

## Triadological reflections on the 34<sup>th</sup> Apostolic Canon

A model of the Trinity behind the text of the canon and its implications for the synodality

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In the last few decades, we see emerging a text of canon law, i. e. the *Apostolic Canon 34*, in the documents of the Joint International Commission for Theological Dialogue between the Roman Catholic Church and the Orthodox Church, namely in the documents of New Valamo (1988),<sup>1</sup> that of Ravenna (2007)<sup>2</sup> and that of Chieti (2016).<sup>3</sup> The fact that documents of dogmatic nature are firmly attached to

- 1 JOINT INTERNATIONAL COMMISSION FOR THEOLOGICAL DIALOGUE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE ORTHODOX CHURCH, *The sacrament of order in the sacramental structure of the Church with particular reference to the importance of apostolic succession for the sanctification and unity of the people of God*, Valamo, June 26 1988, in *Information Service* 68 (1988/III–IV), 173–178; see: <http://www.christianunity.va/content/unitacristiani/en/information-service/information-service-/information-service-68.html>
- 2 JOINT INTERNATIONAL COMMISSION FOR THEOLOGICAL DIALOGUE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE ORTHODOX CHURCH, *Ecclesiological and canonical consequences of the sacramental nature of the Church. Ecclesial communion, conciliarity and authority*. Ravenna, 13 October 2007, in *Information Service* 126 (2007/IV), 178–184; see: <http://www.christianunity.va/content/unitacristiani/en/information-service/information-service-/information-service-126.html>
- 3 JOINT INTERNATIONAL COMMISSION FOR THEOLOGICAL DIALOGUE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE ORTHODOX CHURCH, *Synodality and primacy during the first millenium: Towards a common understanding in service to the unity of the Church*, Chieti, 21. September 2016; in *Information Service* 148 (2016/II), 64–66; see: <http://www.christianunity.va/content/unitac>

a seemingly non-theological text could not be accidental. Although being cited like a rule recognized as having common authority in the East as well as in the West,<sup>4</sup> it seems that its deeper, really theological meaning was still not entirely analyzed during the discussions, and we can find no trace of it in the final versions of the documents. In addition to having been proper to use it for a textual proof of the existence of the synodal structure connected with an undeniable primacy, its theological base was not sufficiently clarified. This short contribution aims to investigate more thoroughly the Trinitarian background of the aforementioned canon, to summarize the basic principles to observe, and to suggest some standpoints for realizing the results in Church life regulated by the sacred canons.

The canon<sup>5</sup> can be translated as follows:

“The bishops of the people of a province or region (ἐκάστου ἔθνους)<sup>6</sup> must recognize the one who is first (τὸν...πρῶτον) amongst them, and

ristiani/en/information-service/information-service-/information-service-148.html

- 4 We may remember that Pope John VIII quoted the Canon in a letter in 879 to Anspert, the Archbishop of Milan, as proof of the synodal practice of the church at Rome, Emmanuel LANGE, “Le canon 34 des apôtres et son interprétation dans la tradition latine”, in *Irénikon* 71 (1998) 212–233.
- 5 COMMISSIONE PER LA REDAZIONE DEL CODICE DI DIRITTO CANONICO ORIENTALE, *Fonti*, fasc. IX: *Discipline générale antique (IV<sup>e</sup>–IX<sup>e</sup> s.)*, Périclès-Pierre JOANNOU (par), tom. I/2: *Les canons des Synodes Particuliers*, Grottaferrata 1962, 24; ΠΗΔΑΛΙΟΝ τῆς νοητῆς νηός...παρὰ Ἀγαπίου ἱερομονάχου καὶ Νικοδήμου μονάχου. Ἐν Λειψία τῆς Σαξονίας. 1800 [repr. Αθῆναι 81990], 36. The same text is published by Γεώργιος Α. Παλλῆ – Μιχαήλ Ποτλῆ (éd.), *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων...*, Αθῆναι 1852–1890, II, 45.
- 6 “Si l’on parle de nation (*ethnos*) et non plus de province (*éparchia*), c’est sans doute à cause de la vieille croyance qui attribue à chaque Apôtre une nation. Peut-être aussi veut-on se garder d’une stricte identification entre province civile et regroupement ecclésiale”, Jean-Marie TILLARD, *L’Église locale. Ecclésiologie de communion et catholicité*, Paris 1995, 429. It is obvious that ἔθνος in this context cannot be interpreted as “nation” in the modern sense because the

