Councils and Canons: A Lutheran Perspective on the Great Schism and the So-Called Eighth Ecumenical Council

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The Lutheran tradition shares with the Catholic Church a *reformatio* ideal, which is a striking feature of the Western ecclesiological tradition of the last millennium more generally. This paper first examines some aspects of Lutheran ecclesiology as it relates to the *Una Sancta*, the canonical and synodical tradition, and ecumenical pursuits. It then goes on to use the '*reformatio*' lens to reflect on the councils of Constantinople of 869–70 and 879–80 and the current estrangement between Rome and the Eastern churches in regard to the diverging standings of these councils. A solution is provided, it is suggested, in the call of *Unitatis redintegratio* (1964) to 'continual reformation' in the context of ecumenism as well as to an honouring of the conditions that held between East and West before the schism.

Introduction

The Lutheran Churches that date back to the sixteenth century were both born in and would henceforth be formed in schism. Pre-Tridentine Western Catholic provinces and communities, mostly in Northern Europe, were ruptured from communion with Rome and embarked on a journey through history that for almost five hundred years has kept them, as well as the churches they helped found elsewhere, separated from their brothers and sisters of the larger Roman Catholic community. This rupture has also separated them from the Western patriarch, as well as from every other chair with an apostolic predecessor. Through this long history, Europe has gone through violent wars based on the reformation lines, a transformative enlightenment project which aimed to create a new common ground for public life on the continent, a remarkable process of globalisation, and a recent century of both unprecedented decline of Christian practice in the West and increase of ecumenical dialogue worldwide. The relationships within Western Christianity look very different on this side of history compared to in the sixteenth century.

In the following, I will sketch a Lutheran perspective on the *Una Sancta* as it relates to Orthodox-Catholic relations.[1] In that regard, this paper is given with the eye of an outside observer, by someone not in communion with either church. It is my point of departure in the following that while the Orthodox Churches make less changes to their conciliar and canonical past, it has been a hallmark of the Western tradition to find new perspectives that alter both ecclesial life and the way the canonical and conciliar tradition is appropriated. Here, I take that to be a great possibility for the Catholic-Orthodox dialogue. In this paper, I will apply this possibility to the current estrangement in regard to which council should be considered the 'eighth ecumenical council', if any. Today, the Catholic Church lists the Constantinopolitan council of 869–70 as the Eighth Ecumenical Council, but this council was reversed by another Constantinopolitan council ten years later, in 879–80, which the Orthodox hold in high regard—not normally as an ecumenical council, though. Full communion could not be established until this situation is salvaged, since the current Catholic Eighth Ecumenical council condemns one of the foremost Eastern orthodox saints, Photius. After a section on Lutheran ecclesiology—ecumenical and otherwise—I will apply some reflections from this section, regarding the Western tradition's ability to reform itself, on the matter of these councils. This paper aims to highlight a possible solution on this issue, a solution which has been suggested by others, and is by no means new, but nevertheless deserves to be repeated.

Lutheran Ecumenical Ecclesiology—Then and Now

1. The Reformation and Western Concept of 'Reform'

The concept of *reformatio* has played an integral part in ecclesial life in the West since the era after the *saeculum obscurum*. Starting with the Cluniac reforms in the tenth century, this concept has formed movements in the West, both monastic and of the greater church. Martin Luther published his 95 theses in 1517 in a period of tremendous focus on reform at the late-medieval great church councils, at many German diets and through the efforts of humanism.[2] Martin Luther was formed in such environments, and the movement he inspired would come to be known by this term. In the 95 theses Luther used precepts of canon law to argue against the concurrent praxis of indulgences, calling—at least apparently at this point—only

[1] I would like to thank the Rt Revd Dr Carl-Axel Aurelius, the Revd Dr Caesarius Cavallin O.S.B. and the Revd Dr Daniel Wihlborg for kind help and valuable insights in the preparation of this paper.

[2] Many accounts of the Lutheran reformation exist. See for example Bernhard Lohse, *Martin Luther's Theology: Its Historical and Systematic Development*, ed. and trans. Roy A. Harrisville (Minneapolis: Fortress Press, 1999); Diarmaid MacCulloch, *The Reformation: A History* (New York: Viking, 2004); Richard Rex, *The Making of Martin Luther* (Princeton: Princeton University Press, 2017). A brief official shared Lutheran-Catholic historical account of the Lutheran reformation is now available in *From Conflict to Communion* (Leipzig: Evangelische Verlagsanstalt; Paderborn: Bonifatius, 2013), 23–39.

for a *return* to canonical standards, not their abrogation. Within the following three years he went through a drastic transformation in his understanding of ecclesiology, all while he was the object of great theological and legal debate within the Catholic Church and the Holy Roman Empire. After receiving the papal bull against him, *Exsurge Domine*, he and the faculty of Wittenberg went out to the city gate in December of 1520 and burned the bull together with the whole collection of Roman canon law, *Corpus iuris canonici*—an event about which Luther afterwards would state that he was more pleased with than 'any other action' of his life.[3] This was a definite break with Rome and its ecclesiology. A movement informed by the Renaissance ideals of *ad fontes* had taken these ideals far beyond what the unity of the Western Church could bear. For many years, Luther would still hope that a great council should settle the disputes within a unified Catholic Church. The main Lutheran confessional document, the *Confessio Augustana*, was produced by Philip Melanchthon and presented to Catholic representatives at the diet of Augsburg in 1530 precisely with this *stated* purpose: a unified Western Church. However, the text did not accomplish this purpose. At the same time, crises had erupted in Lutheran areas due to the loss of canon law. The reformers responded to this challenge by simply starting to re-import canon law and transform it to their purposes.[4] Distinctly reformed pre-Tridentine communities started to evolve around Europe. At the time of the Peace of Augsburg in 1555, many ecclesial provinces in Germany and beyond, which formerly had been in communion with Rome, were already independent and politically and ecclesiastically estranged from the larger Roman Catholic community. The settlement of this year ended the wars which followed the schisms and organised religious life in Germany on the principle *cuius regio, eius religio* ('whose realm, his religion')—a sign that the division was no longer sought to be healed, but a new reality which Europe would have to live with.

