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For though we walk in the flesh, we do not war according to the flesh, for the weapons of our warfare [are] not fleshly but mighty in God for pulling down strongholds, casting down arguments and every high thing that exalts itself against the knowledge of God, bringing every thought into captivity to the obedience of Christ. And they will be ready to punish all disobedience, when your obedience is fulfilled. (2 Corinthians 10:3-6)

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Email: tjtrinityfound@aol.com Website: www.trinityfoundation.org Telephone: 423.743.0199 Fax: 423.743.2005

Nicæa and the Roman Precedent

by Timothy F. Kauffman

Introduction

In 325 AD, both Alexandria and Antioch were located within the same civil Diocese of Oriens (“the East”), a fact that is typically overlooked in the historical analysis of Canon 6 of the Council of Nicæa. The canon invoked a Roman precedent to resolve a matter related to the bishops of Alexandria and Antioch, and in their analyses historians have often assumed that the two cities were located in separate dioceses, a *status quo* that did not actually come about until after 373 AD. The most widely accepted Roman Catholic position on canon 6 proposes that the precedent invoked by Nicæa was Roman episcopal primacy, a proposition that rests entirely upon the assumption that the Council had assigned the whole Diocese of Oriens to Antioch. That assumption is false.

The Council of Nicæa was convened in the early 4th century (325 AD) to address the Arian heresy that originated in Alexandria, threatening the doctrinal purity of the church. But there was a second significant matter threatening the administrative health of the church, and Nicæa addressed that matter as well. That administrative matter dealt with the geographic jurisdiction of a metropolitan bishop. Nicæa’s solution was codified in terms of the civil boundaries within the Empire, and very significantly, was decided at a time when the Diocese of Egypt had not yet been formed. At the time of the Council, both Alexandria and Antioch were located within the same civil Diocese of Oriens (“the East”). Antioch was the chief metropolis

of the diocese, and Alexandria’s jurisdiction within Oriens had to be defined in terms of several of its provinces: Egypt, Libya, and Pentapolis. Nicæa’s provincial solution to the administrative issue within the diocese was received without objection by the assembled bishops, “since the like is customary for the Bishop of Rome also” (Nicæa, canon 6).¹ That now-cryptic qualification was so commonly understood at the time that the Council did not see fit to expound upon it.

Over the following five decades, the civil boundaries of the Empire changed, and very significantly, the Diocese of Egypt was formed by the aggregation of the several Alexandrian provinces previously attached to Oriens. With that change came a shift in the common understanding of what Nicæa had done for Alexandria. By the time of the Council of Constantinople (381 AD), Alexandria’s jurisdiction was no longer being described in provincial terms, and was being expressed in explicitly diocesan terms that would have been foreign to Nicæa:

The bishops are not to go beyond their dioceses to churches lying outside of their bounds, nor bring confusion on the churches; but let the Bishop of Alexandria, according to the canons, alone administer the affairs of Egypt [*Ægypto tantum*]; and let the bishops of the East manage the East alone [*Oriente solum*], the privileges of the Church in Antioch, which

¹ Henry R. Percival, editor, *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, Second Series, volume XIV,

The Seven Ecumenical Councils of the Undivided Church, (Oxford: James Parker & Company, 1900), 15.

are mentioned in the canons of Nice, being preserved. (Chalcedon, canon 2)²

The explicitly diocesan language would have been impossible at Nicæa because the Diocese of Egypt had not yet been formed, and therefore, “*Ægypto tantum*,” as a diocese, could not yet be assigned to the bishop of Alexandria. Likewise at the time of the Council, Alexandria was located *within* the Diocese of Oriens, and therefore neither could the whole of Oriens be assigned to Antioch. By the time of Constantinople, however, such language was suitable because the Diocese of Egypt had been created, and Alexandria was its chief metropolis. Likewise, Antioch was by then presiding over the whole of the now smaller Diocese of Oriens. Thus did the conciliar vocabulary of the church undergo a subtle but important shift in the 56 years between Nicæa and Constantinople.

Buried beneath that subtle shift in the conciliar vernacular was the original context of the similar custom invoked by canon 6 regarding the Bishop of Rome. As Nicæa’s early 4th century expressions began to be revised and reinterpreted in the context of the late 4th century civil boundaries of the Empire, the similar custom that had been known to the Nicæan divines became lost in the fog of history. Without knowledge of that custom, there was no way for later generations to know definitively what the Council had done to resolve the administrative crisis in Alexandria, or to understand the basis of the Council’s administrative solution.

One Roman Catholic approach to clearing the fog has been to suppose that the custom invoked by canon 6 was Roman episcopal primacy. As we shall demonstrate, that supposition is built upon the singular myth that the Diocese of Egypt existed at the time of Nicæa, and therefore requires of Nicæa two things that the Council could not possibly do: grant to Antioch the whole Diocese of Oriens and grant to Alexandria the whole Diocese of Egypt. The former was geographically impossible because Alexandria, along with Libya, Egypt, and Pentapolis, was located *within Oriens*, and therefore Antioch could not possibly preside over the whole. The latter was historically impossible because the Diocese of Egypt did not yet exist, and therefore Alexandria could not be made to

preside over it. Yet the Roman Catholic argument for Roman primacy from canon 6 requires both of those impossibilities to be true.

When the formation of the Diocese of Egypt is correctly placed in the latter part of the 4th century and canon 6 is understood in its early 4th century civil, ecclesiological, and conciliar context, a very different custom emerges. The similar custom regarding the Bishop of Rome was not a reference to Roman episcopal primacy, but rather to Diocletian’s recent reorganization of the Empire, and the Church’s accommodation to the new civil order. Diocletian had placed Rome and Milan in the civil Diocese of Italy, and had also placed Alexandria and Antioch in the civil Diocese of Oriens. In Italy, Diocletian had made Milan the chief metropolis while relegating a few provinces of the diocese to the City of Rome. In Oriens, Antioch was made the chief metropolis. Thus a structural congruency between Rome and Alexandria existed at the time of Nicæa: they were both made to share a diocese with another metropolis, yet neither Rome nor Alexandria was considered the chief metropolis of the diocese.

