

Respect or neglect/ break. An Actual Reporting to the Canonical-Liturgical Provisions of the Ecumenical Councils

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Abstract:

The canonical order within the Orthodox Church is of great importance because it determines the entire dogmatic, moral, liturgical and administrative life of the Church. It is therefore fundamental to respect the canonic treasure established by the Holy Apostles, by the Ecumenical Councils, by some local councils and some Church Fathers, and which was appropriated by the Church. This study is intended as a reflection on how the Church relates itself today to this canonical treasure and to what extent its dynamism makes this canonical order be respected or, where appropriate, adapted to the missionary, cultural, pastoral and spiritual needs of each people, as it expressed its loyalty to the faith and teaching of the Church everywhere and always, in certain geographical areas and certain times. Some special situations in the life of the Church, to which reference is made, do not manifest the slightest doubt that it would not respect the canonical tradition established by the Ecumenical Councils and other private councils, but shows its dynamic nature. What we can see today, as deviations or negligence, does not fall within the canonical discipline of the Church, which remained faithful to the Apostolic Tradition, but within its application by each bishop in part, because the whole liturgical, spiritual and moral life of each parish depends, to a great extent, on the exactness or the oikonomia of the application of these regulations.

Keywords:

canon, canonical, oikonomia, deviation, negligence.

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The divine Revelation was revealed to us by Jesus Christ orally, which constituted for the Church the Holy Tradition, called apostolic because it was first discovered to the Apostles. With time, some of it was recorded in writing, and formed the canon of the New Testament, definitively approved by the Church in the fourth century¹. The Holy Scripture of the New Testament, which completes and perfects the Old Testament's (Matthew 5:17), includes everything man needs to know and follow to gain salvation. But not all the Apostolic Tradition was included in the New Testament, as witnesses St. John the Evangelist whose Gospel was composed the last: "And many other signs truly did Jesus in the presence of His disciples, which are not written in this book. And these are written, that you might believe that Jesus is the Christ, the Son of God; and that believing you might have life through His name." (John 20:30-31) sau "And there are also many other things which Jesus did, the which, if they should be written every one, I suppose that even the world itself could not contain the books that should be written." (John 21:25).

In most cases the major issues that could not be postponed were solved in writing, through letters, and the rest of the teachings and exhortations were transmitted orally, face to face, especially because the Apostles tarried longer (sometimes several years) in a city/ community (Acts 20:31; 2 John 12; 1 Peter 5:12; 1 Corinthians 11:34; 2 Thessalonians 2:15; 2 Timothy 2:2, etc). Therefore, the Church received a Revelation much broader than that documented in the apostolic period, and this Revelation it kept and passed on as Holy Tradition.

In order that the Holy Tradition, from which resulted the Holy Scripture, not to be forgotten, diminished or even relativized by various traditions, the Apostolic Holy Fathers, the direct successors of the Holy Apostles, recorded, in their turn, in writing, other parts of the Holy Tradition, this process being continued by the Holy Fathers and the Councils of the Church, forming in time (until approximately the late eighteenth century) what we now call the Holy Tradition. It does not differ in importance from the Holy Scripture because it is apostolic tradition, as the Holy Apostles received it from Jesus Christ, and then was kept and transmitted

¹ See the recommendation done for the believers in the *Apostolic Canon 85*, at I. Floca, *Canoanele Bisericii Ortodoxe. Note și comentarii (The Canons of the Orthodox Church. Notes and Comments)*, Sibiu, 1993, p. 50, to keep them from reading the books useless for their religious life. That is why this canon does not list only the canonical books of the Holy Scripture, but also some books defined as "good to be read". In the following, the exemplification of the contents of the canons shall be made from this collection. A complete list of the canonical books of the New Testament as we have it until today in the Holy Scripture is given by St. Athanasius the Great in *Epistle 39* written in 367, cf. *Studiul Noului Testament. Manual pentru Institutele teologice (Study of the New Testament. Manual for Theological Institutes)*, 2nd edition, Bucharest, 1977, p. 19, and *Canon 60* of the Council of Laodicea from the year 360, *Canoanele Bisericii Ortodoxe (The Canons of the Orthodox Church)*, pp. 230-231.

in writing under the inspiration of the Holy Spirit. It is the same even if given directly by our Savior or was subsequently discovered through the work of the Holy Spirit. Because the Word (our Savior Jesus Christ) and the Holy Spirit are always together, but in a period it is One in the foreground, and in another time, the Other, as states Paul Evdokimov: “During Christ’s earthly ministry, people’s relationship with the Holy Spirit was carried *through* and *in* Christ. On the contrary, after Pentecost, the relationship with Christ is carried *through* and *in* the Holy Spirit. The Ascension suppresses the historical visibility of Christ, but Pentecost gives back to the world the indwelling presence of Christ and now reveals Him not in front, but inside His disciples.”² Even though this part of the Apostolic Tradition was recorded in writing also, the Church has preserved and transmitted locally certain traditions or customs, but also rephrased or completed some older prescriptions, which shows its dynamic character.

