in the accusative) πόλεως and finally ἐκάστη instead of ἑτέρῳ, and that we must therefore translate, “*Chorepiscopi* are not permitted to consecrate priests and deacons (for the country) still less (ἀλλὰ μὴν μηδὲ) can they consecrate priests for the town without the consent of the bishop of the place.” The Greek text, thus modified according to some MSS., especially those in the Bodleian Library, certainly gives a good meaning. Still ἀλλὰ μὴν μηδὲ does not mean, *but still less*: it means, *but certainly not*, which makes a considerable difference.

Besides this, it can very seldom have happened that the *chorepiscopi* ordained presbyters or deacons for a town; and if so, they were already forbidden, at least implicitly, in the first part of the canon.

## Canon XIV.

It is decreed that among the clergy, presbyters and deacons who abstain from flesh shall taste of it, and afterwards, if they shall so please, may abstain. But if they disdain it, and will not even eat herbs served with flesh, but disobey the canon, let them be removed from their order.

### Notes.

#### ANCIENT EPITOME OF CANON XIV.

*A priest who is an abstainer from flesh, let him merely taste it and so let him abstain. But if he will not taste even the vegetables cooked with the meat let him be deposed (πεπάυσθω).*

There is a serious dispute about the reading of the Greek text. I have followed Routh, who, relying on three MSS. the *Collectio* of John of Antioch and the Latin versions, reads εἰ δὲ

βδελύσσοιντο instead of the εἰ δὲ βούλοιντο of the ordinary text, which as Bp. Beveridge had pointed out before has no meaning unless a μὴ be introduced.

Zonaras points out that the canon chiefly refers to the Love feasts.

I cannot agree with Hefele in his translation of the last clause. He makes the reference to “this present canon,” I think it is clearly to the 53 (52) of the so-called Canons of the Apostles, τῷ κανόνι “the well-known Canon.”

### Canon XV.

CONCERNING things belonging to the church, which presbyters may have sold when there was no bishop, it is decreed that the Church property shall be reclaimed; and it shall be in the discretion of the bishop whether it is better to receive the purchase price, or not; for oftentimes the revenue of the things sold might yield them the greater value.

### Notes.

ANCIENT EPITOME OF CANON XV.

*Sales of Church goods made by presbyters are null, and the matter shall rest with the bishop.*

HEFELE.

If the purchaser of ecclesiastical properties has realized more by the temporary revenue of such properties than the price of the purchase, the Synod thinks there is no occasion to restore him this price, as he has already received a sufficient indemnity from the revenue, and as, according to the rules then in force, *interest* drawn from the purchase money was not permitted. Besides, the purchaser had done wrong in buying ecclesiastical property during the vacancy of a see (*sede vacante*). Beveridge and Routh have shown that in the text ἀνακαλεῖσθαι and πρόσοδον must be read.<sup>117</sup>



### Canon XVI.

LET those who have been or who are guilty of bestial lusts, if they have sinned while under twenty years of age, be prostrators fifteen years, and afterwards communicate in prayers; then,

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<sup>117</sup> ἀνακαλεῖσθαι for ἀναβαλεῖσθαι and πρόσοδον for εἰσοδον.

having passed five years in this communion, let them have a share in the oblation. But let their life as prostrators be examined, and so let them receive indulgence; and if any have been insatiable in their crimes, then let their time of prostration be prolonged. And if any who have passed this age and had wives, have fallen into this sin, let them be prostrators twenty-five years, and then communicate in prayers; and, after they have been five years in the communion of prayers, let them share the oblation. And if any married men of more than fifty years of age have so sinned, let them be admitted to communion only at the point of death.

### Notes.

#### ANCIENT EPITOME OF CANON XVI.

*Whoever shall have commerce with animals devoid of reason being younger than twenty, shall be a prostrator for fifteen years. If he is over that age and has a wife when he falls into this wickedness he shall be a prostrator for twenty-five years. But the married man who shall do so when over fifty years of age, shall be a prostrator to his life's end.*

It is interesting to compare with this, as Van Espen does, the canon of the Church of England set forth in the tenth century under King Edgar, where, Part II., canon xvi., we read—

“If any one twenty years of age shall defile himself with a beast, or shall commit sodomy let him fast fifteen years; and if he have a wife and be forty years of age, and shall do such a deed let him abstain now and fast all the rest of his life, neither shall he presume until he is dying to receive the Lord's body. Youths and fools who shall do any such thing shall be soundly trounced.”

### Canon XVII.

DEFILERS of themselves with beasts, being also leprous, who have infected others [with the leprosy of this crime], the holy Synod commands to pray among the hiernantes.