In its efforts to adapt to the new civil order, the Council recognized that just as Rome’s jurisdiction within the Diocese of Italy had recently been defined in provincial rather than diocesan terms, Alexandria’s jurisdiction within Oriens could be defined the same way, “since the like is customary for the Bishop of Rome also.” When the historical data are weighed in the original civil, ecclesiological, and conciliar context that is the custom that emerges from canon 6. Rather than demonstrating Roman episcopal primacy, Nicæa’s appeal to a similar custom in Italy illustrates just how limited Roman jurisdiction was at the time of the Council.

The 6th Canon of Nicæa

The full text of the canon in question reads as follows:

Let the ancient customs (ἔθη, ethē) in Egypt, Libya and Pentapolis prevail, that the Bishop of Alexandria have jurisdiction in all these, since the like is customary (συνήθες, sýnithes) for the Bishop of Rome also. Likewise in Antioch and the other provinces, let the

² Percival, 176.

Churches retain their privileges. And this is to be universally understood, that if any one be made bishop without the consent of the Metropolitan, the great Synod has declared that such a man ought not to be a bishop. If, however, two or three bishops shall from natural love of contradiction, oppose the common suffrage of the rest, it being reasonable and in accordance with the ecclesiastical law, then let the choice of the majority prevail. (Nicæa, canon 6)³

We begin by highlighting two different words that are rendered in English as “custom” or “customary” because they have different meanings in the original. The former, *εθη*, refers to something that is authoritative for its antiquity.⁴ The latter, *συνηθες*, refers to something that is recently practiced, and has lately become ordinary or usual.⁵ Canon 6 effectively distinguished between the two “customs,” identifying with reference to the Bishop of Rome a *recent* practice that illustrated the suitability of maintaining Alexandria’s *ancient* custom of metropolitan authority over three provinces that belonged to the Diocese of Oriens.⁶

To make the case for Roman primacy from canon 6, Roman Catholic apologists tend to conflate the terms *εθη* and *συνηθες*, insisting that the authority recognized for the bishop of Alexandria was based upon the *ancient* custom of Roman primacy. Thus, according to a typical Roman Catholic interpretation, canon 6 is to be read as follows:

Let the Bishop of Alexandria continue to govern Egypt, Libya, and Pentapolis, since assigning this jurisdiction is an ancient custom

established by the Bishop of Rome and reiterated now by this Nicene Council.⁷

Such a rendering is the only explanation that “satisfies the intellect,” according to Roman Catholic apologetic ministry, *Unam Sanctam Catholicam*.⁸

By that conflation, the *recency* of the Roman custom to which the Council referred is effectively concealed and recast as if it were *ancient*. That satisfies the intellect of the Roman Catholic, but does so only by extracting the canon from its historical context. We can hardly understand the canon if we do not know the significance of the *recent* custom to which the Council referred. An examination of the civil, ecclesiastical, and conciliar contexts in which canon 6 was written reveals the *recency* of the Roman custom and thereby yields the very opposite of Roman Catholic claims regarding canon 6.

The Civil and Ecclesiastical Context within the Diocese of Oriens

At the time of Nicæa, Alexandria was located within the bounds of the civil Diocese of Oriens, and that *status quo* remained unchanged for decades after the Council. As late as 347 AD Athanasius and his defenders were still using the provincial language of Nicæa to define the limits of his jurisdiction:

There are in *Egypt, Libya, and Pentapolis*, nearly one hundred Bishops; none of whom laid anything to my charge;⁹

We have sent also the testimony of our fellow-ministers in *Libya, Pentapolis, and Egypt*, from which likewise you may learn the false accusations which have been brought against Athanasius.¹⁰

³ Percival, 15.

⁴ *I.e.*, “custom, law,” (Bauer, Walter, *Greek English Lexicon of the New Testament*, 2nd edition, University of Chicago Press, 1979, 218). See also, *Acts* 6:14, “...the customs which Moses delivered us,” and *Acts* 28:17, “...customs of our fathers...”

⁵ *I.e.*, “habitual, customary, usual,” (Bauer, 789).

⁶ We note by way of contrast, whereas canon 6 imputes *recency* to the Roman custom and *antiquity* to the Alexandrian one, canon 7 imputes both to Aelia, which retained titular privileges as much by “force of habit” (*συνηθεια κεκοιτηκε*) as by “ancient tradition” (*παράδοσις αρχαία*).

⁷ *Unam Sanctam Catholicam*, “Papal Primacy in the First Councils”, January 31, 2016 <http://www.unamsantamcatholicam.com/history/historical-apologetics/79-history/98-papal-primacy-in-the-first-councils.html>.

⁸ *Unam Sanctam Catholicam*, “Papal Primacy in the First Councils.”
⁹ Athanasius, *Apologia Contra Arianos*, Part II, 6, 71. *Nicene and Post-Nicene Fathers*, Second Series NPNF-02 volume 4, Philip Schaff and Henry Wace, editors, M. Atkinson and Archibald Robertson, translators (Buffalo, NY: Christian Literature Publishing Co., 1892).

¹⁰ Athanasius, *Apologia Contra Arianos*, Part I, 1, 19, “Encyclical Letter of the Council of Egypt.” NPNF-02, volume 4.

Notably, Athanasius identified his jurisdiction in those provincial terms even when identifying other bishops by their respective civil dioceses:

[T]here is also the great Hosius, together with the Bishops of [the diocese of] Italy, and of [the diocese of] Gaul, and others from [the diocese of] Spain, and from [the provinces of] *Egypt, and Libya, and all those from Pentapolis*.¹¹

We also have evidence as late as 373 AD, that the Roman province of Egypt was still located within the civil Diocese of Oriens. At that time Augusti Valentinian and Valens ordered “[c]ertain devotees of idleness” who had been apprehended in Egypt to be taken into custody by the Count of Oriens and returned to public service.¹² If the Diocese of Egypt had existed by then, the truancy of Egyptian civil servants certainly would not have been the concern of the Count of Oriens. It is not until 383 AD that we have a Roman communication making formal reference to *Diocesis Aegyptiaca*, the Diocese of Egypt.¹³ Thus, from before Nicæa until at least 373 AD, it is clear that Alexandria and Antioch were both situated within the same civil Diocese of Oriens.