2. Luther's Ecclesiology

A Lutheran concept of the *Una Sancta*, then, is not built on the inherited canonical tradition of the Western Church, although Lutheran churches can carry many features of the same. It instead takes its departures from the Lutheran interpretation of the Gospel, that the sinner is made righteous through faith alone in Christ and that the church is the global community of believers in him. This is, for example, stated in *On the Papacy in Rome* (1520), where Luther defined 'Christendom' as 'an assembly of all the people on earth who believe in Christ', maintaining that 'the essence, life, and nature of Christendom is not a physical assembly

[3] *Letter to John von Staupitz,* in *Luther's Works* [=LW], vol. 48 (Fortress Press and Concordia Publishing House), 192. Account from John Witte, *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge: Cambridge University Press, 2002), 53.

[4] Witte, *Law and Protestantism*, 84.

but an assembly of hearts in one faith'.[5] Luther's ecclesiology was thus not primarily institutional or structural, but soteriological. Rather than the institution being the underpinning reality for salvation, it is, primarily, the salvific message and its reception that demarcate and define the institution. Since it is faith in the Gospel that constitutes the church, the unity of the church is also based on that criterion, despite both organisational divisions and human efforts to construe unity on other grounds. Luther writes that the spiritual unity of faith 'alone is sufficient to create Christendom'. Since the kingdom of Christ 'is not of this world' (Joh 18:36) and since Christendom is distinguished 'from all worldly communities as being nonphysical',[6] it is impossible to make 'Christian *unity* or community physical and external, equal to other communities' [emphasis mine].[7]

But although Luther in this way emphasised the invisibility of the church, he did not teach that the church does not have materiality and concrete existence in this world. Throughout his life, he developed his notion of *notae ecclesiae*, the marks of the church, as a way for people to recognise where to find the true church. In 1521 he gave three such marks for the church: 'baptism, the bread and, above else, the gospel'. Wherever these marks are found, regardless of place and people, 'there is without doubt also the church'.[8] He extended these marks in 1539 to the number of seven: the word of God, baptism, the sacrament of the altar, the keys, the ministries of the church, prayer, praise and thanksgiving to God and persecution.[9] In 1541, he extended these to the number of ten and altered them slightly: baptism, the sacrament of the altar, the keys, the preaching office, the apostolic creed, the Lord's prayer, honouring of temporal power (without subordinating them to the pope), marriage as a divine ordinance, the suffering for Christ, taking no revenge.[10] With the aid of these lists he, unfortunately, criticised the Catholic Church for not being a true church, but elsewhere also recognised the presence in the Catholic Church of such Christian marks and of much good and maintained that Christianity under the Pope is truly the body of Christ.[11]

In regard to the conciliar tradition, Luther asserted that it is only Holy Scriptures that are infallible, and that councils can and have erred.[12] Nevertheless, he affirmed that much depends on the 'main councils' (he considers only the first four), held them in high regard and considered them 'the highest judges and greatest bishops under Christ'.[13] At one instance, he states that councils cannot err in matters of the

[5] *On the Papacy in Rome* (*LW* 39, 65).
[6] Ibid., 65–66.
[7] Ibid., 67.
[8] *Ad librum Amrosii Catharini* (*Weimar Edition* [=*WA*] vol. 7, 720.32–38).
[9] *On the Councils and the Church* (*LW* 41, 148–67; Cf. *WA* 50, 624–44).
[10] *Against Hanswurst* (*LW* 41, 194–8; *WA* 51, 479–85).
[11] Lohse, *Martin Luther's Theology*, 285, who points to this ambivalence in Luther's assessment of the Catholic Church.
[12] *Luther at the Diet of Worms* (*WA* 7, 838.2–8. Cf. *WA* 2, 288.30–35).
[13] *On the Councils and the Church* (*WA* 50, 606.5–6).

faith,[14] but this should be understood in light of his later expositions that councils cannot issue new doctrine. Councils have no right to *promulgate* new articles of faith, only to *condemn* such. The same type of pairing he applies to the lack of power in a council to decree new good works or ceremonies, or to interfere with worldly legislation or to strengthen the authority of the clergy by tyrannically commanding people's action. A council has however, in the reverse, the authority to condemn such decrees and attempts. It also has the authority to promulgate some ceremonies that do not wrongfully strengthen the power of the clergy but are ordained to be helpful for the people.[15] Thus, councils are to defend and maintain the ancient faith based on the scriptures, and, on this ground, deal with matters relating to their own era.

3. Lutheran Ecclesiology

For the Lutheran tradition, it is only Holy Scriptures that are the norm for the church. This means that Lutheran ecclesiology stands quite free in relation to other aspects of the inherited tradition. These are regulated under the auspices of *adiaphora*—as long as they are not obscuring the Gospel, they can be preserved. In this way, many aspects of tradition not explicitly regulated in Holy Scriptures have been maintained in many Lutheran Churches (such as the Western mass, the liturgical year, the episcopal structure etc.). But this is not the case with the canonical tradition, although, as stated above, aspects thereof have survived. Instead, Lutheran Church Order (*Kirchenordnung*)—the replacement of Canon law in many Lutheran churches—can be constantly updated and changed. This testifies to the volatile nature, at least in possibility, of Lutheran church structure. In theory the theology, however, remains the same, but naturally that too goes through changes and adaptions in different historical eras—just as the theological reflection of other churches do. Although the Lutheran confessional documents remain the same for most Lutheran Churches, the interpretation of them varies, as do the application and the understanding of their purpose. The historical developments since the sixteenth century have, for example, led the Church of Sweden to state, in the introduction of the Church Order section that treats its evangelical Lutheran identity, that while 'the three oldest creeds are unique catholic expressions of the continuity of the faith and the church through time', the Lutheran confessional writings from the sixteenth century are 'guiding testimonies of how the faith was interpreted in response to the questions of that time'.[16] This is a clear relativisation of the status of the confessional documents in relation to the lasting standing of the ancient creeds. This differenti-

[14] *WA* 59, 547.3577–79. For context, see Lohse, *Martin Luther's Theology*, 124. Cf. Heinz Schütte, *Martin Luther und die Einheit der Christen* (Paderborn: MuNe Verlag, 2007), who takes this saying as an ecumenical point of departure.