consider him to be their head (ὡς κεφαλὴν), and not do anything important without his consent (ἄνευ τῆς...γνώμης); each bishop may only do what concerns his own diocese (τῆ...παρoικία) and its dependent territories. But the first (ἐκεῖνος – i.e. ὁ πρῶτος) cannot do anything without the consent of all (ἄνευ τῆς πάντων γνώμης). For in this way *concord* (ὁμόνοια) will prevail, and God will be praised through the Lord in the Holy Spirit: the Father and the Son and the Holy Spirit. (Οὕτω γὰρ ὁμόνοια ἔσται, καὶ δοξασθήσεται ὁ Θεός, διὰ Κυρίου, ἐν ἁγίῳ Πνεύματι ὁ Πατήρ, καὶ ὁ Υἱός, καὶ τὸ ἅγιον Πνεῦμα.)”

Being inserted into the *Apostolic Constitutions*, the *Canons of the Apostles* could not be seen independently from this corpus of pseudo epigraphic character, stamped “obscure” by some scholars. The historical research is right beyond the clarification of its origin and of its historical background.<sup>7</sup> This compilation was put together in or near Antioch, most likely around 380, just before the first Council of Constantinople, when the debate over the reception of Nicaea and its creed, and the larger conception of God as a Trinity of persons sharing a single substance was coming to a close. The text of the canons is compiled of older material, particularly from the synods of Antioch (328), Laodicea, and Nicaea (325), but its great part reflects a more older tradition, rooted in the practice of the third century, perhaps from time to time in the Church life of the second century, close to the post-apostolic age. More suspect was the theological climate where the compilation was born, namely the problem of the Arianism. The research of Marcel Metzger during the making of the critical edition

structure of the Church at that time (4<sup>th</sup> c.) did not admit a non-territorial division.

7 More about this: Heinz OHME, *Sources of the Greek Canon Law to the Quinisext Council (691/2)*. *Councils and Church Fathers*, in *The History of Byzantine and Eastern Canon Law to 1500*, Welfried HARTMANN – Kenneth PENNINGTON (eds.), Washington [D.C.] 2012, 24–33.

of the *Constitutions*<sup>8</sup> justified its basic orthodoxy, despite some formulas easily misunderstood. The theological material of the collection issued from the earlier tradition, included various formulas privileged either by Arians and Semi-Arians, or by Apollinaristes and Orthodox, but neither of these expressions was an exclusive property of a unique faction, and the compiler used them simply as traditional formulas without an additional interpretation. Having reflected the popular faith expressed in the liturgical traditions which differed from the theology of the erudite Church Fathers, they preferred expressions linked to the divine salvation to those of sophisticated thoughts inspired by metaphysical ideas.<sup>9</sup>

The final words of the Apostolic Canon 34 cite a Trinitarian formula, which has three various forms in the manuscripts. The first one: “...will be praised the Father and the Son and the Holy Spirit” (...δοξασθήσεται ὁ Πατήρ, καὶ ὁ Υἱὸς, καὶ τὸ ἅγιον Πνεῦμα) we can read in the critical edition of the Greek canons by Joannou (1962), which was considered the best version at the time. For the whole text, Joannou follows *John Scholasticus’ Synagogé* edited by Benešević (1937), which was a fairly arbitrary choice. Joannou had not taken into account the textual variations of the 34th canon, may be suspect, marked by Benešević as suspect,<sup>10</sup> and avoided them entirely in his edition. I think he chose this approach in order to avoid any problems with the Trinitarian orthodoxy of the canon. (Such an approach seems to be a typical, but unconscious, solution for persons charged by a higher authority for avoiding objections or disappointments. He always felt

8 *Les constitutions apostoliques* [introduction, texte critique, traduction et notes par Marcel METZGER], tom III (Sources chrétiennes 336), Paris 1987, 275–309.