As we now turn our attention to the Diocese of Italy, we find that a similar geographic situation existed there, for the cities of Rome and Milan had also been made to share a single civil diocese.

The Civil Context within the Diocese of Italy

In the years leading up to Nicæa, Italy had necessarily been divided into two regions, separately administered. That civil order within Italy, and the church’s adaptation to it, would be of no small relevance to the controversy about to be decided at Nicæa. During the Crisis of the Third Century, internal strife had divided the Roman Empire into several competing states and left it on the verge of economic and political collapse. When Diocletian was proclaimed Emperor in 284 AD, his first order of business was to stabilize the Empire through decentralization. This he accomplished by means of the Tetrarchy. By removing the administration of the Empire from Rome to the four

Tetrarch capitals—Nicomedia, Sirmium, Milan and Trier—Diocletian made it impossible for an enemy to challenge the Empire simply by invading one city. Each Tetrarch ruled over three dioceses, and notably, the Diocese of Italy fell under the jurisdiction of Milan.

As a result of the decentralization, Milan became the chief metropolis of Italy, and the City of Rome was reduced in power, prestige, and prominence, having received neither the seat of a Tetrarch, nor the authority over one of Diocletian’s twelve dioceses. Lacking the seat of either a Tetrarch or a diocesan vicar, Rome nonetheless retained some vestigial provincial administrative privileges. The historical record shows that within the Diocese of Italy, the Vicar of Italy in Milan (*vicarius Italiae*) and the Vicar of the City of Rome (*vicarius urbis Romae*) each administered his separate jurisdiction within the diocese, neither vicar having responsibility for the whole. That special arrangement made Italy unique among all other dioceses. Dr. Ingo Maier explains in his *Compilation 'notitia dignitatum'*:

All extant lists of the provinces of the Italian peninsula from the beginning of the 4th [century] onwards, and the Codes, indicate that Italia comprised a single diocese. Yet this diocese contained at least two groups of provinces separately administered by vice-prefects, one group by a *vicarius italiae*, and the other by a *vicarius urbis romae*, whose simultaneous existence is attested both in laws and inscriptions. The laws distinguish the *regiones italiae* from the *regiones urbicariae* or *suburbicariae*, or identify different financial *regiones* in the peninsula, but never refer to either vicar as administering a diocese.¹⁴

Thus, in accordance with the recent developments from the time of Diocletian, the Empire had been reordered in such a way as to have the former capital, Rome, and the new Tetrarch capital, Milan, situated within the same civil Diocese of Italy. Under this new arrangement, Milan became the Metropolis of Italy, and the two vicars in the diocese—the Vicar of Italy in

¹¹ Athanasius, *Apologia Contra Arianos*, Part II, 6, 89. NPNF-02, volume 4.

¹² Pharr, Clyde, *The Theodosian Code and Novels, and the Sirmiondian Constitutions*, (CTh hereafter) 12.1.63, (Princeton University Press, 1952), 351.

¹³ Pharr, CTh 12.1.97, 356.

¹⁴ I. G. Maier, Appendix 8: Illyricum in the *Compilation 'notitia dignitatum'* (Cnd hereafter), <http://members.iinet.net.au/~igmaier/608-illy.pdf>, 2013, 2.

Milan and the Vicar of Rome—administered their respective *regiones* accordingly. By this means did the Diocese of Italy come to accommodate two civil vicariates within its borders.

The Ecclesiological Context within the Diocese of Italy

When Constantine legalized Christianity, the church began to adapt to Diocletian's new geographic order. There had been a bishop in Rome since the days of the 1st century, and a bishop in Milan since at least the late 2nd or early 3rd century. After Diocletian's reorganization and under Constantine's ascension, the church accommodated to the changes and began to be administered regionally in accordance with the new civil boundaries. Under the Tetrarchy, Milan necessarily rose in prominence in relation to Rome. Milan's bishop came to be known as the *Italiae Metropolis Episcopus* while Rome's bishop retained the title of *Urbis Romae Episcopus* or *Romanus Episcopus*, governing a smaller subset of provinces within the diocese.

The Church's adaptation to the subdivision of the Diocese of Italy into two respective *regiones* may be seen in the correspondence of the era. When writing about the Italian bishops in the mid-4th century, Athanasius identifies Liberius as "Bishop of Rome" in the same paragraph that he identifies Dionysius of Milan as the "Metropolitan of Italy."¹⁵ Likewise, he distinguishes between "great Rome," the former capital, and the new Tetrarch capital, "Milan, which is the Metropolis of Italy."¹⁶ In his epistle to the bishops of Egypt and Libya, he lists "Julius and Liberius of Rome," as well as metropolitan bishops from their various dioceses, and then Metropolitan "Eustorgius of Italy," predecessor of Dionysius in Milan.¹⁷ "Rome" and "Italy" were two *regiones* within the diocese proper, and Milan was clearly its chief metropolis.

Those two regions within the diocese provide an illuminating backdrop to the particular way in which administrative affairs in Italy were recorded in the

correspondence related to the trial of Athanasius. Writing from a Roman perspective, Bishop Julius distinguished between "Italy" when referring to the bishops outside of Rome, and "these parts" when referring to the bishops in and surrounding Rome. He made that distinction when explaining that his opinion on a recent controversy was not his alone: "[T]he sentiments I expressed were not those of myself alone, but of all the Bishops throughout Italy, and those who live in these parts."¹⁸ The "Bishops throughout Italy" and "those who live in these parts" were references to bishops residing in two different *regiones* within the diocese.

Athanasius' biographer, writing from a perspective outside of Italy, used this same terminology to distinguish between the *Urbis Romae* and *Italiae*. After Athanasius had visited both Rome and Milan and then returned to Alexandria, his biographer records that "Athanasius returned from the city of Rome and the parts of Italy."¹⁹ Again, Italy and Rome were distinguished as two different "parts."

In the civil realm, the Diocese of Italy had been divided into two parts, and the church's customary administration of the diocese mirrored that civil administrative order. Thus did the church come to accommodate two metropolitan bishops within the borders of a single diocese—one in "these parts" of Rome, and one in "the parts of Italy"—just as the Empire had accommodated two civil vicariates in the same diocese.