[15] *On the Councils and the Church* (*WA* 50, 607.613–14).

[16] Gunnar Edqvist, Maria Lundqvist Norling, Anna Tronêt, Migelle Wikström, *Kyrkoordning för Svenska kyrkan: med kommentarer och angränsande lagstiftning* (Stockholm: Verbum, 2018), 39.

ation also reveals the self-understanding of this Lutheran Church: while remaining a Lutheran church, it has moved beyond the sixteenth century to a point at which it must view its confessional writings as the primary *examples* of theological reflection of *another* era.

As for other churches, the movement through time has brought the Lutheran Churches to the era of ecumenism. The New Testament abounds with an ecclesiology that emphasises unity. A church given to scripture as the only binding norm is bound to be guided and inspired by its vision. In the Gospel of John, the oneness of all believers is based on the Trinitarian life and is prayed for by Christ himself: 'that they all may be one, as You, Father, are in Me, and I in You; that they also may be one in Us'.[17] Such a unity is explained earlier in the Gospel, chapter 14, as manifesting in words and deeds—a shared *energeia*, as it were. Further, in 1 Corinthians, Paul presents a notion of catholicity which includes not only a perfect union of speech, *nous* and *gnome*, but a reception of the whole Christian inheritance: you do not belong to a Paul or a Peter; but Paul, Peter, ten thousand teachers, the world, life, death— 'all things belongs to you, and you to Christ'.[18] Finally, in Ephesians chapter 4, the final unity seems to be in the future. Now, is a 'unity of the Spirit', a shared Trinitarian life in faith, baptism, ecclesial body, and future hope. Then, through the building up of the church, a time when all will participate in the unity of faith and of the knowledge of the Son of God, in which the church like one mature person will stand firm in doctrine, holding on to the truth together. Exegetically, there is every reason to assume that this state had not yet been obtained from the perspective of the author.

4. Current Developments in Lutheran Ecumenical Dialogue

The Holy Spirit is calling to such a unity. In an openness for rediscovery, the ecumenical dialogues have altered Lutheran relations to other churches and redefined crucial elements of prior conflicts. In relation to the Catholic world, statements have been made that have brought us closer in word and sentiment. Four examples:

First. Lutherans stated with Catholics in 1981, that the *Augsburg Confession* was formed in a time of critique which no longer applies, that a broad consensus now exists on the doctrinal matters raised even in its most critical parts, and that Lutherans cannot remain content with the *Augsburg Confession* but instead should seek to articulate the faith anew together with the Catholic Church.[19]

Second. The *Joint Declaration on the Doctrine of Justification* in 1999 declared a 'core consensus' on the disputed matter of justification and was accomplished

[17] Joh 17:21. NKJV, altered.

[18] 1 Cor 3:21–3. A similar langue about unity is found in Philippians 2:2: 'fulfill my joy by being like-minded, having the same love, being of one accord, of one mind'.

[19] *All Under One Christ* 3.19.28.

through the recognition that the contemporary Churches do not *longer* fall under the condemnations expressed in the sixteenth century (although the anathemas still apply). Aside of from the core consensus, remaining differences regarding the doctrine of justification are no longer considered to be 'occasion for doctrinal condemnations'.[20] The interesting situation has then occurred that while the Lutheran signatory churches are in agreement with the Catholic Church about justification (the major contended topic of the reformation era), they are *not* in agreement regarding the theological correctness of this settlement with a minority of Lutheran Churches which have not signed the *Joint Declaration*.

Third. In 2016, Pope Francis and Lutheran World federation president the Rt Rev Dr Munib Younan signed a document stating that Catholics and Lutherans 'realize' that they 'belong to the one body of Christ' and that 'the struggle of the sixteenth century is over'.[21] This document encourages commitment of Catholics and Lutherans to 'always begin from the perspective of unity', not from division; to learn from one another; and, most significantly for this discussion, 'to seek visible unity, to elaborate together what this means in concrete steps, and to strive repeatedly toward this goal'. Hence, according to these definitions, to be a Lutheran is now to be committed to seek for visible unity with the Catholic Church.[22]

Fourth. In the wake of the *Joint Declaration*, the Finnish Lutheran-Catholic dialogue have made important statements regarding a Lutheran acceptance of the papal ministry. In this case, it is argued that these developments have been made possible since the obstacle of papal resistance to Lutheran soteriology is now removed.[23] (Remember that papacy is judged to be Antichrist in Lutheran confessional writings—a position now rejected in the ecumenical dialogue.)[24] Lutherans of this Finnish dialogue have come so far as to acknowledge both the divine charism of the petrine ministry as residing in the Bishop of Rome and the need for a universal 'ministry of leadership and of pastoral supervision'.[25]

All this to say that the Lutheran Churches are in processes of changes, and today at a very different place in relation to the Catholic Church than in the sixteenth century.

This is also true in relation to the Orthodox Churches. While the first Lutheran-Orthodox contact seems to have been the deep friendship between Philipp Melanchthon and a deacon named Demetrios Mysos, envoy of Patriarch Joasaph

[20] *Joint Declaration on the Doctrine of Justification* 1.5.
[21] *From Conflict to Communion*, 90.
[22] Ibid., 89–90.
[23] Virpi Helena Mäkinen, Veikko Ilmari Karimies, Simo Eerik Peura, Tiina Marja Sisko Huhtanen, Karttunen Tomi, Teemu Sippo, Jari Juhani Jolkkonen, Olli-Pekka Vainio, Raimo Goyarrola, Jan Aarts, Anders Hamberg, Toan Tri Nguyen, *Communion in Growth: Declaration on the Church, Eucharist, and Ministry: A Report from the Lutheran-Catholic Dialogue Commission for Finland* (Helsinki: Evangelical Lutheran Church of Finland, 2017), 113.
[24] *From Conflict to Communion*, 82.
[25] *Communion in Growth*, 114.