When referring to the sources in which resides the Holy Tradition, we think about the following: *the Symbols of Faith; The 85 Apostolic Canons; Dogmatic and Canonical Definitions of the Seven Ecumenical Councils and of the 9 Private Synods Approved at the Second Council in Trulan; The Confession of Faith of Martyrs; The Dogmatic Definitions against Heresies; The Writings of the Holy Fathers; Church Services Books; Historical and Archaeological Testimonies on Apostolic Christian Faith.*³

From this content of the Holy Tradition, for our meeting we focus on some decisions of the Ecumenical Councils, which although valid and kept within the canonical codices of the Orthodox Church, the application of some of them is less visible. That is why we believe that a debate on a current reporting to these regulations is necessary and useful. This does not in any way suspect or accuse the Church of violating these decisions, but seeks to find a correct answer on the dynamic aspect of Tradition anchored in the antiquity and the ecumenicity of the testimony that the Church has today and that is given to people as living memory of it.⁴

The canonical treasure of the Ecumenical Councils comprise the following figures: The First Ecumenical Council of Nicaea (325) – 20 canons; The Second Ecumenical Synod of Constantinople (381) – 8 canons; The Third Ecumenical Synod of Ephesus (431) – 9 canons; The Fourth Ecumenical Synod of Chalcedon (451) – 30 canons; The Quinisext Council of Constantinople (691/692) – 102 canons; The Seventh Ecumenical Synod from Nicaea (787) – 22 canons.⁵ We can see

² P. Evdokimov, *L'Esprit Saint dans la tradition orthodoxe*, Edition du Cerf, Paris, 1969, p. 87.

³ *Indrumări misionare (Missionary Guidance)*, (coord. Fr. Prof. D. Radu), Bucharest, 1986, p. 40.

⁴ *Ibidem*, p. 39.

⁵ *Canoanele Sinoadelor Ecumenice (Canons of the Ecumenical Councils)*, at I. Floca, *Canoanele Bisericii Ortodoxe. Note și comentarii (The Canons of the Orthodox Church. Notes and*

that beginning with the Second Ecumenical Council, it is expressly provided that (II,1; III,7; IV,1; VI,1; VII,1) the dogmatic and canonical decisions of previous councils must be obeyed.⁶ This demonstrates on the one hand, that the Church has perceived these decisions and gave the respective councils or synods its ecumenical endorsement, and on the other hand, that the summoned council maintains with the previous ones and with the Church tradition the unshakeable bond of faith and confession. The problems addressed by these canons are multiple and aim specifically the Church discipline whereas the doctrinary aspect was discussed and approved by the dogmatic definitions of the Ecumenical Councils.

From a cursory analysis of these canons, it appears that many of them relate to the situation of the clergy and especially the bishops'. Canon 15 of the First Ecumenical Council, reiterating the provisions of the Apostolic Canons 14 and 15, prohibits a bishop being transferred from an eparchy to another.⁷ St. Gregory Nazianzen was accused of violating this canon, although having the consent of the emperor and of other hierarchs and was called for a holy and missionary work of the Church to fight against the Arians, that he left the small bishopric from Sasima to occupy a larger diocese like the one in Constantinople.⁸ As it is the custom today, if an eparchy is vacant, the seat is occupied by a bishop of another diocese and it is not a strange fact that this happens with leaving a poorer eparchy

Comments), Sibiu, 1993, pp. 51-179; H. Jedin (editor), *Conciliorum oecumenicorum decreta*, Freiburg im Breisgau, Bâle, 1962; V. Loichița, *Hotărârile dogmatice ale celor șapte sinoade ecumenice (The Dogmatic Decisions of the Seven Ecumenical Councils)*, in *Mitropolia Banatului (Metropolitan of Banat)*, no. 1-2/ 1959, p. 35 a.s.o.

⁶ "... So these so being, and being our testimony, rejoicing in them as if anyone would find many treasures, with joy (we appropriate), we receive in our hearts the holy canons and we strengthen their entire inalterable disposition, of those that are placed by the holy trumpets of the Spirit, of the glorious Apostles, of the six holy ecumenical councils and of those who met for the settlement of such local ordinances, and of our holy fathers. For they all are enlightened by one and the same Spirit, they ordained those useful. And those whom they throw the anathema, we also throw the anathema; and those who they defrocked, we also defrock; and those who they damned, we also damn, and those whom they scold, we also scold..." Canon 1, The Sixth Ecumenical Synod, *Canioanele Bisericii Ortodoxe (The Canons of the Orthodox Church)*, p. 162.