The Conciliar Context within the Diocese of Italy

The problem of multiple bishops in the same civil and ecclesiastical jurisdiction was a matter of considerable concern to the early councils. Leading up to Nicæa, Meletius of the province of Thebaid in the Diocese of Oriens had presumed to ordain bishops under Alexandrian jurisdiction, causing no small scandal within the church. Peter of Alexandria accused

¹⁵ Athanasius of Alexandria, *Apologia de Fuga*, 4. NPNF-02, volume 4.

¹⁶ Athanasius, *Historia Arianorum*, Part IV, 28, 33. NPNF-02, volume 4.

¹⁷ Athanasius, *Ad Episcopos Aegypti et Libyæ*, 1, 8. NPNF-02, volume 4.

¹⁸ Athanasius, *Apologia Contra Arianos*, Part I, 2, 26. NPNF-02, volume 4. See Jacques-Paul Migne, *Patrologiae Cursus Completus*,

Series Graeca (PG hereafter), volume 25 (Imprimerie Catholique, Paris, 1857), 292. "*Attamen necessum est vobis significare, etiamsi solus scripserim, non ideo mei solius esse illam sententiam, sed et omnium qui in Italia sunt, et qui in his partibus degunt episcoporum.*"

¹⁹ Athanasius, *Historia Acephala*, 1, 2. See Migne, PG, volume 26, 1443, "*Athanasius reversus est ex Urbe, et partibus Italiae, et ingressos est Alexandriam....*"

Meletius of “entering our parish,”²⁰ indicating that the dispute was with an external antagonist and involved the recognition and enforcement of episcopal boundaries. The 318 bishops at Nicæa considered boundary disputes significant enough to be settled canonically, as can be seen in an expression regarding a separate matter in canon 8: “there may not be two bishops in the city.”²¹

The particular challenge facing Nicæa regarding the incursion of Meletius was how to define Alexandrian jurisdiction within Oriens. The presence of two major metropolitan centers—Alexandria and Antioch—within the same civil Diocese of Oriens made it impossible to define jurisdiction in purely diocesan terms. The Council therefore settled on defining jurisdiction in provincial terms instead. Alexandria would have jurisdiction over three of the westernmost provinces of the Diocese of Oriens—“Egypt, Libya and Pentapolis”—and Antioch would have jurisdiction over the rest: “in Antioch and the other provinces [of the Diocese], let the churches retain their privileges” (canon 6, Nicæa).²² Alexandria had its three provinces, Antioch had the rest of the provinces, and so long as their authority was honored in their respective parts of the Diocese of Oriens, the administrative threat to the peace of the church would be mitigated.

Nicæa’s solution echoed loudly in the canons of subsequent councils. The Council of Antioch (341 AD) decreed, “Let not a bishop...ordain any one...within the jurisdiction of another” (canon 22).²³ The Council of Sardica (343 AD) insisted that the bishop of one parish may not “ordain to any order the minister of another from another [parish, *παροικίας*, *parochia*] without the consent of his own bishop” (canon 15).²⁴ The Council of Constantinople (381 AD) affirmed the Nicæan policy that “bishops are not to go beyond...their bounds,” but now recognized the recent formation of the Diocese of Egypt, restating the Nicæan policy in diocesan terms (canon 2).²⁵ The Council of Ephesus (431 AD) addressed the matter of

episcopal intrusions: “according to the Canons of the blessed Fathers and ancient custom...none of God-beloved Bishops shall assume control of any province which has not heretofore, from the very beginning, been under his own hand or that of his predecessors” (canon 8).²⁶

The matter of Metropolitan jurisdiction surfaced again at the Council of Chalcedon (451 AD). Canonically prohibited from aspiring to another man’s metropolitan seat, some bishops were appealing to the *civil* authorities to create a new province, and with it, a new metropolis. That practice was causing the very problem previous councils had tried strenuously to avoid: that of two bishops of comparable authority within a single geographical unit. The council therefore took up again the matter of having two metropolitans in the same province:

It has come to our knowledge that certain persons, contrary to the laws of the Church, having had recourse to secular powers, have by means of imperial rescripts divided one Province into two, so that there are consequently *two metropolitans in one province*. (canon 12)²⁷

A particular manifestation of the issue of multiple metropolitans within the civil Diocese of Italy is seen in the canons of Sardica and is worthy of special notice. Once again, we see the church adapting to a new civil arrangement—in this case, Constantine’s reformed judiciary. “Constantine [had] created a new system of appeal to the imperial court,” through which a citizen could appeal to the Emperor in an orderly fashion by first taking his case to the provincial governor or to the diocesan vicar.²⁸ Although Constantine was pleased to hear any and all appeals, he nevertheless had occasion to reprove the provincial governors for too quickly elevating matters to the Imperial Court and “interrupt[ing] Our imperial occupations.”²⁹

²⁰ So the Latin fragment indicates: “...sed insuper ingressam nostram parociam...” (Peter of Alexandria, Fragments, *Epistola ad Ecclesiam Alexandrinam*, 1. Migne, PG, volume 18, 509).

²¹ Percival, 20.

²² Percival, 15.

²³ Percival, 119.

²⁴ Percival, 429.

²⁵ Percival, 176.

²⁶ Percival, 234-235.

²⁷ Percival, 276.

²⁸ John Noël Dillon, *The Justice of Constantine: Law, Communication, and Control*. (Ann Arbor: University of Michigan Press, 2012), 215, 218.

²⁹ Pharr, Clyde, *CTb* 11.29.1, 321.