II to the Lutherans, it is the correspondence between the Lutheran Faculty of Tübingen and Patriarch Jeremiah II between 1573–81 that is of more significance.[26] This exchange of letters reveals a deep cleft of theological presuppositions, not the least in relation to, for example, the sacraments, theological anthropology, and the force and meaning of tradition. The Lutherans here pointed to scriptures as the only secure source for divine revelation, and therefore maintained that only those things 'which are based on the witness of the scriptures' should be accepted in response to disputed issues. That which cannot be explicitly derived from scripture do not need to be believed or received.[27] The Lutherans further likened scriptures to a pure fountain of water in comparison to the writings of the Fathers and the conciliar decrees which, they claimed, like a downstream channel have muddied the same water with notions of their own times.[28] Even so, the Lutherans maintained that there is much in the Fathers and the Synods to be grateful for and to accept, but, since scriptures on their own are able to make a man perfect (with reference to 2 Tim 3:16–17), 'there is no need of tradition'.[29] Hence, while the Lutherans, on the one hand, greatly benefited from the writings of Fathers in so far as they understood them to be rightly interpreting scripture, they also, on the other hand, guided by the hermeneutical principle *sensus literalis unus est*, did not tolerate the fathers' 'diverse and opposing interpretations and explanations' of scripture, which they found 'obstructed and limited'.[30] The Patriarchal responses to the Tübingen letters, which highlights the insurmountable differences, are today counted among the Symbolical Books in the East.

But much has happened since. In the official Orthodox-Lutheran dialogue, Lutherans now recognise that 'The Holy Tradition is the authentic expression of divine revelation in the living experience of the Church'.[31] With the words of Basil of Caesarea we state that scripture and tradition 'have the same value' in regard to the faith.[32] The Orthodox, on the other hand, 'hear with satisfaction' that *sola scriptura* was 'always intended to point to God's revelation' and therefore *also* 'to the Holy Tradition' in order to preserve the church from merely human inventions.[33] Further, we Lutherans acknowledge that the function of Holy Scriptures was never meant 'to undermine the authority of the Church',[34] and that the teaching of the Ecumenical

[26] Published in translation in George Mastrantonis, *Augsburg and Constantinople: The Correspondence between the Tübingen Theologians and Patriarch Jeremiah II of Constantinople on the Augsburg Confession* (Brookline: Holy Cross Orthodox Press, 2005).

[27] Ibid., 112.

[28] An image from Bernard of Clairvaux, also used by Luther. See *On the Councils and the Church* (*WA* 50, 519.33–520.10).

[29] Mastrantonis, *Augsburg and Constantinople*, 114.

[30] Mastrantonis, *Augsburg and Constantinople*, 220 and 223.

[31] *Agreement on Scripture and Tradition* 3.

[32] Ibid. 9. With reference to St. Basil the Great, *On the Holy Spirit* 27.66 (*PG* 32:188A).

[33] Ibid. 11.

[34] Ibid. 10.

Councils is 'normative'[35] and 'authoritative'[36] for our churches today. But not only that, in a quite far-reaching formula, we speak also of *other* aspects of tradition as authoritative**:**

> The Holy Tradition as ongoing action of the Holy Spirit in the Church expresses itself in the Church's *whole* life. The decisions of the Ecumenical Councils and *local* synods of the Church, the *teaching of the holy fathers and liturgical texts and rites* are especially important and *authoritative expressions* of this manifold action of the Holy Spirit. [emphasis mine][37]

Thus, we have come a long way from the polemic stances of old, and I believe this too is a part of the application of the Lutheran *reformatio*-ideal on our own churches. It should of course be noted that these statements do not in themselves constitute changes in the life of the churches, neither that their spirits already permeate sentiments clearly held and articulated by most Lutherans, but they are indications of change—unprecedented in our ecumenical history.

5. 'Reform' in the Catholic Church

We Lutherans share this trait of *reform* with the Catholic Church, which, based on this trait, seems to able to renew and reform herself, to switch perspectives, and to manage new situations by canonical and conciliar tools. In this regard, the Gregorian Reform-movement, the Council of Trent, and the Second Vatican Council, for example, were significant changes for the Catholic world, altering and developing ecclesial life in ways that opened up new eras. In regard to twentieth century developments, the *ressourcement*-movement paved the way for the retrieval of, as John O'Malley has called it, 'a more normative past',[38] which took expression in the vital force of Vatican II: *aggiornamento*, 'updating'—resulting in both a recovering of a lost past and formulation of new solutions. The concept of a 'continual reformation' is even related to as an indispensable tool for the pursuit of unity in *Unitatis redintegratio*, Vatican II's decree on ecumenism:

> Every renewal of the Church is essentially grounded in an increase of fidelity to her own calling. Undoubtedly this is the basis of the movement toward unity. Christ summons the Church to *continual reformation* as she sojourns here on earth. The Church is always in need of this, in so far as she is an institution of men here on earth. Thus if, in various times and circumstances,

[35] Ibid. 4.
[36] Ibid. 7.
[37] Ibid. 8.
[38] John W. O'Malley, 'Vatican II: Did Anything Happen?', *Theological Studies* 67 (2006): 14.

> there have been deficiencies in moral conduct or in church discipline, or even in the way that church teaching has been formulated—to be carefully distinguished from the deposit of faith itself—these can and should be set right at the opportune moment. Church renewal has therefore notable ecumenical importance. [emphasis mine][39]

This tendency to emphasise the continual need of reformation seems to be the ability of the Western tradition at large in a higher degree than of the Eastern.

The Question of the Eighth Council

1. The Issue at Stake

Now, if full visible unity between the Catholic and Orthodox Churches should be achieved, it is not feasible to ask the Orthodox Churches to alter their ancient legacy to accomplish this. Certainly, that would cause severe schism in these churches. On the other hand, the Catholic Church has a tradition of *reformatio* and *aggiornamento*, which can be a of great usefulness to solve the schism, and most likely be applied to the post-Vatican II church without severe rupture. I will here apply this reflection on the question of the eighth council, ecumenical or otherwise. The difference of which council should be regarded as the eighth—the Council of 869–70 or the Council of 879–80—is one important indication of the growing separation between the East and the West in the Middle Ages. For a long time, though, the two halves of Chalcedonian Christendom were unified in the understanding of these councils. This have been amply demonstrated by modern research. I will now first briefly present the councils and their reception before I give a Lutheran perspective—if I could call it that—on what I think could be done.