### Notes.

#### ANCIENT EPITOME OF CANON XVII.

*A leper who goes in to a beast or even to leprous women, shall pray with the hybernantes.*

Λεπρώσαντας is from λεπρώ not from λεπράω and therefore cannot mean “have been lepers,” but “have made others rough and scabby.” It is only in the passive and in Alexandrian Greek that it has the meaning to become leprous. *Vide* Liddell and Scott.

There seems but little doubt that the word is to be understood spiritually as suggested above.

The last word of the canon is also a source of confusion. Both Beveridge and Routh understand by the χειμαζόμενοι those possessed with devils. Suicer however (*Thesaurus*) thinks that the penitents of the lowest degree are intended, who had no right to enter the church, but were exposed in the open porch to the inclemencies (χειμών) of the weather. But, after all it matters little, as the possessed also were forced to remain in the same place, and shared the same name.

Besides the grammatical reason for the meaning of λεπρώσαντας given above there is another argument of Hefele's, as follows:

HEFELE.

It is clear that λεπρώσαντας cannot possibly mean "those who have been lepers"; for there is no reason to be seen why those who were cured of that malady should have to remain outside the church among the flentes. Secondly, it is clear that the words λεπρούς ὄντας, etc. are added to give force to the expression ἀλογευσάμενοι. The preceding canon had decreed different penalties for different kinds of ἀλογευσάμενοι. But that pronounced by canon xvii. being much severer than the preceding ones, the ἀλογευσάμενοι of this canon must be greater sinners than those of the former one. This greater guilt cannot consist in the fact of a literal leprosy; for this malady was not a consequence of bestiality. But their sin was evidently greater when they tempted others to commit it. It is therefore λέπρα in the figurative sense that we are to understand, and our canon thus means; "Those who were spiritually leprous through this sin, and tempting others to commit it made them leprous."



### Canon XVIII.

IF any who have been constituted bishops, but have not been received by the parish to which they were designated, shall invade other parishes and wrong the constituted [bishops] there, stirring up seditions against them, let such persons be suspended from office and communion. But if they are willing to accept a seat among the presbyterate, where they formerly were presbyters, let them not be deprived of that honour. But if they shall act seditiously against the bishops established there, the honour of the presbyterate also shall be taken from them and themselves expelled.

### Notes.

ANCIENT EPITOME OF CANON XVIII.

*If a bishop who has been duly constituted, is not received by the Church to which he was elected, but gives trouble to other bishops, let him be excommunicated.*



*If he wishes to be numbered among the presbyters, let him be so numbered. But if he shall be at outs with the bishops duly constituted there, let him be deprived of the honour of being even a presbyter.*

The word I have translated “suspended from office and communion” is ἀφορίζεσθαι . Suicer in his *Thesaurus* shews that this word does not mean only, as some have supposed, a deprivation of office and dignity (e.g., Van Espen), but also an exclusion from the communion of the Church.

### Canon XIX.

IF any persons who profess virginity shall disregard their profession, let them fulfil the term of digamists. And, moreover, we prohibit women who are virgins from living with men as sisters.

### Notes.

#### ANCIENT EPITOME OF CANON XIX.

*Whoever has professed virginity and afterwards annuls it, let him be cut off for four years. And virgins shall not go<sup>118</sup> to any as to brothers.*

#### HAMMOND.

According to some of the ancient canons digamists were to be suspended from communion for one or two years, though Beveridge and others doubt whether the rule was not meant to apply to such marriages only as were contracted before a former one was dissolved. Bingham thinks that it was intended to discountenance marrying after an unlawful divorce. (*Ant.*, Bk. xv, c. iv., § 18.)<sup>119</sup>

#### HEFELE.

The first part of this canon regards all young persons—men as well as women—who have taken a vow of virginity, and who, having thus, so to speak, betrothed themselves to God are guilty of a *quasi* digamy in violating that promise. They must therefore incur the punishment of digamy (*successiva*) which, according to St. Basil the Great, consisted of one year’s seclusion.

This canon is found in Gratian’s *Decretum* (P. II., Causa xxvii., Q. i., c. xxiv.) as follows: “As many as have professed virginity and have broken their vow and contemned their profession shall be treated as digamists, that is as those who have contracted a second marriage.”

<sup>118</sup> Aristenus understands this to mean to “live with,” using the verb συναναστρέφεισθαι.

<sup>119</sup> This view of Bingham’s would seem to be untenable, since the penance would have been for adultery not for digamy had the former marriage still been in force.



## Excursus on Second Marriages, Called Digamy.

To distinguish contemporaneous from successive bigamy I shall use throughout this volume the word “digamy” to denote the latter, and shall thus avoid much confusion which otherwise is unavoidable.