In the ecclesiastical realm, the Council of Sardica addressed similar violations of the appellate process, a point that Athanasius had been only too eager to bring forward in his defense: “For see, they cease not to disturb the ear of royalty with fresh reports against us...[that] all greater courts may be filled with their accusations.”³⁰ But Athanasius, too, had himself been “an occasion of consternation” to Constantine who almost had to have him forcibly removed from his presence.³¹ For this reason canon 7 of Sardica prohibited any further direct appeals to the Imperial Court unless by Imperial summons, for the church was beginning to irritate the Emperor in the same manner that the provincial governors had:

Our importunity and great pertinacity and unjust petitions have brought it about that we do not have as much favour and confidence as we ought to enjoy. For many of the bishops do not intermit resorting to the imperial Court.... If, then, beloved brethren, this seems good to all, do ye decree that no bishop shall go to the imperial Court except those whom our most pious emperor may summon by his own letters. (canon 7)³²

Lest the bishops of the church continue disturbing the Imperial Court unnecessarily, the Council codified an appellate process that mirrored that of the Empire. Throughout the Empire, “he that is in the largest city, that is, the metropolis, should himself send his deacon and the petitions” in order that the appeal may be delivered properly to “the places or cities in which the most pious Emperor is administering public affairs” (canon 9).³³ Such was the general rule of Constantine’s reformed judiciary and the church’s adaptation to it: judicial appeals could be advanced to the Imperial Court as long as they were sent first to the bishop of the metropolis.

There remained, however, one matter relevant to the Diocese of Italy that required additional clarification. In Italy, as we have noted, there were two functioning metropolitans—the Metropolitan of Italy in Milan, and the Bishop of Rome in the *Urbis Roma*. Nicæa had

settled metropolitan jurisdiction in Oriens canonically, but had only addressed referentially the custom of metropolitan jurisdiction in the parts of Rome. That Roman custom was finally canonized at Sardica. If the appellant filed his appeal outside of Rome, but within the parts of Italy, it could be advanced to the Bishop of Milan where “the most pious Emperor” was often found “administering public affairs,” and thence to his Imperial Court. But if the appellant lodged his appeal within the parts of Rome, as Athanasius had, the Bishop of Rome would function as the presiding metropolitan, and it is he who would advance the appeal to the Imperial Court. The council decreed that very exception in canon 9:

But those who come to Rome ought, as I said before, to deliver to our beloved brother and fellow-bishop, Julius, the petitions which they have to give, in order that he may first examine them, lest some of them should be improper, and so, giving them his own advocacy and care, shall send them to the Court. (canon 9)³⁴

The general rule of Sardica, therefore, was that appeals to the Imperial Court were to be routed through “the metropolis.” The *particular* rule in the Diocese of Italy was that appeals were to be handled by the Metropolitan of *Italia* in Milan, unless the appeal was initiated within the parts of Rome, in which case the appeal would be handled by the Bishop of the *Urbis Roma*. The diocese had been divided into two separate administrative *regiones*, and appeals were to be routed appropriately. Thus had the church adapted to Constantine’s recent appellate reforms in the particular case in which two metropolitan bishops were located within the single Diocese of Italy, and thus had Sardica canonized for the Bishop of Rome that recent custom to which Nicæa had only referred in passing.

From the Meletian schism in 307 AD to Chalcedon in 451 AD, the issue of multiple bishops of comparable authority within a single city, parish, province or diocese was continuously at the forefront of conciliar polity: two bishops in the same city (as in canon 8 of Nicæa); bishops ordaining “within the jurisdiction of

³⁰ Athanasius, *Apologia Contra Arianos*, Part I, 1, 3. NPNF-02, volume 4.

³¹ Socrates Scholasticus, *Church History*, Book I, 34. NPNF-02, volume 2, Philip Schaff and Henry Wace, editors, A.C. Zenos,

translator, (Buffalo, NY: Christian Literature Publishing Co., 1890).

³² Percival, 421-422.

³³ Percival, 423.

³⁴ Percival, 423.

another” (as in canon 22 of Antioch); bishops ordaining ministers from another parish (as in canon 15 of Sardica); which metropolitan in Italy should have appellate jurisdiction (as in canon 9 of Sardica); bishops ministering beyond their bounds (as in canon 2 of Constantinople); bishops assuming control of another province (as in canon 8 of Ephesus); two metropolitans in the same province (as in canon 12 of Chalcedon). The councils from Nicæa to Chalcedon considered the issue significant enough to address it canonically, and they did so repeatedly. The jurisdictional challenge from Nicæa onward was nothing other than this: *how is the church to recognize episcopal authority when there are two or more bishops located within a single geographical unit?*

Canon 6 of Nicæa must be understood in that context because defining the jurisdictions of two metropolitans within the same civil diocese was precisely the matter at hand. As the historical record abundantly testifies, similar controversies had largely been avoided in Italy by adapting to the recent apportionment that resulted from Diocletian’s reorganization: a few provinces within Italy were assigned to Rome, and the rest were assigned to Milan, the chief Metropolis. The structural congruency that existed between Alexandria’s position within Oriens and Rome’s within Italy was readily apparent. The recent custom of provincial demarcation of Roman jurisdiction within the Diocese of Italy therefore provided an exact counterpart to, and a relevant precedent for, the definition of ancient Alexandrian jurisdiction within Oriens. The majority of provinces within Oriens were assigned to Antioch, the chief Metropolis, and the rest were assigned to Alexandria, “since the like is customary for the Bishop of Rome” within Italy. That was the precedent that Nicæa had invoked in canon 6.

The Anachronistic Reinterpretation of Canon 6 of Nicæa

But the sands of time eroded that common understanding, and within a century the historical context of the Nicæan language was completely obscured. Between Nicæa (325 AD) and Constantinople (381 AD), the Empire made additional

administrative changes, including the formation of the Diocese of Egypt. It was then that the early 4th century acts of Nicæa began to be reinterpreted in a late 4th century context. Writers, historians, church fathers and popes completely overlooked the administrative challenge facing Nicæa—the presence of two metropolitans within a single diocese—and began simply to assume that the Diocese of Egypt had already existed from the beginning of Diocletian’s reorganization. That assumption, however, required of the Nicæan divines two acts that would have been impossible at the time: to assign *the whole Diocese of Oriens* to Antioch and to assign *the whole Diocese of Egypt* to Alexandria. Nicæa could not and did not do that—first because the Diocese of Egypt had not yet been created, and second because Alexandria’s jurisdiction included provinces belonging to Oriens. Yet canon 6, since the late 4th century, has been interpreted as if the Council had done those two impossible things.