9 “La théologie des *CA*”, ibidem, tom. II (Sources chrétiennes 329), Paris 1986, 18–30.

10 Vladimirus BENEŠEVIČ (ed.), *Ioannis Scholastici Synagoga L titularum* (Abhandlungen der Bayerischen Akademie der Wissenschaften. Philosophisch-historische Abteilung; N.F. Heft 14), München 1937, tom. I, 35

compelled to represent the Roman Catholic position.<sup>11</sup>) There is another, a final, Trinitarian formula of the canon: “God will be praised through the Lord in the Holy Spirit” (...καὶ δοξασθήσεται ὁ Θεὸς, διὰ Κυρίου, ἐν ἁγίῳ Πνεύματι) included in the critical text of the *Constitutions* published by Metzger subsequent to Joannou (1987).<sup>12</sup> This version has proven to be the earlier and more authentic form, albeit suspect of Arianism. We can find in later manuscripts a contracted version of both formulas as well: “God will be praised through the Lord in the Holy Spirit: the Father and the Son and the Holy Spirit” (...δοξασθήσεται ὁ Θεὸς, διὰ Κυρίου, ἐν ἁγίῳ Πνεύματι ὁ Πατήρ, καὶ ὁ Υἱὸς, καὶ τὸ ἅγιον Πνεῦμα), proclaiming at the same time the equality of the three divine Persons and their dynamic action. This version is read in the *Pedalion* by Saint Nicodemus the Hagiorite (1800), which has a certain official character in the Greek Church. In this way, the end of the 34<sup>th</sup> Apostolic Canon seals the goal of the whole Church system described in it: that is the orthodox praise of the Holy Trinity.

From a historical perspective, one could doubt the fully orthodox background of the Apostolic Canon 34 before the end of the Arian controversy in the fourth century. However, after its proper canonization on the Council of Trullo (691/2) its Trinitarian framework will be open to further theological analysis in the light of deeper insights, especially those of Maximus Confessor, John of Damascus, and later of Gregory Palamas. I think this unfolding of hidden meaning will not seem to be anachronistic and artificial.

The canon itself does not speak about the doctrine of the Holy Trinity but we can perceive that its aim is to base the relation between the bishops of a region on a model the roots of which reach into the

11 “(Joannou) was committed to the systematic treatment of the material in sequence, though in places he supplemented the material in an often arbitrary manner. In Joannou’s introductions he always felt compelled to represent the Roman Catholic position”, ΟΗΜΕ, *Sources* (ftn. 7), 26

12 *Les constitutions apostoliques* (ftn. 8), 284, 124–125.

life of the three divine Persons. This idea is recognized by the documents of the Joint International Commission as well: “Conciliarity reflects the Trinitarian mystery and finds therein its ultimate foundation” (Ravenna, §5). “The unity that exists among the Persons of the Trinity is reflected in the communion (*koinonia*) of the members of the Church with one another. Thus, as St Maximus the Confessor affirmed, the Church is an ‘*eikon*’ of the Holy Trinity.” (Chieti, §1.) But to go further into the mind of the canon, it is worthwhile to analyse an expression, seemingly neglected in the final sentence: “In this way *concord* (ὁμόνοια) will prevail, and God will be praised (Οὕτω γὰρ ὁμόνοια ἔσται, καὶ δοξασθήσεται ὁ Θεός)”. We know the word ὁμόνοια is not a special theological term, it has various meanings, like unanimity in natural order among the man, or in supernatural order among the angels. Concord is a characteristic of Christian society as well, and as this is an object of religious policy of Constantine the Great. Whether the canon speaks about a mere concord between humans, especially between Church leaders, such as bishops, or does it have a deeper meaning? In some texts of the fourth century, like of Gregory of Nazianzus or John Chrysostom the same term was applied to the relation between the Father and the Son, expressing their absolute identity (ταυτότης). The first syllable ὁμό can be compared to the same one in the expression ὁμοούσιος, consubstantial.<sup>13</sup> The divine ὁμόνοια is more than an agreement between the Father, the Son and the Holy Spirit, it constitutes an eternal *same-mindedness*, an eternal act of the divine substance. It is quite different from the human ὁμόνοια which depends on the concerned parties and the exter-