The whole subject of second, and even of third and fourth marriages has a great interest for the student of early ecclesiastical legislation, and I shall therefore treat the matter here (as I shall hope) sufficiently and refer the reader for its fuller treatment to books more especially upon the subject.

The general position of the Church seems to have been to discourage all second marriages, and to point to a single matrimonial connexion as the more excellent way. But at the same time the principle that the marriage obligation is severed by death was universally recognised, and however much such fresh marriages may have been disapproved of, such disapproval did not rest upon any supposed adulterous character in the new connexion. I cite a portion of an admirable article upon the subject by an English barrister of Lincoln’s Inn.

(J. M. Ludlow, in Smith and Cheetham, *Dictionary of Christian Antiquities*, *sub voce* Digamy.)

Although among the earlier Romans<sup>120</sup> there was one form of marriage which was indissoluble, viz., that by *confarreatio*, still generally a second marriage either after death or divorce was by no means viewed with disfavour.... Meanwhile an intensifying spirit of asceticism was leading many in the Church to a condemnation of second marriage in all cases. Minucius Felix (*Octavius*, c. 31, § 5) only professes on behalf of the Christians a preference for monogamy. Clement of Alexandria (A.D. 150–220) seems to confine the term marriage to the first lawful union (*Stromata*, Bk. ii.)... It would seem, however, that when these views were carried to the extent of absolute prohibition of second marriages generally by several heretical sects, the Montanists (see Augustine, *De Hæresibus*, c. xxvi.), the Cathari (*ib.*, c. xxxviii.), and a portion at least of the Novatianists (see Cotel., *Patr. Apol.*, vol. i., p. 91, n. 16) the Church saw the necessity of not fixing such a yoke on the necks of the laity. The forbiddance of second marriage, or its assimilation to fornication, was treated as one of the marks of heresy (Augustin. *u. s.*; and see also his *De Bono Vid.*, c. vi.). The sentiment of Augustine (in the last referred to passage) may be taken to express the Church’s judgment at the close of the fourth century: “Second marriages are not to be condemned, but had in less honour,” and see also Epiphanius, in his *Exposition of the Catholic Faith*.

To these remarks of Mr. Ludlow’s, I may add that St. Ambrose had written (*De Viduis*, c. xi.), “We do not prohibit second marriages, but we do not approve marriages frequently reiterated.” St. Jerome had spoken still more strongly (Ep. lxvii., *Apol. pro libris adv. Jovin.*), “I do not condemn digamists, or even trigamists or, if such a thing can be said, octagamists.” It does not seem that

<sup>120</sup> The reader may recall the words of Dido: Ille meos, primusqui me sibi junxit, amores

Abstulit; ille habeat secum servetque sepulcro



the penance which was imposed in the East upon those entering into second nuptials was imposed in the West. The *Corpus Juris Canonici* contains two decretals, one of Alexander III. and another of Urban III., forbidding priests to give the nuptial benediction in cases of reiterated marriage. In the East at second marriages the benediction of the crown is omitted and “propitiatory prayers” are to be said. Mr. Ludlow points out that in the “Sanctions and Decrees,” falsely attributed to the Council of Nice and found in Mansi (vol. ii., col. 1029) it is expressly stated that widowers and widows may marry, but that “the blessing of the crowns is not to be imparted to them, for this is only once given, at first marriages, and is not to be repeated....But if one of them be not a widower or widow, let such one alone receive the benediction with the paranymphs, those whom he will.”

### Canon XX.

IF the wife of anyone has committed adultery or if any man commit adultery it seems fit that he shall be restored to full communion after seven years passed in the prescribed degrees [of penance].

### Notes.

ANCIENT EPITOME OF CANON XX.

*An adulteress and an adulterer are to be cut off for seven years.*

HEFELE.

The simplest explanation of this canon is “that the man or woman who has violated the marriage bond shall undergo a seven years’ penance”; but many reject this explanation, because the text says *αὐτὸν τύχειν* and consequently can refer only to the husband. Fleury and Routh think the canon speaks, as does the seventieth of Elvira, of a woman who has broken the marriage tie with the knowledge and consent of her husband. The husband would therefore in this case be punished for this permission, just as if he had himself committed adultery. Van Espen has given another explanation: “That he who marries a woman already divorced for adultery is as criminal as if he had himself committed adultery.” But this explanation appears to us more forced than that already given; and we think that the Greek commentators Balsamon and Zonaras were right in giving the explanation we have offered first as the most natural. They think that the Synod punished every adulterer, whether man or woman, by a seven years’ penance. There is no reason for making a mistake because only the word *αὐτὸν* occurs in the passage in which the penalty is fixed; for *αὐτὸν* here means the guilty party, and applies equally to the woman and the man: besides, in the preceding canon the masculine *ὅσοι ἐπαγγελλόμενοι* includes young men and young women also. It is probable that the Trullan Synod of 692, in forming its eighty-seventh canon, had in view the

twentieth of Ancyra. The sixty-ninth canon of Elvira condemned to a lighter punishment—only five years of penance—him who had been only once guilty of adultery.