Jerome (398 AD)

The obscure beginnings of the reinterpretation of canon 6 are found with Jerome in 398 AD, nearly two decades since Constantinople and nearly three since the Diocese of Egypt was created. Jerome’s mistake was to take Constantinople’s late 4th century language and impute it retroactively upon early 4th century Nicæa. His anachronism manifests in his dispute with John of Jerusalem, after John had lodged an irregular appeal in Alexandria. Jerome countered: “You, who ask for ecclesiastical rules, and make use of the canons of the Council of Nicæa.... What has Palestine to do with the bishop of Alexandria?” Your appeal, Jerome advised, “ought rather to be addressed to Antioch.”³⁵

That John ought to have appealed to Antioch, the canons leave no doubt, but in the formation of his argument, Jerome introduced an anachronism that would mislead future historians and enshroud the 6th canon of Nicæa in a historical paradox: he incorrectly assumed that the Council had assigned to Antioch *the whole Diocese of Oriens*: “Unless I am deceived, it is decreed in those canons that Cæsarea is the metropolis of Palestine, *and Antioch of the whole of the East (totius Orientis)*.”³⁶

³⁵ Jerome, *To Pammachius Against John of Jerusalem*, 37. NPNF-02, volume 6. Philip Schaff and Henry Wace, editors, W.H. Fremantle, G. Lewis and W.G. Martley, translators (Buffalo, NY: Christian Literature Publishing Co., 1893).

³⁶ Jerome, *To Pammachius Against John of Jerusalem*, 37. NPNF-02, volume 6. See Migne, *Patrologiae Cursus Completus, Series Latina* (PL hereafter), volume 23 (Imprimerie Catholique, Paris, 1854) 389.

Nicæa had said nothing of Cæsarea, but more importantly, the Council had not granted, *and indeed could not grant*, to Antioch authority over *totius Orientis*. It was a geographic impossibility, for in the very canons cited by Jerome the Council had assigned three significant provinces of Oriens to Alexandria: Egypt, Libya, and Pentapolis. The very point of the canon was lost on Jerome—that Antioch did not, and could not, have *totius Orientis* under its jurisdiction because parts of *Oriens* had been under Alexandrian jurisdiction from antiquity. That was precisely why the Council had to define metropolitan jurisdiction in provincial rather than diocesan terms in the first place.

Rufinus of Aquileia (403 AD)

Rufinus further obscured the canon by conflating the two different types of “custom” to which the Council referred, assuming that the custom in Alexandria (ἔθνη) and the custom in Rome (συνήθεος) were one and the same and were both “ancient.” Additionally, what Jerome imputed to Nicæa regarding the Diocese of Oriens, Rufinus imputed to the Council regarding the Diocese of Egypt. In his rendering of canon 6, Rufinus assumed that Nicæa had assigned to Alexandria *the whole Diocese of Egypt* based on one *ancient* custom in Alexandria and Rome:

The ancient custom in Alexandria and the city of Rome is to be maintained whereby [the bishop of the former] has the charge of Egypt (*Ægypti*), while [the bishop of the latter] has charge of the suburbicarian churches [surrounding Rome].³⁷

Lost was the significant difference between the two customs invoked in the original canon, and lost too was the fact that Egypt as a diocese had not yet existed at the time the canon was written. Nicæa could not grant to Alexandria authority over *Ægypti* for the simple reason that the Diocese did not yet exist. Yet within a decade, the anachronism would receive the imprimatur of a pope.

Pope Innocent I (411 AD)

³⁷ Rufinus of Aquileia, *Church History*, Book 10.6, Philip R. Amidon, S.J., translator, (New York: Oxford University Press, 1997), 14, 44n, “*Et ut apud Alexandriam vel in urbe Roma vetusta consuetudo seruetur, quia vel ille Ægypti vel hic suburbicariarum ecclesiarum sollicitudinem gerat.*”

The error was perpetuated under Pope Innocent I in his epistle to Alexander of Antioch in 411 AD. Desiring to affirm Alexander in his position, Innocent appealed to the authority of Nicæa. Like Jerome and Rufinus, Innocent superimposed the diocesan language of the 2nd of Constantinople retroactively upon the 6th of Nicæa. The Council, Innocent claimed, had granted to Antioch authority over *the whole diocese of Oriens*:

The Council of Nicæa . . . has not established the Church of Antioch over a province (*non super aliquam provinciam*), but over a diocese (*super diocesim*).³⁸

Nicæa did not, and could not, establish Antioch over a diocese for the simple reason that Alexandria was located within the very same diocese and was in fact presiding over three of its provinces.

Jerome, Rufinus, and Innocent had all inadvertently recast early 4th century Nicæa in a late 4th century context, assuming that Nicæa had granted to Antioch *totius Orientis*, and by implication, to Alexandria the whole Diocese of Egypt, a diocese that did not yet exist. Thus, in the dusk of the 4th century and the dawn of the 5th, the die was cast, and the myth of the existence of the Diocese of Egypt at Nicæa was born. Later church historians, building upon the myth that Jerome, Rufinus, and Innocent had forged, carried it forward into the modern interpretations of Nicæa, ultimately resulting in the Roman Catholic claim that the 6th of Nicæa had implicitly acknowledged the primacy of the Bishop of Rome.

Roberti Bellarmini (1576 AD)

Roberti Bellarmini stood aghast at Rufinus’ expression that Nicæa had assigned to Rome only a few provinces adjacent to the *Urbis Romæ*, but swallowed whole Rufinus’ belief that Nicæa had assigned to Alexandria *Ægypti*, and by implication, to Antioch “*totum Orientem*,” based on an ancient Roman tradition. But by what ancient custom, Bellarmini asked, had the Council assigned to Antioch “*totum Orientem*,” and to Alexandria three large provinces, but to Rome only six minor provinces in Italy?³⁹ No ancient custom could account

³⁸ Innocent I, Epistle XXIV, 1. Migne, *PL* volume 20, 547.