Both councils were largely embedded in two major ecclesial conflicts between the East and the West in the late ninth century. On the one hand, the rupture between Rome and Constantinople on the matter of Patriarch Ignatius' removal from office and Photius' rapid elevation to the patriarchy in 858; on the other, the clash of Byzantine and Frankish missionaries in Bulgaria and their respective teaching in the mid-860s—a conflict which grew beyond Bulgarian borders and included the first major altercation on the matter of the *filioque*.

2. The Council of 869–70

The Council of 869–70,[40] sometimes called the Ignatian Council, gathered to condemn the then deposed Photius and to confirm the reinstatement of his pre-

[39] *Unitatis redintegratio* 6.

[40] For the acta, see *Gesta sanctæ ac universalis octavæ synodi quæ Constantinopoli congregata est An-*

decessor Ignatius. Convoked by the emperor and summoning representatives from Rome and the other four Patriarchates, it was not, however, well-attended to start with. Only twelve bishops attended in the first session, but participation grew, and one hundred and ten bishops signed the acts. The council condemned Photius as usurper and had the bishops sign a document assuring communion with Rome. Rome demanded that the Byzantine missionaries be kept out of Bulgaria, and mostly likely only accepted Ignatius on this condition.[41] The council further issued twenty-seven canons and officially listed the Second Council of Nicaea (787) among the Ecumenical Councils as the seventh.

3. The Council of 879–80

Photius was sent into exile after the council but recalled three years later. He reconciled with Ignatius, at whose death in 877 Photius was reinstated as Patriarch. A new council convened in 879–80,[42] also summoned by the Emperor and attended by representatives from the whole Pentarchy. This council is sometimes referred to as the Photian Council. It was well-attended, with three hundred eighty bishops present already in its first session. Since the emperor was grieving his son, Photius presided. The council was occasioned by the achieved unity in regard to the Photian matter and dealt with issues still remaining to be solved, not the least between Rome and Constantinople. The anti-Photian Council from ten years earlier was nullified,[43] and the enumeration of Nicaea II among the Ecumenical Councils therefore redone. A papal demand for jurisdiction of Bulgaria was referred to the Emperor. Three canons were issued. At the end of the council, the Nicene creed was cited with an attached *Horos*, stating that anyone changing the creed by addition or subtraction would be condemned.[44] The natural backdrop of this statement is the *filioque* inter-

astasio bibliothecario interprete, ed. Claudio Leonardi with Antonio Placanica, Edizione Nazionale dei Testi Mediolatini d'Italia 27 (Florence: Sismel Edizioni del Galluzzo, 2012); *Sacrorum Conciliorum Nova et Amplissima Collectio* [=Mansi], ed. Giovanni D. Mansi (Florence and Venice: Expensis Antonii Zatta Veneti, 1758–1798), vol. 16. Cf. Anastasius Bibliothecarius' report on the council (*Monumenta Germaniae Historica* [=*MGH*] *Epistolae* 7 [Brepols], 403–415). On the Council, see Francis Dvornik, *The Photian Schism: History and Legend* (Cambridge: Cambridge University Press, 1948), 132–58; Daniel Stiernon, *Constantinople IV*, Histoire des conciles œcuméniques, no. 5 (Paris: Éditions de l'Orante, 1967); Pelopidas Stephanou, 'Deux conciles, deux ecclésiologies? Les conciles de Constantinople en 869 en 879', *Orientalia Christiana Periodica* 39:2 (1973): 363–407, at 363–88.

[41] See Dvornik, *Photian Schism*, 156, on this point.

[42] For the *acta*, see Mansi 17. On the Council, see Dvornik, *Photian Schism*, 159–201; Stephanou, 'Deux conciles, deux ecclésiologies?', 388–406; Johan Meijer, *A Successful Council of Union: A Theological Analysis of the Photian Synod of 879–880*, Analekta Vlatadōn, no. 23 (Thessalonikē: Patriarchikon Hydryma Paterikōn Meletōn, 1975); George Dion. Dragas, 'The Eighth Ecumenical Council: Constantinople IV (879/880) and the Condemnation of the Filioque Addition and Doctrine', *The Greek Orthodox Theological Review* 44:1–4 (1999): 357–69; Clarence Gallagher, 'Patriarch Photius and Pope Nicholas I and the Council of 879', *The Jurist: Studies in Church Law and Ministry* 67:1 (2007): 72–88.

[43] Mansi 17, 489E.

[44] For the *Horos*, see Mansi 17, 516A–517A. See also Meijer, *A Successful Council of Union*, 267–68.

polation and the dissension which had originated about it in Bulgaria. Even though this is not explicitly stated, it is obviously the context.[45]

Before the council, Pope John VIII had sent instructions with his delegates. These instructions were adapted to the situation in Constantinople and read at the council. The original is not preserved, but in the altered version the pope states that he wishes them to proclaim that the Ignatian synod (of 869–70) 'be ostracised and without authority and invalid, and not to be included among other holy synods'.[46] Such explicit instructions on this matter is not preserved in any of the other letters sent by John VIII in preparation for the council. These circumstances have raised doubt about the text's reliability, but Francis Dvornik, who defined twentieth century Photian scholarship, has shown that the extant version suits what we know about John VIII's general intentions before the council, and that the altered text therefore is a sound representation—although altered—of the pope's agenda.[47] After the council, John VIII affirmed, in ambiguous terms, the settlement made in Constantinople in letters to Photius and the Emperor.[48] Although the pope complained about the fact that many changes had been made in his documents, he only concretely brought up the point that Photius had been reinstated without asking the council for mercy, which the pope had demanded, but then went on to approve of everything that was done 'for the case of your reinstatement by synodal decree in Constantinople' (*pro causa tuae restitutionis synodali decreto Constantinopoli*).[49] Dvornik states that '[n]o other conclusion is logically tenable' than that this also included, among other things, the annulment of the Ignatian synod, which had been revoked for this purpose.[50]

4. The Historical Reception of the Two Councils

Historically, this was the situation for about two hundred years.[51] The Ignatian Council had been repudiated and the Photian Council had replaced it as a valid union-council between East and West. The Photian Council was not listed among

[45] Cf. Dvornik, *Photian Schism*, 196.