### Canon XXI.

CONCERNING women who commit fornication, and destroy that which they have conceived, or who are employed in making drugs for abortion, a former decree excluded them until the hour of death, and to this some have assented. Nevertheless, being desirous to use somewhat greater lenity, we have ordained that they fulfil ten years [of penance], according to the prescribed degrees.

#### Notes.

ANCIENT EPITOME OF CANON XXI.

*Harlots taking injurious medicines are to be subjected to penance for ten years.*

The phrase “and to this some have assented” is the translation of Hervetus, Van Espen, and Hefele. Dr. Routh suggests to understand  $\alpha\iota$  and translate, “the same punishment will be inflicted on those who assist in causing miscarriages,” but this seems rather an unnatural and strained rendering of the Greek.



### Canon XXII.

CONCERNING wilful murderers let them remain prostrators; but at the end of life let them be indulged with full communion.

#### Notes.

ANCIENT EPITOME OF CANON XXII.

*A voluntary homicide may at the last attain perfection.*<sup>121</sup>

VAN ESPEN.

It is noteworthy how singularly appositely [Constantine] Harmenopolus the Scholiast in the *Epitom. Canonum.*, Sect. v., tit. 3, tells the following story: “In the time of the Patriarch Luke, a

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<sup>121</sup> That is, receive the Sacraments.

certain bishop gave absolution in writing to a soldier who had committed voluntary homicide, after a very short time of penance; and afterwards when he was accused before the synod of having done so, he defended himself by citing the canon which gives bishops the power of remitting or increasing the length of their penance to penitents. But he was told in answer that this was granted indeed to pontiffs but not that they should use it without examination, and with too great lenity. Wherefore the synod subjected the soldier to the canonical penance and the bishop it mulcted for a certain time, bidding him cease from the exercise of his ministry.”

### Canon XXIII.

CONCERNING involuntary homicides, a former decree directs that they be received to full communion after seven years [of penance], according to the prescribed degrees; but this second one, that they fulfil a term of five years.

#### Notes.

ANCIENT EPITOME OF CANON XXIII.

*An involuntary homicide shall be subjected to penance for five years.*

VAN ESPEN.

Of voluntary and involuntary homicides St. Basil treats at length in his *Canonical Epistle ad Amphiloichium*, can. viii., lvi. and lvii., and fixes the time of penance at twenty years for voluntary and ten years for involuntary homicides. It is evident that the penance given for this crime varied in different churches, although it is clear from the great length of the penance, how enormous the crime was considered, no light or short penance being sufficient.

### Canon XXIV.

THEY who practice divination, and follow the customs of the heathen, or who take men to their houses for the invention of sorceries, or for lustrations, fall under the canon of five years' [penance], according to the prescribed degrees; that is, three years as prostrators, and two of prayer without oblation.

#### Notes.

ANCIENT EPITOME OF CANON XXIV.

*Whoso uses vaticination and whoso introduces anyone into his house for the sake of making a poison or a lustration let him be subject to penance for five years.*

I read ἑθνῶν for χρόνων and accordingly translate “of the heathen.”

VAN ESPEN.

It is greatly to be desired that bishops and pastors to-day would take example from the fathers of Ancyra and devote their attention strenuously to eliminate superstition from the people, and would expound with animation to the people the enormity of this crime.



### Canon XXV.

ONE who had betrothed a maiden, corrupted her sister, so that she conceived. After that he married his betrothed, but she who had been corrupted hanged herself. The parties to this affair were ordered to be received among the co-standers after ten years [of penance] according to the prescribed degrees.

### Notes.

ANCIENT EPITOME TO CANON XXV.

*A certain body after being engaged to marry a young girl, violates her sister and then takes her to wife. The first is suffocated. All who were cognizant of the affair are to be subject to penance for ten years.*

I have followed the usual translation “hanged herself,” which is the ordinary dictionary-meaning of ἀπάγχω, but Hefele says that it signifies any and every variety of suicides.

BALSAMON.

In this case we have many nefarious crimes committed, fornication, unlawful marriage [i.e. with the sister of one’s mistress] and murder. In that case [mentioned by St. Basil in Canon lxxvii] where only seven years penance is enjoined] there is only a nefarious marriage [i.e. with a wife’s sister].