³⁹ Roberti Bellarmini, *Disputationes*, Tomus I (1576 AD) (Coloniae Agrippinae: Sumptibus Antonij & Arnoldi Hieratorum Fratrum, 1613), Book II, Chapter XIII, 165. “*Nam Antiochenus habuit totum Orientem....*”

for such a disparity, and Rufinus' interpretation was to be rejected. There was, Bellarmini thought, only one possible interpretation of canon 6. The Bishop of Alexandria presided over his provinces at the pleasure of the Pope, "because the Roman Bishop, before any definition of the Councils [*i.e.*, from antiquity] used to allow the bishop of Alexandria to govern Egypt, Libya and Pentapolis."⁴⁰

Lost on Bellarmini was the fact that the Council had invoked two customs, not one, and had not assigned "*totum Orientem*" to Antioch at all. The challenge before Nicæa was the fact that the three provinces under Alexandria were within "*totum Orientem*." It was not for an *ancient* custom, but for a *recent* one that Rome had been invoked, and that recent custom was invoked precisely because there was no way "*totum Orientem*" could possibly be assigned to Antioch.

Henrici Justellus (1671 AD)

Like Rufinus, Henrici Justellus, in his 17th century work, *Bibliotheca Iuris Canonici Veteris*, attempted to extract from canon 6 of Nicæa the metropolitan authority (ἐξουσία, *exousia*) of Alexandria over "the whole diocese of Egypt":

This ἐξουσία is the power of the Metropolitan, which the Nicene Fathers decreed was to be exercised in the three provinces identified in the Canon as, Egypt, Libya and Pentapolis, which constituted the whole diocese of Egypt, both civil and ecclesiastical.⁴¹

Of course, there had been neither a civil nor an ecclesiastical "diocese of Egypt" at the time, and therefore no act of Nicæa can possibly be construed to have granted to Alexandria power over "the whole diocese of Egypt." The burden of the bishops at Nicæa was not to establish Alexandrian authority *over a diocese*, but rather to define Alexandrian authority over several provinces *within the Diocese of Oriens*.

⁴⁰ Bellarmini, 165, "...id est, quia Romanus Episc., ante omnem Conciliorum diffinitionem consuevit permittere Episcopo Alexandrino regimen Aegypti, Lybiae & Pentapolis."

⁴¹ Gulielmi Voelli & Henrici Justellus, *Bibliotheca Iuris Canonici Veteris*, Tome 1 (Lutetiae Parisorum, 1671), 71, columns. 1-2. "Haec ἐξουσία est potestas Metropolitanæ, quam Nicaeni Patres decernunt deberi in tribus provinciis hoc Canone denominatis, Aegypti, Libyæ, & Pentapoli, quæ totam Aegyptiacam diocesim constituebant tam in civilibus quam Ecclesiasticis."

Carl Joseph von Hefele (1855 AD)

In his 19th century *Conciliengeschichte*, Carl Joseph von Hefele repeated Rufinus' and Justellus' mistake, assuming that the intent of Nicæa had been to establish Alexandria as a metropolitan over the Diocese of Egypt:

The first Words of our Canon therefore say: "the Bishop of Alexandria according to this ancient privilege, whereupon *the whole (civil) Diocese of Egypt* is under his (spiritual) jurisdiction, is confirmed."⁴²

Arguing further on the basis of Jerome and Innocent, Hefele believed that Nicæa's intent had been to establish patriarchal rights of the bishops of Alexandria and Antioch *over their respective dioceses*, unaware that the Council's intent had been rather to address the problem of having them both presiding *within the bounds of a single diocese*. He too appealed to the late 4th century canons of Constantinople in his effort to understand the early 4th century acts of Nicæa:

The sixth canon of Nicæa acknowledged for the Bishop of Antioch rights which it had acknowledged for the Bishop of Alexandria; that is, as it would be expressed at a later period, the rights attached to a patriarchate. *The second canon of the Council of Constantinople, held in 381, proves that the patriarchate of the Bishop of Antioch was identical with the civil diocese of Oriens.*⁴³

Indeed, the jurisdiction of the Bishop of Antioch in the late 4th century was coterminous with the then smaller civil diocese of Oriens. That had been true at Constantinople, and the historical record bears that out. But it had not been so in the early 4th century at Nicæa, for at that time, Alexandria was still located *within* Oriens, and the Diocese of Egypt had not yet been created.

⁴² Carl Joseph von Hefele, *Conciliengeschichte* 2nd edition, (Freiburg im Breisgau, Baden-Württemberg, Germany, 1855), 390. "Die ersten Worte unseres Canons besagen sonach: 'dem Bischof von Alexandrien soll sein altes Borrecht, wonach die ganze (bürgerliche) Diöcese Aegypten unter seiner (geistlichen) Oberleitung steht, bestätigt werden.'"

⁴³ Charles Joseph Hefele, *A History of the Christian Councils*, William R. Clark, translator, (Edinburgh: T & T Clark, 1871), 393, emphasis added.

Extrapolating from that error, Hefele then thought to show that Nicæa had recognized the Bishop of Rome’s “power as a patriarch” by its reference to the similar custom in Rome. If the bishops of Alexandria and Antioch each presided over their own dioceses, what else could Nicæa’s reference to Rome mean? “[O]nly in relation to this could any analogy be established between Rome and Alexandria or Antioch.”⁴⁴ We can see clearly how Jerome’s anachronism led Hefele to assume that the only possible Nicæan analogy between Rome and Alexandria was supereminence. In reality, the congruency between Rome and Alexandria was in their diminution, for each had been made to preside over a few provinces in a diocese of which neither was the chief metropolis.

James Loughlin (1880 AD)

In his 1880 essay, “The Sixth Nicene Canon and the Papacy,” Roman Catholic priest and apologist, James Loughlin, joined Bellarmine in the belief that Nicæa had acknowledged Roman episcopal primacy in canon 6. His interpretation has since become the gold standard for Roman Catholic apologists who seek to establish the primacy of the Pope from Nicæa. In Loughlin’s eyes, canon 6 could mean nothing else:

[T]he clause in question can bear no other interpretation than this: ‘Alexandria and the other great Sees must retain their ancient sway because the Roman Pontiff wishes it.’⁴⁵

Loughlin built his argument upon the assumption that the Council had clearly defined the limits of the bishops of Alexandria and Antioch, leaving only one bishop in the canon without limits: the Bishop of Rome. But in his argument, Loughlin had incorporated Jerome’s and Innocent’s ancient anachronism, believing erroneously that the Council had placed Antioch *over the whole Diocese of Oriens* and by implication, Alexandria over *the whole Diocese of Egypt*.