[46] Mansi 17, 472A.

[47] See Frances Dvornik, *Photian Schism*, 175–77. Dvornik refers to a letter written to the Ignatian leaders before the Council in which John VIII warns them that they will be excommunicated if they do not accept union with Photius and admonishes them not to try to find excuses in writings which have been composed in this cause, since 'all fetters are unfastened', 'what is bound is undone by our pastoral authority' and 'there is no tie that cannot be unfastened, except for those who persists in their error'. (Cf. *MGH Epistolae* 7, 187). Dvornik points out that it is obvious that this refers to the previous anti-Photian Council of 869–70, and that the logic of the restoration of Photius demanded that the condemnations against him at this earlier convocation be undone. The alterations must, in addition, have been surveyed by the legates (cf. *Photian Schism*, 198–201). Dvornik also gives further arguments which I do not repeat here. Cf. Meijer, *A Successful Council of Union*, 40–56.

[48] Dvornik, *Photian Schism*, 205–10.

[49] *MGH Epistolae* 7, 228. His letter to the Emperor contains the same recognition of the 879–80 synod (*MGH Epistolae* 7, 230).

[50] Dvornik, *Photian Schism*, 207.

[51] See Dvornik, *Photian Schism*, 309–30.

the ecumenical councils, even though it was sometimes referred to as the 'eighth' in the East. Nevertheless, during the investiture controversy and the Gregorian reforms, the annulled council, which had survived in the Roman archives, started to be catalogued in the West as the Eighth Ecumenical Council. The reason was that its twenty-second canon provided ample support against the influence of laymen on ecclesiastical appointments.[52] Dvornik, whose research I am relying on in this section, argued that it was to add 'more weight' to this canon that the whole council was elevated to the rank of an ecumenical council.[53] Dvornik stated about this whole process: 'we must conclude that the said Eighth Council was listed among the oecumenical councils by an extraordinary error committed by the canonists at the end of the eleventh century'.[54]

Possibly as a response to this new Latin enumeration, Byzantine authors from the fourteenth century and onwards sometimes bypassed the ordinary Eastern tradition of listing only seven councils and instead referred to the Council of 879–80 as the Eighth Ecumenical Council.[55]

These two perspectives clashed at Florence. The Byzantines correctly maintained that the earlier council had been condemned by the subsequent one.[56] The Latins, who had forgot about the later council, stated in contrast that Photius was considered an enemy of the Roman Church and that it was very unlikely that a second synod had abrogated the first. Due to these conflicting perspectives, the title of the eighth council was not given to any synod in the conciliar definitions.[57]

Most Latin authors of the fifteenth and sixteenth centuries listed the Florentine Council as number eight. Some referred to the Ignatian Council as number eight and then instead gave Florence the number nine.[58] Also Cardinal Cesare Baronius (1538–1607), who in his *Annales Ecclesiastici* relied on a ninth century anti-Pho-

[52] For the canon, see *Decrees of the Ecumenical Councils*, vol. 1, ed. Norman P. Tanner (London: Sheed & Ward; Washington: Georgetown University Press, 1990), 182–83. Dvornik, 'Which Councils are Ecumenical?', *Journal of Ecumenical Studies* 3 (1966): 314–28, at 323, observed that this canon was employed as the 'most powerful weapon' by '[a]ll canonists and reformists of the Gregorian period' against secular interference with ecclesial appointments.

[53] Dvornik, 'Which Councils', 323. For more on the history of the elevation of the synod of 869–70 to an ecumenical council, see Dvornik, *Photian Schism*, 314–30.

[54] Dvornik, *Photian Schism*, 328.

[55] The council is first listed in Byzantium as the eighth ecumenical council in 1357 by Neilos Diasorenos of Rhodes, a firm supporter of hesychasm who listed it as the eighth and the synod of 1341 against Barlaam as the ninth. Some manuscripts composed soon after 1341 also list these councils as the eighth and ninth without giving them the character of ecumenical councils. Dvornik believed that the Easterners started to enumerate this councils as the eighth either in an attempt to counterbalance the Latin promulgation of the council of 869–70, or as a necessity when the synod of 1341 should be given this status. See Dvonrik, 'Which Councils', 316–18. Cf. *Photian Schism*, 384–85.

[56] Dvornik, *Photian Schism*, 362–64.

[57] Dvornik, 'Which Councils', 324. When the Greek Uniats translated the act of the Florentine council in 1526, they deliberately numbered *this* council the eighth with the approval of the curia during Pope Clement VII (1523–1534). Also, Laurence Surius, one of the first editors of conciliar acts, gave the council this title.

[58] Dvornik, 'Which Councils', 325.

tian collection that would shape the Western negative image of Photius—but which Dvornik later would prove to be unreliable—enumerated the Ignatian Council as the eighth.[59] Another way of numbering the councils in this period is found for example with the Spanish canonist Antonio Agustin (1517–1586), who counted nine councils common to Greek and Latins—the ninth being the Council of Florence—and seven *Latin* councils; or with Andreas Jacobazzi (1538), who made a division between the original first eight councils and the following Latin synods.[60]

It was Cardinal Bellarmine who established the modern Catholic way of listing the councils, adding to the eight councils all later Latin convocations, making the Council of Florence the sixteenth council. In 1595, a papal congregation tasked to facilitate the printing of the Roman edition of conciliar acts, *Collectio Romana* (printed 1608–1612), decided to follow this numbering (numbering Florence not as the eighth, but as the sixteenth). It has since become the Catholic standard for enumerating councils.[61]