13 Like in the following expressions: ὁμότιμος (*equal in honour*), ὁμογάθος (*of the same goodness*), ὁμοάρχος (*of the same sovereignty*), ὁμοβασιλείος (*of the same majesty*), ὁμόβουλος (*of the same will*), ὁμόγνωμος, ὁμόγνώμων (*like-minded, of one mind*), ὁμόδύναμος (*of the same power of authority*), ὁμοθελής, ὁμοθελιτός (*of the same will*), ὁμόθρονος (*sharing the same throne*), ὁμοπροσκύνητος (*worshipped with the same adoration*), ὁμοφυής (*of the same nature*).

nal conditions, and can be unstable. While as the divine same-mindedness is an eternal, unchangeable, internal act of the three divine Persons. It can be called a divine natural, uncreated *energy* (ἐνέργεια) in the words of Gregory Palamas who says: “God is identical within himself since the three divine hypostases are related to one another and coinhere in one another (περιχωρουσῶν εἰς ἀλλήλας) naturally, wholly, eternally and inaccessibly, but at the same time without mixture and without confusion, just as they have a single energy. This you could not find among any creatures. For there are similarities among creatures of the same genus, but there is an energy proper to each created hypostasis which acts on its own. This is not the case for those three divine and revered hypostases. There the energy is truly one and the same, for the motion of the divine will is unique in its origination from the primary cause in the Father (ἐκ προκαταρκτικοῦ αἰτίου τοῦ πατρὸς ὁρμωμένη), in its procession through the Son and in its manifestation in the Holy Spirit.”<sup>14</sup> Nevertheless the energy is not unidirectional, only from the Father towards the Spirit but due to the interpenetration (περιχώρησις) of the divine Persons, it is circular.

The divine same-mindedness is manifested in the history of salvation, experienced in the *kenosis* of the Son who “emptied himself... humbled himself, becoming obedient (to the Father) to death, even death on a cross” (Phil 2:7). The internal and eternal relations between the Father and the Son are revealed by the Holy Spirit in the life, death, resurrection and exaltation of Jesus, and are proclaimed by the Church the existence of which shall be a proof for the possibility of living this divine way in this world (*deification*, θεώσις). Albeit the divine energies are uncreated, they could be accessible and shared through the Son in the Holy Spirit by created persons, namely the

14 Cap. 112, in Saint Gregory PALAMAS, *The One Hundred and Fifty Chapters*. A critical edition, translation and study by Robert E. SINKEWICZ (Studies and Texts 83), Toronto [Ont.] 1988, 211.

members of the Church which is the Body of Christ, and temple of the Spirit. So the divine energies require a close and voluntary cooperation (*synergeia*) of the two actors: God and man. We could find this cooperation in the missionary activity of the apostles: “We have the mind of Christ”, says Saint Paul (1Cor 2:16). The two energies do not mingle, i. e. into a single “divine” energy (this would be “monoenergism”). Although their starting points are different, their goal is the same: assuming and making the best of the human effort, the divine energy gives to him her full power for ascending to the highness by the Life-giver Spirit by means of Jesus Christ to the Almighty Father. The common, united energy in the Church is “divino-human”, without confusion, like the Church herself is a “divino-human” reality.