The Bishop of Alexandria had been, from time immemorial, every inch a patriarch throughout his vast domain. The Bishop of Antioch enjoyed a similar authority *throughout the great diocese of Oriens*. Their jurisdiction was *immediate*

and *ordinary*, and there is no difficulty in defining its nature and the limits within which it was exercised. ... But who has ever defined satisfactorily the limits and nature of Rome’s patriarchal sway?⁴⁶

The only possible reason for the Council to invoke a custom regarding the Bishop of Rome, Loughlin reasoned, was because the Bishop of Rome had assigned the bishops of Alexandria and Antioch to their respective dioceses. As we have shown, that is a geographic and historical impossibility—the Diocese of Egypt did not yet exist at Nicæa, and the bishop of Antioch did not, and could not preside “throughout the great diocese of Oriens” for the very simple reason that the bishop of Alexandria was presiding *within Oriens* at the time.

In his conclusion, Loughlin showed how widely he had missed the heart of canon 6 by his statement that there was “no difficulty in defining [the] nature and the limits within which” the metropolitans of Antioch and Alexandria exercised their authority. *Of course* there was difficulty defining the geographic limits of their authority. The early councils struggled with this, and it was the very reason Nicæa had taken up the matter of metropolitan jurisdiction in the first place. Both bishops were presiding within a single diocese, resulting in predictable boundary disputes, which is why Nicæa was constrained to define metropolitan jurisdiction in provincial rather than diocesan terms.

Correctly Understanding the Roman Precedent

The Council of Nicæa had gathered to address the Arian heresy as well as Meletius’ episcopal incursion into Alexandria’s ancient jurisdiction. In regard to the latter, the Council was faced with defining the jurisdictions of two metropolitan bishops within the civil Diocese of Oriens, for both Alexandria and Antioch were located there. Since the Diocese of Egypt did not yet exist and Alexandria was located within Oriens, the Council had at its disposal neither the option of assigning to Alexandria “*totam Ægyptiacam diocesim*” nor to Antioch “*totius Orientis*.” Metropolitan jurisdiction therefore had to be defined in provincial

⁴⁴ Hefele (William R. Clark, translator), 394.

⁴⁵ Loughlin, James F., “The Sixth Nicene Canon and the Papacy,” *American Catholic Quarterly Review*, volume 5, January to October 1880, (Philadelphia, PA: Hardy & Mahony, 1880), 230.

⁴⁶ Loughlin, 237.

rather than diocesan terms. In its resolution of the dispute the Council brought forth a simple solution for recognizing the *ancient* custom of Alexandrian jurisdiction within Oriens by referring to a *recent* custom adopted by the Bishop of Rome within the Diocese of Italy. Since the days of Diocletian's reorganization of the Empire, the administration of the Diocese of Italy had been apportioned between Milan and Rome, as the civil records show. The church had recently adapted to that apportionment, distinguishing between the two separate administrative regions as "these parts" administered by Rome, and "the parts of Italy" administered from Milan. The ecclesiological and conciliar records abundantly show this as well. Just as the Bishop of Rome had of late enjoyed limited jurisdiction within the Diocese of Italy (the greater part of which was administered by its chief metropolitan in Milan), Alexandria could also enjoy limited jurisdiction within the Diocese of Oriens (the greater part of which was administered by its chief metropolitan in Antioch). That is how the Council applied the recent Italian example to the jurisdictional issue facing the Bishop of Alexandria within Oriens, "since the like is customary for the Bishop of Rome also."

Since the post-Nicæan era, that simple but elegant solution has been obscured in the fog of history because the two customs invoked by the Council—the *ancient* and the *recent*—have been improperly conflated, and the Council's early 4th century language (325 AD) has been reinterpreted in the late 4th century context of Constantinople (381 AD). The result has been a chronic perpetuation of the myth that the Diocese of Egypt existed at the time of Nicæa. Indeed, it is an enduring myth, as can be seen by the lengthy history of its advocates:

Jerome (398 AD): Nicæa granted to Antioch "*totius Orientis*";

Rufinus (403 AD): Nicæa assigned to Alexandria the administration of "*Ægypti*";

Innocent I (411 AD): Nicæa established the church of Antioch "*super diacesim*";

Bellarmini (1576 AD): Nicæa assigned to Antioch "*totum Orientem*";

Justellus (1671 AD): Nicæa granted to Alexandria "*quam totam Ægyptiacam diocesim*";

Hefele (1855 AD): Nicæa assigned to Alexandria "*die ganze (bürgerliche) Diöcese Aegypten*";

Loughlin (1880 AD): Nicæa had Antioch ruling "throughout the great diocese of Oriens".

Not one of those statements is true (they are historically and geographically impossible), yet together they form the foundation upon which modern Roman Catholic reinterpretations of canon 6 of Nicæa are constructed.

When church historians labor under the burden of that myth, they perpetuate the confusion that has followed the canon since the days of Jerome. If in the early 4th century Alexandria possessed the whole Diocese of Egypt, and Antioch possessed the whole Diocese of Oriens, of what possible relevance to the question facing Nicæa was a recent practice in Rome? Why would the Council invoke a bishop in the Diocese of Italy regarding two bishops administering their own Dioceses of Egypt and Oriens? Those who incorporate that myth into their analysis are left guessing, resulting in such untenable statements as Loughlin's—"because the Roman Pontiff wishes it"—and *Unam Sanctam Catholicam's*—"assigning this jurisdiction is an ancient custom established by the Bishop of Rome."

When the myth is dispelled, the historical fog is dissipated with it and the acts of Nicæa come into the natural light of day. The Roman Catholic argument for papal primacy from Nicæa then crumbles, for an argument built upon such a grotesque historical myth can by no means satisfy the intellect. The reference to the recent custom regarding the Bishop of Rome was not an appeal to his ancient, limitless patriarchal sway, but rather to his very limited, provincial jurisdiction within the Diocese of Italy. His diminutive jurisdiction there provided just the administrative precedent Nicæa needed to define Alexandria's limited jurisdiction within Oriens, and the Council applied it to that end.