5. The Current Situation

Today, Dvornik's research on the authenticity of the Photian Council and the fact that it once was considered a valid union-council has been broadly accepted. Even the text of introduction to the *Ignatian* Council in Tanner's edition of the *Decrees of the Ecumenical Councils* argues strongly for the illegitimacy of *this* council but states that its decrees are included 'for the sake of historical completeness'.[62]

We are, then, in a situation in which the Catholic Church lists the Ignatian Council as ecumenical that has been annulled by another council, the Photian Council, to which the pope afterwards gave his assent regarding what it decreed on Photius' reinstatement, which included, according to Dvornik, the nullification of the Ignatian Council. The Photian Council has, in fact, been approved by Rome through the participation of its envoys and affirmed afterwards by the pope in writings but is currently *not* listed among the holy synods. This situation is a problem for a full reunion between the Churches, not only because Rome adheres to a council that is nullified by a council which is rightfully held on to by the Orthodox, but also because Rome currently lists a council as ecumenical that excommunicates an Orthodox saint and patriarch, Photius, who is even designated the title 'pillar of orthodoxy' in the East and whose excommunication was certainly revoked with assent by the pope.

[59] Dvornik, *Photian Schism*, 371–75; 'Which Councils', 325.
[60] Dvornik, 'Which Councils', 325.
[61] Ibid., 325–27.
[62] *Decrees of the Ecumenical Councils*, 157.

6. A Proposed Solution

What would be a Lutheran perspective on this issue? The Lutheran reformation was born out of the renaissance ideal of *ad fontes*, which emphasised that truth could be gained from rigorous and critical study of historical sources. In the case of the eighth council, the insights gained through historical criticism converge with the fundamental fact that the Orthodox Churches could never so radically alter their conciliar legacy from the first millennium so as to deny the Photian Council, nor to agree to a council which excommunicated one of their foremost saints, or even to enter into full union with a church that holds on to such a council. The historical facts and their obvious solution also converge well with the ability of the Western tradition to reform itself and to change perspectives.

Theologians on both sides have suggested that Rome change on this matter. Francis Dvornik called for a Catholic repudiation of the Ignatian Council's status. Although he did not suggest that Rome should re-acknowledge the Photian Council, the following suggestion is given in direct relation to the fact that the East rightfully holds on to the Photian Council:[63]

> There is only one way to achieve an understanding. The Western Church has to revive the tradition which she herself had followed up to the twelfth century, and the memory of which was alive in the West up to the seventeenth century, … and recognize only the seven primitive councils, excluding the so-called Eighth.[64]

John Meyendorff believed that a *joint* Catholic-Orthodox recognition of the Photian Council …

> … might be decisive in solving the problem of authority between Rome and Orthodoxy. … It would imply a return to the situation which existed for more than two centuries. For the Orthodox such an act would require the agreement of all the local Orthodox churches; and it would mean that union is really based on identity of faith, expressed in the common creed. … What is needed is a union of minds and a basic agreement on institutional forms of unity. The council of 879–80 accomplishes both.[65]

The first step in this process would, of course, be an in-depth study of the issue, which would require a critical edition of the 879–80 *acta*. Following that, and given that the case as presented here stands, I see no reason why a re-acceptance of the Photian Council could not simply be an internal Roman Catholic affair to begin

[63] Dvornik, 'Which Councils', 327.
[64] Ibid., 327.
[65] John Meyendorff, *Living Tradition* (Crestwood: St. Vladimir's Seminary Press, 1978), 71.

with. In that way, these changes would not be made initially for the sake of union, but because they are right and just. Making these changes within the logic of its own tradition, the Catholic Church would also prepare for a union with the Orthodox world in a way that does not directly demand the immediate participation of all the local Orthodox Churches in such an endeavour. But such a step by Rome would be a clear sign of sincerity and goodwill and an outstretched arm to the Orthodox world. It would also indicate possibilities for future dialogues by concretely accommodating aspects of the tradition of the first millennium in a current-day solution.

A Roman update would not only be an important step towards harmonising the two conciliar traditions; it would also provide a framework for a future unification. The way the Photian Council solved the Roman-Constantinopolitan tension is an ideal template for church unions. When Rome, in the fourth session, requested that Constantinople would no longer elect laypersons to the patriarchate—as had been the case with Photius—the synod stated in reply:

> Every see has certain ancient customs which it has inherited. It is not necessary to contend with one another and quarrel about them. The Roman Church should, on the one hand, preserve its customs; this is appropriate. The Church of Constantinople should, on the other hand, also observe its customs which it has received from above. Similarly, also the Oriental sees.[66]

This is a prophetic structure for unity. It allows varieties in customs: Latin, Byzantine, Oriental, and *presupposes* them in the accomplished unity. In the ninth century, the East and West already had different canonical traditions—for example in the different receptions of the apostolic canons and of the Quinisext Council—but this did not prevent the union of 879–80. Photius had elaborated on the theme of variation in ecclesial customs in an earlier letter to pope Nicholas in which he states that everyone must hold on to the ecumenical councils, but 'a particular opinion of a church father, or a definition issued by a local council, can be followed by some and ignored by others'.[67]

Perhaps the council's solution of such distinctive ecclesial spheres could be used as a template for the conciliar traditions formed *beyond* the time of the Photian Council. Certainly, there are still many theological issues to be solved in relation to the remaining Western ecumenical councils and Pan-Orthodox synods: the universality of Palamite theology, papal jurisdiction, etc., but a good start would be to see these as conciliar expressions without the whole church in attendance or agreement, which therefore apply only to respective realm. In the case of the West, this would mean to radically build further ecclesiastically as well as theologically on a retrieval of *largely* the enumeration of councils still found in canonists through-

[66] Mansi 17, 489B.
[67] Cited in Meyendorff, *Living Tradition*, 24. Cf. *PG* 102:604D.