We have to agree with the scholars asserting in the text of Apostolic Canon 34 an echo of a liturgical formula related to the holy kiss in the Eucharistic liturgy, and preserved by the Byzantine Church: “Let us love one another, so that in *unanimity* (ἐν ὁμονοίᾳ) we may confess – Father, Son and Holy Spirit, Trinity consubstantial and indivisible.” (Ἀγαπήσωμεν ἀλλήλους, ἵνα ἐν ὁμονοίᾳ ὁμολογήσωμεν – Πατέρα, Υἱὸν καὶ Ἅγιον Πνεῦμα, Τριάδα ὁμοούσιον καὶ ἀχώριστον.) The Trinitarian expansion being more recent than the apostolic canon, but the first part emphasizing the ὁμόνοια reflects an ancient *ekphonesis* which as it appears to me, refers to the common, “divino-human” same-mindedness shared by the liturgical community.<sup>15</sup> The place of obtaining this complex energy is the Eucharistic assembly, coming together under the presidency of the local bishop.

In history one form of this *synergeia* is *synodality*. There have been many efforts to reach a total concord in the realm of the doctrine and of the Church discipline. The first pattern for a synodal assembly is

15 See Robert TAFT, *A History of the Liturgy of St John Chrysostom*, vol. II: *The Great Entrance. A History of the Transfer of Gifts and Other Preanaphoral Rites* (Orientalia Christiana Analecta 200), Roma 2004, 380–383.



the so called Council of Jerusalem by the apostles, who could write to their Christian brothers throughout the world: “It is the decision of the Holy Spirit and of us.” (Acts 15:28) But we know the path towards this concord was thorny, and its acceptance was not immediate, and not only because of the difficulties of communication. In the following centuries this would not be otherwise. Cyril Vogel outlined that in the first centuries “in conciliar discussions the rule was not majority but unanimity”.<sup>16</sup> I do not find it accidental that at the end of the fourth century in Constantinople a Church, named ὁμόνοια from concord prevailing at Council of 381 was constructed.<sup>17</sup> I may venture a guess that this Church could be matched with her counterparts: Holy Wisdom (Ἁγία Σοφία) and Holy Peace (Ἁγία Εἰρήνη), and thus refer to the Divine Self-mindedness, which expresses the consubstantiality of the Holy Trinity.

But we shall also recognize that canonical realizations of the ὁμόνοια are of necessity also determined by history and by social, political and cultural context. The institution of the synods in their form until now has been a tributary to the administrative structures of the Roman, later Byzantine, Empire and reflective of the games of power.<sup>18</sup> The direction of the development encouraged by a secularly inspired imperial ideology long tended towards increasing the territory and the power of certain dioceses or metropolises. This fact contributed to the diminution of the κηδεμονία τῶν πάντων (*sollicitudo omnium ecclesiarum*) of each local Church and her bishop, responsible

16 See Cyrille VOGEL, “Communion et Église locale aux premiers siècles. Primatiale et synodalité durant la période anténicéenne”, in *L'année canonique* 25 (1981) 169–177, 174.

17 See: Theodorus Lector fr. (MPG 86, 225A); Evagrius HE 2.13 (MPG 86, 2541A). Raymond JANIN, *Le siège de Constantinople et le Patriarcat Oecuménique. Les églises et les monastères* (La géographie ecclésiastique de l'Empire byzantin 3), Paris 1969, 382.

18 TILLARD, *L'Église locale* (ftn. 6), 428

for the unity of his Church with all the Churches, and at the same time the role of the metropolitan or patriarch as *prótos* in his province or larger region became more important than his role as head of his own diocese, where he was the president of the Eucharistic assembly.<sup>19</sup> To reach a concord under such conditions, while “an energy proper to each created hypostasis acts on its own,” as Palamas says, and declines to cooperate with the minds of his colleagues, and what is most important, with the *ὁμόνοια* of the Holy Trinity, is not easy.