⁷ "For the disorder and quarrels which were made, it seemed (right) to remove completely the habit, contrary to the Apostolic Canon (14 and 15), which was also found in some parts, that no bishop or presbyter or deacon, should not pass (not to uproot) from town to town. And if someone, after this disposition of the holy and Great Council would try something like this, or would engage any of this kind of things, to dispense altogether by such a conspiracy and to return to the church where (that) was ordained bishop or presbyter.", *Canioanele Bisericii Ortodoxe (The Canons of the Orthodox Church. Notes and Comments)*, p. 61.

⁸ See the works of the Second Ecumenical Council of Constantinople, at Ortiz de Urbina, *Nizăa und Konstantinopel I*, Mainz, 1964. St. G. Papadopoulos, *Patrologia (Patrology)*, II/2, translated into Romanian by A. Marinescu, Bizantină Publishing, Bucharest, 2012, p. 242.

for a richer or more prominent one. It also is intended to achieve a higher administrative level: from bishop to archbishop, from archbishop to metropolitan and from metropolitan to patriarch. It is true that this transfer is in agreement with the bishops, as required by the canon in exceptional cases⁹, of the Holy Synod and then is proceeded to the choice of a bishop, but most often the Rules of Procedure require only such moves and leaves no other choice among clergy. Is this neglecting the respective canon or just an interpretation and application related to today's realities? Tradition has shown that using this procedure, found in all Orthodox Churches, very frequent in the the case of transfers of priests from one parish to another, has not affected the Church's canonical discipline, for ages requirements imposed it often.

Also the canonical order does not allow the presence of more than one bishop in the same city/ town. Today, in the Orthodox diaspora this situation is frequently found.

Sure it is aggregated with the apostolic canon 34, which ordains bishop for each nation and that the respective bishop has his jurisdiction over the faithful of his nation¹⁰, but for the testimony that we give to others, people of other faiths, can be created the false impression that the Orthodox Church is not only one, but there are many Orthodox Churches, on the Protestant model, each of them specific to the respective people.

A special case is the status of the Vicar Bishop. Canon 6 of the Fourth Ecumenical Synod prohibits the ordination without an eparchy or parish¹¹, where to serve. The Vicar Bishop does not have a bishop seat and therefore he does not get an enthronement like the titular bishop. The administrative needs of larger bishoprics or of some autocephalous Churches have imposed however such a practice, and the existence of the Vicar Bishop in a residence city with the bishop holder of the diocese, in this situation, does not violate the canonical order.

Also, late church practice (secoalele XIII-XIV) appointed that bishops to be chosen only between monks, and canon 12 from Trullan expressly requires that the bishop, after ordination, to leave his wife and children, in order to not become

⁹ "... only if there is any blessed cause that forces him to do so, and that is, if he can bring people there (from another diocese) any greater benefit in terms of the true faith. But even this (should not be done) by himself, but by many bishops counsel", Apostolic Canon 14, *Canoanele Bisericii Ortodoxe (The Canons of the Orthodox Church. Notes and Comments)*, p. 16.

¹⁰ "It is lawful that the bishops of every nation to recognize the first of them and to name him as their head, and nothing important to do without his consent...", *Canoanele Bisericii Ortodoxe (The Canons of the Orthodox Church. Notes and Comments)*, p. 26.

¹¹ "Let no one be ordained without place (destination)... but only for the church of a city or a village, or a martyr's shrine or monastery...", *Canoanele Bisericii Ortodoxe (The Canons of the Orthodox Church. Notes and Comments)*, p. 81.

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cause of offense to believers.¹² However apostolic canons 5¹³ and 5¹⁴ prohibit any clergy, even the bishop to leave his wife on grounds of piety or repulsion towards women, thus blaming the sacrament of marriage. This shows that at the beginnings bishops could have been married and that the order changed due to the Christian rigors, especially the Egyptian. Of course we have a clear case of religious dynamism in the interpretation and readjustment of the canons, but a question arises: What would happen if a local church reaches the situation in which it is impossible to recruit bishops from among the monks? The canon could be interpreted the other way around, returning to the state from the apostolic church or would it be considered a flagrant violation of canonical norms? See also the canon 48 from Trullan which recommends that the wife of the bishop elected to go to a monastery, where she should live under the care of the Bishop. However, she is not obliged, but she may stay further with the children or her relatives, because the canon does not provide sanctions for the the wife of a bishop who would refuse monasticism.¹⁵ The canon can offer a solution to those reported above?

A number of canons prohibit the members of the clergy to have certain occupations that are incompatible with priesthood mission (canons 9 and 10 from Trullan, and 6 apostolic).