out the Middle Ages into the sixteenth century that made a distinction between, on the one hand, eight ecumenical councils (or nine, if Florence was included) and, on the other, the so-called Latin councils. The Eastern or Western councils beyond the seven ecumenical could simply be designated 'General Councils', [68] to follow Paul VI's phrasing; or 'Great Councils', which is the vocabulary used by the Council of Crete to contrast them to 'Ecumenical Councils'.[69] Also the Ravenna document differentiates between 'Ecumenical Councils in the strict sense of the term' and the later councils of both East and West. This document also includes, in its description of how the situation of dissension and estrangement was created for which it calls for a solution, the fact that the Catholic Church has continued to consider some of these other councils ecumenical.[70] The Photian synod would provide a template for such a solution: all subsequent development that has taken place without the whole church in attendance or agreement could be considered traditions applicable to only each respective sphere.[71]

Canon one of the Photian Council further balances the tendency of papal primacy with regional self-governance, as it is withdrawing the Roman court of appeal-prerogative for the residue of the Ignatian-Photian conflict, but stating—in the context of Eastern-Western relationships—that Roman privileges still apply and shall not be changed *henceforth*.[72] If Rome today were to acknowledge the validity of the council, here might be a canonical precedent even to limit to the Western sphere papal jurisdictional claims made beyond the ninth century; but also, if one wished to build on the exception made in this canon, to enhance Eastern self-governance also in relation to Rome's ancient prerogatives in certain cases.

Further, the Roman acceptance of the Photian synod would provide a solution to the *filioque* issue. The *Horos* of the council explicitly states that the creed cannot be changed, and the historical context of this statement should be understood as the discussion regarding the *filioque* interpolation. Even though no statement has been made yet from Rome about what to do with the creed in a united church, the American dialogue has already clearly suggested that the version from 381 be used from now on.[73] From a Lutheran perspective, I see no reason to keep the addition in the creed. The Lutherans of the sixteenth century who engaged with this question were so deeply entrenched in the Western tradition that even if they were appre-

[68] In a letter to Cardinal Willebrands. *Acta apostolicae sedis* 66 (1974): 620, speaking about the Council of Lyon *quod sextum recensetur inter Generales Synodos in Occidentali*, 'which is enumerated the sixth among General Councils in the West'.

[69] *Encyclical of the Holy and Great Council of the Orthodox Church* 1.3 (2016).

[70] *Ecclesiological and Canonical Consequences of the Sacramental Nature of the Church. Ecclesial Communion, Conciliarity and Authority* 39.

[71] Cf. Meijer, *A Successful Council of Union*, 202–11.

[72] Mansi 17, 497D–E, 504A–C; Meijer, *A Successful Council of Union*, 269–70.

[73] North American Orthodox-Catholic Consultation, 'The Filioque: A Church Dividing Issue?: An Agreed Statement' (Washington, DC, October 25, 2003), https://www.usccb.org/committees/ecumenical-interreligious-affairs/filioque-church-dividing-issue-agreed-statement.

ciative of the Eastern standpoint and accepted it as another valid perceptive, they kept faith with the Western view.[74] But if we Lutherans continue to update our Bible translations based on the latest critical editions of the New Testament, why would not the same principles apply to the creed? Nevertheless, I believe Lutherans should tread carefully here, in unison with the Catholics and with other Western churches with whom we are in communion.

Regarding the status of the Photian Council, I do not know if it needs to be recognised as an ecumenical council. If the Catholic Church, by internal apparatus, simply switched the Ignatian Council for the Photian Council it would perhaps be wise to wait for the Orthodox before numbering it among the ecumenical councils in order to tread carefully on the, in that case, newly gained common ground in this matter. Even more so if, at the same time, Dvornik's advice is followed and the Catholic Church also returned to numbering only seven council. In any case, the Council fulfils all the characteristics of an ecumenical council, except that it did not issue a doctrinal statement, even though its *Horos* could be interpreted in this way in relation to the *filioque* controversy of that time. It titled itself 'Ecumenical Council' in its first canon. However, the heading of the acts reads: 'the Holy Synod convoked … for the union of the Holy and Apostolic Church of God'.[75] In the wait for a mutual Orthodox-Catholic recognition of the Council as ecumenical,[76] this is perhaps a good designation: a holy union council.

In the end, the issue of the council of 869–70 is a large ecumenical obstacle. Ask any Orthodox representative if they would enter into full ecclesial union with a church that numbers as ecumenical a council which had as the primary purpose to condemn Patriarch Photius, one of their saints? The answer would certainly be that it is impossible. Perhaps a union 'from below' would be possible before a change has taken place in this matter, an entering into a shared sacramental life while awaiting further solutions. But sooner and later this issue needs to be dealt with. And when it is, I believe Rome should lead the way. It was the Western church that made a mistake in relation to the historiography of ecclesial validations and abrogations. The road to unity in this case coincides happily with the historical reality that the Western tradition has a demonstrated ability to make adjustments within its received tradition.

If the case of the Ignatian and Photian councils is a problem to be solved, it seems to me that the Catholic Church has already provided the larger framework for its solution. I am thinking here of statements made about the fundamen-

[74] Robert W. Jenson, 'Lutheranism and the Filioque', in *Ecumenical Perspectives on the Filioque for the 21st Century*, ed. Myk Habets (New York: T&T Clark, 2014), 160–61.

[75] Mansi 17, 373–74. Full title: 'The Holy Synod convoked in Constantinople under the most holy and ecumenical patriarch Photius for the union of the holy and apostolic Church of God.'

[76] At the conference, I initially suggested that the council should not be accepted as ecumenical. After a conversation with Ed Siecienski I have nuanced my opinion on this matter. I extend my gratitude to him for his nuancing suggestions.

tal characteristics of the Eastern dialogue. As stated above, *Unitatis redintegratio* encourages a continual *reformation* of the Church as a way to unity. What is also stated later in that document is that, in the pursuit of 'restoration of full communion' with the Eastern Churches, 'due consideration' must be given to their local inherited traditions and 'to the character of the relations which obtained between them and the Roman See before separation'.[77] In the humble opinion of an outside observer, if the abrogation of the Ignatian Council and the validation of the Photian Council certainly belong to that pre-schismatic character of Roman-Constantinopolitan relations referred to here, is not the solution of this problem already given in the call for *reformation*?

[77] *Unitatis redintegratio* 14.