*Synodality* is a school for humility in regard to both: to God and to the fellow bishops. And the same is true for the mutual relation of the *prótos* and his brothers in the episcopal rank.<sup>20</sup> The bishop’s openness, which is a characteristic feature of his personal maturity and devotion, is crucial for the functioning of synodality. At the same time, he has to be conscious that his personal conviction is not just his own private conviction but shared by his entire Eucharistic community. Lack of understanding has given rise to failures at several councils, which superficially appear to have achieved all of the external official conditions.

Does this lesson taken from Church history constitute proof that the aforementioned same-mindedness is impracticable? Must the canon law be contented with a mere practical system? I think – and I am convinced that all of you will agree – that the form that we can label “human form inherited from the previous two thousand years” can be reduced to being adjusted. At the very beginning of the third millennium, we ought to take into more account the theological sources for the sound applicability of the canon law that is essential for the practical life of the Church.

To conclude my insufficient “deepening insights”, may I suggest some practical advice for a “sustainable development”. We can do so

<sup>19</sup> *Ibid.* 426

<sup>20</sup> See: TILLARD, *L'Église locale* (ftn. 6), 428–431.

in part by adjusting the canonical conditions of the synodal activity and taking into consideration the Trinitarian background. (I deliberately do not stress the problem of the universal primacy.)

By diminishing the size or partitioning the vast dioceses or territories in big cities, we might more easily find the dimensions of dioceses that might be more sociologically sound.<sup>21</sup> In this way, through the communication between the bishop and the whole community of the Church, the first step to internal synodal activity for reaching unanimity could be made. The use of auxiliary or/and titular bishops in the big dioceses does not settle the ecclesiological problem of bishops without their own, real dioceses.

The diocese of the *prótos* should not be bigger than the one of the other bishops; otherwise he will not be able to fulfil his duty as the head of his local Church. His ecclesial authority does not depend of the worldly importance of his center. The office of the *prótos* (supra-episcopal functions) is not the continuous administrative supervision of the province. It ought to be reduced to the really important matters, which only occupy ten percent of his episcopal activity, and do not disturb a sound balance between the two duties.

The measure of bigger (or quasi universal) regions poses the question of the “permanent synods”, labeled as an “abnormality” by some competent scholars.<sup>22</sup> Formed by historical conditions, they do not perform their original role, when the whole episcopacy is hindered in participating in a council of a vast region. A real synodality entitles all the bishops having communities under their jurisdiction to be mem-

21 Several “megalopoli” in the East as well in the West are large networks of more cities forming chains of quasi autonomous communities, that is, they constitute rather a metropolitan province. The central episcopal see seems not to be one of a diocese but a supra-episcopal office.

22 See John ZIZIOULAS, *The Bishop in the Theological Doctrine of the Orthodox Church*, in *Kanon [Jahrbuch der Gesellschaft für das Recht der Ostkirchen]*, Band VII: *Der Bischof und seine Eparchie*, Wien 1985, 33.

bers of synods. (Means of communications offered by our century could not replace the personal presence of a bishop.) A selected elite of bishops, however excellent they may be, could not represent the whole episcopacy. So the external limits of the given Church ought to be adjusted to internal conditions of the personal communication of the bishops, and not inversely.

The “catholicity” and the sharing of responsibility between the principal sees of the ancient Church were manifested by letters of communion and by the diptychs. It would be most desirable to revive the mutual change of such letters between the heads of *sui iuris* Churches, including that of the Latin Church (i.e. the bishop of Rome), as an expansion of the diptychs with the names of the aforementioned hierarchs as a symbol of the interpenetration (περιχώρησις) of their sister Churches.

I know that our congress, despite of the presence of several hierarchs, is not yet a synod. Nevertheless, I hope that my brief remarks can lead toward a deepening of our insights in the realm of synodality, the common treasure of our Churches in the East as well as in the West.