In today's practice are known cases of priests who, in addition to the priestly mission have a business, put, surely, on account of the spouses, children or other relatives, or even give performances on stage. We consider them abuses or negligence from the responsible bishop for respecting the canonical order? In some cases we think we can even speak of negligence.

Many canons regard monastic discipline, especially after what happened at the Robber Council of Ephesus in the year 449.¹⁶ Canons 47 from Trulan, 18, 20,

¹² "... This came to our attention that in Africa, Libya and other places, the primates (bishops) lovers of God from there are not afraid to live with their own wives even after the ordination that came upon them, bringing offense and folly to peoples. Therefore it seemed to us that, in any way, this should not happen again from now on. And we say this not to rebut or overthrow those that were emphasized by the Apostles, but having the wish of salvation and prosperity to better of peoples and not to give (occasion) to any blame against the priestly status", *Canoanele Bisericii Ortodoxe (The Canons of the Orthodox Church. Notes and Comments)*, p. 110.

¹³ "The bishop or presbyter, or deacon should not banish his wife on grounds of piety...", *Canoanele Bisericii Ortodoxe (The Canons of the Orthodox Church. Notes and Comments)*, p. 10.

¹⁴ "If any bishop or presbyter, or deacon keeps himself away from the wedding not from abstinence, but from repugnance, disregarding the fact that everything is good and that God made man as man and woman, and blaspheming, would decry the flesh, that should be deposed", *Idem*, p. 34.

¹⁵ See the comment of Archd. Prof. I. Floca to this canon, in *Canoanele Bisericii Ortodoxe (The Canons of the Orthodox Church. Notes and Comments)*, p. 135.

¹⁶ Details about this Council at T.M. Popescu, *Importanța istorică a Sinodului al IV-lea Ecumenic (The Historical Importance of the Fourth Ecumenical Council)*, in *Ortodoxia (Orthodoxy)*,

22 from the Seventh Ecumenical Council prohibit the living and the practice of household occupations to women and even to nuns in the monasteries of monks or in episcopal residences. In practice, things are different. Not only that monasteries offer accommodation for lay women and men, but there are situations where men and women are permanent employees to perform certain jobs, making them permanent presences in monasteries, both of nuns and monks. Do we count this as an adjustment to the current conditions or negligence of the canonical discipline? Of course these canonical regulations had in view the abolition of the mixed monasteries that existed in some cities of Christian antiquity. On the other hand it appears today that the intensification of the pilgrimage as an act of faith and as a missionary-pastoral means involves the development, within some monastic centers, in high demand by these pilgrims, of certain administrative programs from which the secular element can not miss, either masculine or feminine. Then some household activities of difficulty or temporal existence of certain construction sites within monasteries involve the direct work of men. Therefore these presences are necessary, meet the needs of social and philanthropic mission of the Church held in monasteries and do not involve a breach of canonical order, but they represent an adaptation to the demands of time.

Canon 73 from Trulan¹⁷ prohibits making the sign of the Holy Cross on the floors of churches or in any place that could lead to its desecration. How many churches today are not constructed and equipped in such a way that, intentionally or not, breach this canonical norm? Whose fault is this, only of the priest's or also of the bishop who consecrated the place of worship? It is worth a greater consideration from both of them, because together they are responsible for respecting the canonical norms.

We noticed these few special situations in the Church's life without showing the slightest doubt that they would not respect the canonical tradition established by the Ecumenical Councils and other private councils, but to show Church's dynamic character, which gave it the right to reformulate or adapt the canonical legislation to the missionary, cultural, pastoral and spiritual needs of each people, as it expressed its loyalty to the faith and teaching of the Church everywhere and always, in certain geographical areas and certain times.

no. 2-3/1951, pp. 188-294, and I. Rămureanu, *Evenimentele istorice înainte și după Sinodul de la Calcedon (Historical Events before and after the Council of Chalcedon)*, in *Studii Teologice (Theological Studies)*, no. 3-4/1970, pp. 179-211.

¹⁷ To the Holy life giving Cross "giving worship in word, in thought and in feeling, we command to erase all signs of the cross made by some on the earth (on the ground, on the floors), lest by passing by those who walk, be openly shamed this sign of our victory. Therefore we command, to curse those who henceforth would do the sign of the cross on the earth (on the floors), *Canoanele Bisericii Ortodoxe (The Canons of the Orthodox Church. Notes and Comments)*, p. 147.

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What we can see today as misconduct or negligence is not related to the canonical discipline of the Church, which remained faithful to the Apostolic Tradition, but upon its execution by each bishop individually. He is responsible for the religious life of priests and faithful entrusted to his pastoring and of the exactness or the *oikonomia* of the application of these regulations depends, in fact, the entire liturgical life, spiritual and moral of each parish.

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